

## Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 127**                      **An Act to Prohibit Destruction of Any Artificial Structure within Baxter State Park**                      **ONTP**

<u>Sponsor(s)</u> CLARK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 127 proposed prohibiting the Baxter State Park Authority from destroying or removing any road, bridge or other artificial structure without approval of the Legislature.

**LD 128**                      **An Act to Require Public Access to Any Public Lands Conveyed for Inclusion in a National Park**                      **ONTP**

<u>Sponsor(s)</u> CLARK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 128 proposed requiring the Director of the Bureau of Parks and Lands to ensure that public lands and public reserved lands conveyed to the Federal Government for inclusion in a national park be conveyed with a reserved right of public access for hunting, trapping and fishing and free vehicular access for noncommercial vehicles.

**LD 160**                      **An Act to Fund Research Regarding the Reinstatement of a Meat Inspection Program**                      **P & S 45**

<u>Sponsor(s)</u> KILKELLY PIEH		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 160 proposed providing the Department of Agriculture, Food and Rural Resources with a \$20,000 General Fund appropriation to research establishment of a state-operated meat inspection program and to initiate a pilot project.

### *Enacted law summary*

Private and Special Law 1997, chapter 45 provides the Department of Agriculture, Food and Rural Resources with a \$20,000 General Fund appropriation to research establishment of a state-operated meat inspection program and to initiate a pilot project.

**LD 230**

**An Act to Require the Maine Land Use Regulation Commission to Consider Community Benefits when Approving Utility Line Permits**

**ONTP**

Sponsor(s)  
GAGNON  
CAREY

Committee Report  
ONTP

Amendments Adopted

LD 230 proposed amending the Maine Land Use Regulation Commission's criteria for approval of utility line permits. This bill would have required the commission, when approving utility line permits, to find that there was a demonstrated benefit to the community or area and that extension of utility service was consistent with the commission's plan for residential growth or other development for the area.

**LD 244**

**An Act to Regulate the Use of Gates on Access Roads to Remote Ponds**

**ONTP**

Sponsor(s)  
CLARK  
KILKELLY

Committee Report  
ONTP

Amendments Adopted

LD 244 proposed specifying that, when the Maine Land Use Regulation Commission required the erection or maintenance of a barrier across a road to limit access to a remote pond, the commission would be responsible for the gate or barrier. The barrier could not be erected at a distance greater than 1/2 mile from the remote pond. The bill also proposed a definition of a "remote pond."

**LD 253**

**An Act to Require a Search Warrant to Investigate Private Property for the Purpose of Forestry Examinations**

**CARRIED OVER**

Sponsor(s)  
SNOWE-MELLO  
BENNETT

Committee Report

Amendments Adopted

LD 253 proposes requiring that agents of the Department of Conservation, Bureau of Forestry obtain a search warrant prior to entering onto private land to investigate possible forest practices violations, unless the agent has the consent of the landowner.

**LD 265**

**An Act to Amend the Maine Apiary Laws**

**PUBLIC 480**

Sponsor(s)  
KILKELLY

Committee Report  
OTP-AM

Amendments Adopted  
S-78

LD 265 proposed dedicating certain licensing and registration fees collected by the Division of Plant Industry within the Department of Agriculture, Food and Rural Resources to partially cover the personal services cost of an existing seasonal Entomologist I position used for apiary inspection.

**Committee Amendment "A" (S-78)** proposed changing the maximum per colony fees allowed for licensing of persons owning honeybees and registration of colonies of bees and allowing the Department of Agriculture, Food and Rural Resources to issue licenses to beekeepers for periods of one, two or three years.

***Enacted law summary***

Public Law 1997, chapter 480 dedicates revenue from the licensing of beekeepers and registration of bee colonies to partially fund the cost of apiary inspection. It also changes the maximum per colony fees allowed for licensing of persons owning honeybees and registration of colonies of bees and allows the Department of Agriculture, Food and Rural Resources to issue licenses to beekeepers for periods of one, two or three years.

**LD 289**                      **Resolve, to Establish the Committee to Study Maine Forest Practices**                      **CARRIED OVER**

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

LD 289 proposes establishing the Committee to Study Maine's Forest Practices. This resolve directs the committee to review forest practices in Maine, to examine forest practices in other states, to analyze trends in sustainability and the structure of the forest and to develop a new forest policy for the State using, as a baseline, Public Law 1989, chapter 555, “ An Act to Implement Sound Forest Practices”.

**LD 396**                      **An Act to Allow the Maine Forest Service to Retain Funds from the Sale of Real Estate**                      **PUBLIC 536**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY KNEELAND	OTP-AM	S-23 S-359 MICHAUD

LD 396 proposed authorizing the Director of the Bureau of Forestry to use the proceeds from the sale or lease of any bureau property, except for state forests and natural areas, to upgrade existing structures owned by the Division of Forest Fire Control, to consolidate operations of the division and to purchase land upon which to build structures. In addition, the bill proposes a requirement that all purchases of land or structures be approved by the Bureau of General Services, which has statewide oversight of state facilities. LD 396 also proposed technical changes and corrections to existing law.

**Committee Amendment "A" (S-23)** proposed a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-359)** proposed striking and replacing the fiscal note proposed in the committee amendment and adding an allocation section.

***Enacted law summary***

Public Law 1997, chapter 536 authorizes the Director of the Bureau of Forestry to use the proceeds from the sale or lease of any bureau property, except for state forests and natural areas, to upgrade existing structures owned by the Division of Forest Fire Control, to consolidate operations of the division through the improvement, repair, replacement, purchase or construction of structures and to purchase land upon which to build structures. It also requires that any land purchased and any structures purchased or constructed be held in the division's name. The exception is that the bureau may participate in joint efforts to consolidate a facility with other agencies provided that the Bureau of General Services has ownership of the property or structure. All purchases of land or structures must be approved by the Bureau of General Services, which has statewide oversight of state facilities.

This law also changes a reference to the committee to which the Director of the Bureau of Forestry must report before offering surplus property for sale. The reference is changed from the joint standing committee of the Legislature having jurisdiction over natural resources to the joint standing committee of the Legislature having jurisdiction over forest resources. It eliminates obsolete references to the sale of property at the state nursery and to the transfer of the low-level radioactive waste site on the state nursery property. These actions have already taken place.

**LD 420                      An Act to Improve the Reporting of General Use Pesticide Sales                      PUBLIC 139**

<u>Sponsor(s)</u> KILKELLY BUNKER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-96
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LD 420 proposed shifting the reporting requirements for sales of general use pesticides from the dealers to the distributors.

**Committee Amendment "A" (S-96)** proposes a definition for "distributes" to eliminate possible double reporting.

***Enacted law summary***

Public Law 1997, chapter 139 requires persons who distribute general use pesticides to licensed general use pesticide dealers to keep records of sales and report annually to the Board of Pesticides Control instead of requiring all licensed general use pesticide dealers to report. It defines "distribute" to eliminate possible double reporting and authorizes the Board of Pesticides Control within the Department of Agriculture, Food and Rural Resources to adopt rules to further clarify who must report.

**LD 429                      An Act to Protect the Potato Industry from the Spread of Serious Disease                      PUBLIC 538 EMERGENCY**

<u>Sponsor(s)</u> PARADIS BUNKER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-741 BUNKER S-241
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LD 429 proposed clarifying the procedures the Department of Agriculture, Food and Rural resources may implement to protect the Maine potato industry from the spread of diseases from potato cull piles and from the importation of diseased potatoes. It also proposed increasing the penalties for planting noncertified seed potatoes.

**Committee Amendment "A" (S-241)** proposed removing the section of the bill that proposed changing the penalty for planting noncertified seed. This amendment also proposed adding a fiscal note to the bill.

**House Amendment "A" (H-741)** proposed a change in punctuation to clarify when a search warrant is necessary.

***Enacted law summary***

Public Law 1997, chapter 538 clarifies the procedures the Department of Agriculture, Food and Rural resources is authorized to implement to protect the Maine potato industry from the spread of diseases from potato cull piles and from the importation of diseased potatoes. The effective date is June 12, 1997.

**LD 447**                      **An Act Regarding Disclosure of Pesticide Use to a Buyer of Blueberry Land**                      **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 427 proposed requiring a seller of blueberry land to disclose to the prospective buyer any use of pesticides on the land of which the seller has knowledge. It proposed allowing a buyer to rescind the land sale contract, or after delivery of the deed, to recover damages if the seller had failed to disclose known pesticides use.

**LD 460**                      **An Act to Repeal the Laws That Pertain to the Licensing of Dogs**                      **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 460 proposed repealing State laws requiring the licensing of dogs.

**LD 461**                      **An Act to Include Domestic Water Fowl in the Animal Trespass Statutes**                      **PUBLIC 104**

<u>Sponsor(s)</u> PENDLETON R		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-113
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LD 461 proposed including domestic water fowl such as ducks and geese in the animal trespass laws.

**Committee Amendment "A" (H-113)** proposed clarifying the definition of domestic waterfowl and adding a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 104 makes the animal trespass laws applicable to domestic water fowl. The owner or keeper of domestic water fowl is responsible for removing them from the property of another person upon notification by an animal control or law enforcement officer. Failure to do so is a civil violation and subject to a fine of not more than \$500.

**LD 514                      An Act to Provide Limited Voting Authority for Associate Supervisors of Maine's Soil and Water Conservation Districts                      PUBLIC 105**

<u>Sponsor(s)</u> SPEAR NUTTING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-112
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LD 514 proposed allowing the supervisors of a soil and water conservation district to appoint associate supervisors and to authorize an associate supervisor to vote in place of an absent supervisor.

**Committee Amendment "A" (H-112)** proposed language changes to clarify that an associate supervisor could be granted voting authority only when a quorum was lacking at a regularly scheduled meeting.

***Enacted law summary***

Public Law 1997, chapter 105 allows the supervisors of a soil and water conservation district to appoint associate supervisors and to authorize an associate supervisor to vote in place of an absent supervisor when a quorum is lacking at a regularly scheduled meeting.

**LD 575                      An Act to Label All Eggs Produced in the State by Source                      DIED BETWEEN BODIES**

<u>Sponsor(s)</u> BERRY R	<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN	<u>Amendments Adopted</u>
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LD 575 proposed requiring all eggs to be labeled with the name of the producer.

**Committee Amendment "A" (H-264)** was proposed the majority report of the committee. It proposed requiring all eggs to be labeled with the name of the company that packed the eggs rather than the producer. It also proposed adding a fiscal note to the bill. This amendment was adopted by the House and Senate but the bill failed enactment in the Senate.

LD 628

**An Act to Authorize the Maine Land Use Regulation Commission to Regulate the Location and Use of Roads in the Unorganized and Deorganized Areas**

ONTP

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

LD 628 proposed giving the Maine Land Use Regulation Commission (LURC) the authority to limit the construction and maintenance of haul roads in management districts. It proposed directing LURC to adopt rules and establish a permitting system for regulating the location, use and construction of haul roads. At a minimum, a permit would be required in management districts for roads covering a ground area of three acres or more unless the roads were constructed and maintained in accordance with the commission’s Land Use Handbook.

LD 643

**An Act to Permit Forest Rangers to Carry Weapons**

INDEF PP

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

LD 643 proposed allowing forest fire wardens, forest rangers, deputy wardens and general deputy wardens to carry weapons that had been sanctioned by the Department of Conservation. The bill would have required forest fire wardens and forest rangers to attend a safety course prior to carrying the weapon and to pay all expenses associated with carrying the weapon.

**Committee Amendment "A" (H-395)** was the majority report of the Committee. It proposed replacing the original bill with a requirement that the Commissioner of Conservation develop a policy allowing a forest ranger to carry a weapon. The commissioner would have been required to submit the policy to the Joint Standing Committee on Agriculture, Conservation and Forestry. The amendment also proposed adding a fiscal note indicating minor costs to submit a policy.

**House Amendment "B" to Committee Amendment "A" (H-489)** proposed requiring the Commissioner of Conservation to establish a policy for forest rangers to carry weapons using the rulemaking process under the Maine Administrative Procedure Act. It proposed adding a fiscal note that reflected a range of potential implementation costs depending on the policy adopted.

**House Amendment "A" to Committee Amendment "A" (H-485)** proposed replacing the fiscal note on the committee amendment with a fiscal note that reflected a range of potential implementation costs depending on the policy adopted. This amendment was not adopted.

**Committee Amendment "A"** and **House Amendment "B"** were adopted by the House and Senate but the bill failed enactment in the Senate.

**LD 691**

**An Act to Clarify the Sanctions for Violating Laws Relating to  
Animal Pulling Events**

**PUBLIC 121**

<u>Sponsor(s)</u> CHICK KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-140
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LD 691 proposed to clarify and eliminate inconsistencies in the laws regarding suspensions from pulling events for those who violate the laws regulating pulling events.

**Committee Amendment "A" (H-140)** proposed language to clarify that penalties may be imposed either through an administrative procedure or in a civil action and that any forfeitures collected must be deposited in the General Fund.

***Enacted law summary***

Public Law 1997, chapter 121 eliminates inconsistencies in the laws regarding suspensions from pulling events for those who violate the laws regulating pulling events. It clarifies that penalties may be imposed either through an administrative procedure or in a civil action and that any forfeitures collected must be deposited in the General Fund.

**LD 698**

**An Act to Require That Dogs Be Kept on Leashes**

**ONTP**

<u>Sponsor(s)</u> GAGNE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 698 proposed requiring that a dog not in a house or enclosure be tied or kept on a leash at all times. The only exception would have been for hunting dogs while being used for hunting.

**LD 800**

**An Act to Prohibit the Docking of a Cow's Tail**

**ONTP**

<u>Sponsor(s)</u> PENDLETON P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 800 proposed prohibiting the docking a cow's tail by amending the definition of "mutilate" in the animal welfare laws. Mutilation is prohibited by the Maine Revised Statutes, Title 7, section 4011, subsection 1, paragraph D.



**LD 883**

**An Act to Extend the Exemptions for Farm Stands to Include Farmers' Markets**

**PUBLIC 96**

Sponsor(s)  
KILKELLY  
BUNKER

Committee Report  
OTP

Amendments Adopted

LD 883 proposed clarifying that farmers' markets selling primarily fresh produce are not required to be licensed as food establishments.

***Enacted law summary***

Public Law 1997, chapter 96 clarifies that farmers' markets selling primarily fresh produce are not required to be licensed as food establishments.

**LD 930**

**Resolve, to Require the Animal Welfare Advisory Committee to Make Recommendations for the Licensing of Dog Groomers**

**ONTP**

Sponsor(s)  
POULIN

Committee Report  
ONTP

Amendments Adopted

LD 930 proposed that the Animal Welfare Advisory Committee make recommendations to the Second Regular Session of the 118th Legislature to provide for the state licensure of dog groomers.

**LD 940**

**An Act to Amend the Laws Pertaining to the Boarding of Dogs**

**PUBLIC 33**

Sponsor(s)  
GOLDTHWAIT

Committee Report  
OTP

Amendments Adopted

LD 940 proposed amending the definition of "boarding kennel" to include only facilities that keep three or more pets.

***Enacted law summary***

Public Law 1997, chapter 33 amends the definition of "boarding kennel" to include only facilities that keep three or more pets. A facility that meets the definition of a boarding kennel is required to be licensed in accordance with the Maine Revised Statutes, Title 7, section 3932.

**LD 941**

**An Act to Enhance the Potato Industry**

**PUBLIC 388**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KIEFFER	OTP-AM	S-240

LD 941 proposed giving the Department of Agriculture, Food and Rural Resources authority to develop rules requiring the inspection of all potatoes, including bulk shipments. Currently, only potatoes in 50-pound packages or less are inspected. The bill also proposed raising the bonding levels for potato dealers, brokers and processors; and making information regarding patented potato varieties confidential.

**Committee Amendment "A" (S-240)** proposed providing for inspection of all consumer packs of potatoes and amending the definition of consumer pack to include all weights of packed potatoes. It proposed correcting a cross-reference, striking a provision in the original bill regarding termination of confidential status for certain records and adding a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 388 authorizes the Department of Agriculture, Food and Rural Resources to develop rules requiring the inspection of all potatoes packed in any type of container. It raises the bonding levels for potato dealers, brokers and processors. It makes information kept by the department regarding patented and nonreleased potato varieties confidential.

**LD 968**

**An Act to Require Recommended Silvicultural Stocking Standards on Land Ownerships Enrolled under the Tree Growth Tax Laws** **CARRIED OVER**

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

LD 968 proposes requiring land enrolled under Tree Growth Tax Law to meet certain established stocking standards for growing stock remaining on a site after a harvest. It would require the Commissioner of Conservation to adopt major substantive rules to establish the standards. The bill proposes specifying that the standards use basal area as a measure of stocking and that a standard may not be below 60 square feet of basal area per acre. It would provide for the Commissioner of Conservation to grant a variance when compliance with the standards would cause unusual hardship. It would subject a landowner who fails to comply with stocking standards to fines and penalties and that landowner's land would become ineligible for enrollment under Tree Growth.

**LD 978**

**An Act to Improve the Efficiency of the Department of Agriculture, Food and Rural Resources** **PUBLIC 454**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER KILKELLY	OTP-AM	H-160

LD 978 proposed allowing, but not requiring, the Department of Agriculture, Food and Rural Resources to grant multi-year licenses for a period of up to three years.

**Committee Amendment "A" (H-160)** proposes prohibiting the Department of Agriculture, Food and Rural Resources from requiring that licenses be issued for a period of up to three years. An applicant would have to agree to or request issuance for more than one year. It proposes language clarifying that the fee for multi-year licenses and registrations would be based on the annual fee. It also would require the Commissioner of Agriculture, Food and Rural Resources to report back to the Legislature by February 15, 2000 on the transition to multi-year licenses. It also proposed adding a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 454 authorizes the Department of Agriculture, Food and Rural Resources to issue licenses and registrations for a period of one, two, or three years. A license or registration for a period exceeding one year may only be issued with the agreement or at the request of the applicant. The fee for a two year license is two times the annual fee. The fee for a three year license is three times the annual fee. The Commissioner of Agriculture, Food and Rural Resources is required to report back to the Legislature by February 15, 2000 on the transition to multi-year licenses.

**LD 1034                      An Act to Provide Information to the Maine Land Use Regulation Commission                      PUBLIC 335**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J RUHLIN	OTP-AM    MAJ ONTP        MIN	H-445

LD 1034 proposed requiring the Maine Land Use Regulation Commission be notified of any land division within its jurisdiction. The person creating the division would have been required to file a plan of the division with the commission and with the county registry of deeds.

**Committee Amendment "A" (H-445)** was the majority report of the committee. It proposed removing the requirement in the bill that information on land division be filed with the registry of deeds.

***Enacted law summary***

Public Law 1997, chapter 335 requires a person dividing land within the jurisdiction of the Maine Land Use Regulation Commission to notify the commission by filing a plan within 60 days of the division.

**LD 1076                      An Act to Increase the Civil Penalty for Cruelty to Animals                      PUBLIC 170**

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

LD 1076 proposed increasing fines for violations of certain laws governing cruelty to and mistreatment of animals and making those violations criminal violations. Under current law, certain violations of animal welfare laws may

be prosecuted as criminal violations or treated as civil violations. This bill would have required the following violations to be prosecuted as criminal violations; unlawful use of animals, failing to provide sustenance to an animal, failure to provide necessary medical attention to an animal, failure to provide shelter and clean conditions for an animal, and cruelty to animals. It also proposed imposing a duty on a veterinarian who knew or had reasonable cause to suspect that an animal was the subject of cruelty or neglect to report such knowledge or suspicion to the local law enforcement agency or animal control officer.

**Committee Amendment "A" (H-214)** proposed replacing the original bill. It proposed increasing the minimum fine from \$100 to \$250 for civil violations under the Maine Revised Statutes, Title 7, chapter 739, Cruelty to Animals.

***Enacted law summary***

Public Law 1997, chapter 170 increases the minimum fine from \$100 to \$250 for civil violations under the Maine Revised Statutes, Title 7, chapter 739, Cruelty to Animals.

**LD 1078                      An Act to Require Labeling on Genetically Engineered Food                      INDEF PP**

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

LD 1078 proposed requiring the labeling of genetically engineered food. A manufacturer or distributor who sold a genetically engineered food without the words “genetically engineered” on the invoice would be in violation of provisions prohibiting misbranded food. A manufacturer or distributor who sold a genetically engineered food without the words “genetically engineered” on the invoice would be in violation of provisions prohibiting misbranding of food. A retailer who sold or offered for sale a genetically engineered food without the prescribed label on packaged food or the sign next to food that is not packaged would be in violation of provisions prohibiting misbranding of food. The bill proposed a definition of genetically engineered food.

**Committee Amendment "A" (H-394)** was the majority report of the Committee and proposed replacing the original bill and it would have prohibited genetically engineered food from being labeled or advertised as organic or natural. The majority report was not adopted.

**LD 1092                      An Act to Provide Public Information on Forest Management Practices                      ONTP**

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

LD 1092 proposed making annual wood processing reports, forest landowner harvest reports and precommercial silvicultural practices reports available to the public. It also proposed requiring forest landowners to report additional information regarding the establishment of plantations.

**Committee Amendment "A" (H-431)** was the minority report of the committee. It proposed to clarify that volume information in wood processor reports and information in forest landowner reports submitted prior to October 1, 1997 would remain confidential. It also proposed specifying that information on individual landowner reports regarding stumpage prices and volumes of species harvested by product type would remain confidential. It also proposed adding an appropriation section and a fiscal note to the bill. The minority report was not adopted.

**LD 1128**                      **An Act to Transfer Funds from the Maine Forest Service to the Waldo County Soil and Water Conservation District**                      **P & S 34**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCELROY	OTP-AM	H-220 H-375 BUNKER

LD 1128 proposed requiring the Department of Conservation to transfer to the Department of Agriculture, Food and Rural Resources a certain parcel of land in the Town of Waldo for the benefit of the Waldo County Soil and Water Conservation District.

**Committee Amendment "A" (H-220)** proposed replacing the original bill. It proposed directing the Bureau of Forestry to pay \$20,000 to the Waldo County Soil and Water Conservation District and specified that the allocation come from the Division of Forest Fire Control account. It proposed directing the Waldo County Soil and Water Conservation District to use the money to purchase land for building an office. The amendment also proposed adding an allocation section and a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-375)** proposed removing the emergency preamble and emergency clause and replacing the allocation section.

*Enacted law summary*

Private and Special Law 1997, chapter 34 directs the Bureau of Forestry to pay \$20,000 to the Waldo County Soil and Water Conservation District and specifies that the allocation come from the Division of Forest Fire Control account. It requires the Waldo County Soil and Water Conservation District to use the money to purchase land for building an office. It provides for an allocation of \$20,000 to authorize payment from the Division of Forest Fire Control account to the Waldo County Soil and Water Conservation District in fiscal year 1997-98.

**LD 1166**                      **An Act to Amend the Membership of the Maine Land Use Regulation Commission**                      **PUBLIC 549**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	ONTP      MAJ OTP-AM    MIN	S-244

LD 1166 proposed requiring that four of the members of the Maine Land Use Regulation Commission be residents of territory within the jurisdiction of the commission. Current law requires that at least two of the seven members of the Land Use Regulation Commission be residents of territory within the jurisdiction of the commission.

**Committee Amendment "A" (S-244)** was the minority report of the Committee. In addition to requiring that four members of the Maine Land Use Regulation Commission be residents within the commission's jurisdiction, this amendment proposed removing the requirement that four members be knowledgeable in at least one of four specified areas. Instead it proposed directing the Governor to seek persons knowledgeable in these areas for all positions. The amendment also proposed an application section to clarify that four members must be residents of the jurisdiction by December 31, 1999.

***Enacted law summary***

Public Law 1997, chapter 549 requires that four members of the Maine Land Use Regulation Commission be residents within the commission's jurisdiction. It removes the requirement that four members be knowledgeable in at least one of four specified areas. Instead, it directs the Governor to seek persons knowledgeable in these areas for all positions. By December 31, 1999, four members must be residents of the jurisdiction.

**LD 1174                      An Act to Enhance Live Animal and Embryo Exports From Maine                      P & S 20**

<u>Sponsor(s)</u> NUTTING BUNKER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-102
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LD 1174 proposed requiring the Commissioner of Agriculture, Food and Rural Resources to develop a plan for creating an animal testing program. The program would enable the department to perform all tests required for export of live animals and embryos from this State. The bill proposed that the commissioner be required to submit the plan to the Legislature by January 1, 1998. The bill proposed authorizing the Joint Standing Committee on Agriculture, Conservation and Forestry to report out to the Second Regular Session of the 118th Legislature legislation relating to testing of live animals and embryos for export from the State.

**Committee Amendment "A" (S-102)** proposed specifying the tests required and directing the department to provide cost estimates associated with testing capabilities for the five tests and to consult with potential users of the test program.

***Enacted law summary***

Private and Special Law 1997, chapter 20 requires the Commissioner of Agriculture, Food and Rural Resources to develop a plan for creating an animal testing program that meets all applicable federal and state requirements for testing live animals and embryos for export from the State. The commissioner must submit the plan by January 1, 1998. The department is required to provide estimates of the costs associated with testing capabilities and to consult with potential users of the testing program. The Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to report out to the Second Regular Session of the 118th Legislature legislation relating to testing of live animals and embryos for export from the State.

**LD 1175**

**An Act to Remove the Large Lot Exemption from the Definition of "Subdivision" within the Laws Administered by the Maine Land Use Regulation Commission**

**INDEF PP**

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

LD 1175 proposed removing the large lot exemption from the definition of "subdivision" within the laws administered by the Maine Land Use Regulation Commission. This change would have required a person proposing to create three to 10 lots, each of 40 acres or more in size, to apply for a permit from the Maine Land Use Regulation Commission. Under the large lot exemption, such a division is not reviewed as a subdivision unless the lots or portions of the lots are within specified distances of a great pond, river or wetland.

**Committee Amendment "A" (S-245)** was the majority report of the committee. It proposed placing in statute certain exemptions to the definition of subdivision that are currently in rules and standards of the Maine Land Use Regulation Commission. The committee amendment proposed requiring the director of LURC to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on the transfer of parcels 1,000 acres or more for forestry, agriculture or conservation. The amendment proposed giving the Joint Standing Committee on Agriculture, Conservation and Forestry authority to report out a bill regarding this provision based on its review of land transfers. The majority report was adopted in the Senate but not in the House.

**LD 1198**

**An Act to Protect Maine's Wild Lands**

**DIED IN CONCURRENCE**

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

LD 1198 proposed prohibiting new residential and commercial development in five core areas within the jurisdiction of the Maine Land Use Regulation Commission. The bill would have required LURC to adopt rules to designate the specific boundaries of the areas and prepare maps indicating the boundaries. The bill would have authorized LURC to adopt rules to permit certain structures in these five areas. The bill proposed allowing permits for structures associated with primitive recreation, sporting camps, or existing residential structures and temporary structures used in conjunction with forest management activities.

**LD 1200**

**An Act to Reform the Maine Tree Growth Tax Law**

**CARRIED OVER**

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

LD 1200 proposes specific criteria for forest management plans prepared for land qualifying for tree growth classification under the Maine Tree Growth Tax Law. This bill also proposes requiring the Maine Forest Service to conduct periodic, random audits to determine compliance with the plans, and to report the results to the State Tax

Assessor. Noncompliance would result in withdrawal of the land from tree growth classification and associated penalties.

**LD 1232**                      **An Act to Provide Relief from Barking Dogs**                      **CARRIED OVER**

<u>Sponsor(s)</u> SMALL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1232 proposes requiring municipalities to adopt ordinances to address the problem presented by barking dogs.

**Committee Amendment "A" (S-138)** proposed replacing the original bill. It would have made keeping a dog that repeatedly disturbs people a civil violation subject to a fine.

Committee Amendment "A" was adopted in the Senate. The bill was subsequently recommitted to the Joint Standing Committee on Agriculture, Conservation and Forestry and carried over until the 2nd Regular Session of the 118th Legislature.

**LD 1235**                      **Resolve, to Convene a Study Group to Identify Access to Public Landings and Their Facilities by Persons Engaged in Commercial Fishing**                      **ONTP**

<u>Sponsor(s)</u> LAWRENCE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1235 proposed a resolve to direct the Department of Conservation to convene a study group to identify ways of preserving and enhancing access to public boat landings and associated facilities by persons engaged in commercial fishing. The resolve proposed that the study group consist of persons who fish commercially, a representative of the Maine Aquaculture Association, a representative of municipal government and a representative of the Department of Marine Resources.

**LD 1277**                      **An Act Concerning the Harvesting and Sampling of Ginseng**                      **ONTP**

<u>Sponsor(s)</u> BAKER J PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1277 proposed prohibiting the harvesting or transplanting of wild ginseng. It proposed authorizing the Department of Agriculture, Food and Rural Resources to issue permits for seed collection and tissue sampling from wild ginseng plants.



**LD 1311**

**An Act to Prohibit Clear-cutting**

**CARRIED OVER**

Sponsor(s)  
VOLENIK

Committee Report

Amendments Adopted

LD 1311 proposes amending the laws governing forest practices by prohibiting clear-cutting except when allowed by variance. It also proposes enacting a new definition of clearcutting.

**LD 1362**

**An Act to Improve the Administration of Animal Welfare Law**

**PUBLIC 456**

Sponsor(s)  
SPEAR  
NUTTING

Committee Report  
OTP-AM

Amendments Adopted  
H-492  
H-717 BUNKER

LD 1362 proposed amendments to the animal welfare laws to remove inconsistencies, clarify language, and streamline enforcement and to make substantive changes recommended by the Animal Welfare Advisory Committee.

**Committee Amendment "A" (H-492)** proposed striking several sections from the original bill and authorizing the

Joint Standing Committee on Agriculture, Conservation and Forestry to report out a bill making revisions to the animal welfare laws during the Second Regular Session of the 118th Legislature based on the sections removed from L.D. 1362.

**House Amendment "A" (H-717)** proposed removing the provision that allowed the court to order a person convicted of cruelty to animals to pay the costs of prosecution and costs incurred in investigation of the complaint.

#### *Enacted law summary*

Public Law 1997, chapter 456 authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out a bill making revisions to the animal welfare laws during the Second Regular Session of the 118th Legislature and to consider the sections removed from L.D. 1362 when developing the bill. The bill as amended provides for the following changes in the animal welfare laws:

1. It changes the definition of "livestock" to include domesticated deer, fowl and rabbits.
2. It removes the qualification that other animals kept and used by a commercial farmer are livestock.
3. It adds a definition for livestock to the animal welfare laws in the Maine Revised Statutes, Title 17 that is identical to the amended definition for animal welfare laws in Title 7.
4. It amends the definition of "mutilation."
5. It allows a state veterinarian or state humane agents to represent the State in proceedings for civil violations.

6. It makes hunting or selling for the purpose of hunting any animal that is not covered by provisions of the Maine Revised Statutes, Title 12, Part 10 a violation of cruelty to animals laws.
7. It amends the requirements for providing shelter to an animal. Livestock must be provided with shelter suitable for the health of that livestock. The shelter requirements for equines remain as in current law.
8. It requires that the names and other identifying information be kept confidential on people providing information to the department of criminal and civil cruelty to animals.
9. It allows the court to order a person convicted of criminal cruelty to animals to pay costs incurred for care and medical treatment of the animal.
10. It also authorizes the court to prohibit a violator from keeping an animal and to require the defendant as a condition of probation to get psychological counseling at the defendant's expense.

**LD 1366**

**An Act Regarding Qualifications of Land Use Regulation  
Commissioners**

**ONTP**

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

LD 1366 proposed requiring the joint standing committee of the Legislature having jurisdiction over conservation and forestry issues to determine that a person appointed to the Maine Land Use Regulation Commission supports the purpose and scope of the commission prior to confirmation. It also proposed changing one of the areas of knowledge required of a LURC commissioner. Currently, four members must be knowledgeable in one of four areas: commerce and industry; fisheries and wildlife; forestry; and conservation. This bill proposed changing “conservation” to “conservation biology and forest ecology”.

**LD 1395**

**Resolve, to Establish the Maine Council on Sustainable Silviculture CARRIED OVER**

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

LD 1395 proposes a resolve to establish the Maine Council on Sustainable Silviculture. The resolve would charge the council with developing benchmarks and advising the Governor and Legislature concerning measurable benchmarks for sustainable silvicultural practices. The council would be directed to submit a draft report to the Legislature by October 15, 1998 and a final report by October 1, 1999. The Council terminates on October 1, 1999.

**LD 1405**

**An Act to License Timber Harvesters and Deter Timber Trespassing**

**CARRIED OVER**

Sponsor(s)  
DESMOND

Committee Report

Amendments Adopted

LD 1405 proposes requiring timber harvesters to obtain a license from the Department of Conservation, Bureau of Forestry. It provides for the revocation of a license and makes a person ineligible for a license for a period of three years if that person unlawfully cuts trees on another person's land.

**LD 1424**

**An Act to Allow ATV Use on Public Lands Not Specifically Designated as Primitive-use Land**

**PUBLIC 274**

Sponsor(s)  
RUHLIN

Committee Report  
OTP-AM

Amendments Adopted  
S-192

LD 1424 proposed requiring the Bureau of Parks and Lands within the Department of Conservation to establish a policy wherein the prudent use of ATV's would be allowed on public lands not designated as primitive-use lands.

**Committee Amendment "A" (S-192)** proposed removing the emergency provisions from the bill. It also proposed language to clarify that the required policy could limit the use of ATV's on certain public lands

*Enacted law summary*

Public Law 1997, chapter 274 requires the Bureau of Parks and Lands within the Department of Conservation to establish a policy that allows the prudent use of ATV's on public lands. The policy must be in place no later than June 1, 1998. The policy may limit the use of ATV's on some public lands. The bureau is not required to allow ATV use on land designated as primitive-use lands or land set aside for other uses incompatible with the use of ATV's.

**LD 1430**

**An Act to Regulate Professional Loggers**

**CARRIED OVER**

Sponsor(s)  
KILKELLY

Committee Report

Amendments Adopted

LD 1430 proposes establishing the Maine State Board of Licensure for Professional Loggers as the regulatory body for the profession. The bill proposes qualifications for licensure including a two-year internship under the guidance of a licensed logger unless the person has graduated from an approved two-year curriculum and has completed at least two years of experience in logging work. Applicants would also have to pass a written examination approved by the board. The annual licensing fee would be determined by the board, but could not exceed \$55 annually.

Pursuant to the Maine Revised Statutes, Title 5, section 12015, subsection 3, an evaluation of the need for regulation of loggers must be completed prior to enactment of this bill.

**LD 1463**

**An Act to Regulate Camp Lot Leases**

**ONTP**

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

LD 1463 proposed requirements for the leasing of camp lots. The bill proposed a definition of camp lot. Under the provisions proposed in LD 1463, leases of camp lots would have been for a period of five years and would have been renewable at the option of the lessee. The lessee would have been allowed to purchase the camp lot at the expiration of the lease. If the lessor decided to sell the camp lot, the lessee would have to be given the first option to purchase the camp lot at fair market value. The bill would have limited rental increases on camp lots to the average percentage in increase in the valuation of residential property in the unorganized territory.

**Committee Amendment "A" (H-572)** was the minority report of the Committee. It proposed amending the definition of camp lot to include only those lease lots where the lessee owned or was the mortgagee for the buildings on the lot. It proposed removing the provision in the original bill that required a lease to contain a provision permitting purchase of the lot. This amendment proposed prohibiting a lease provision that terminated the lease upon enactment of legislation relating to leases. This amendment also would have required a lessor who terminated a lease to compensate the lessee for improvements to the lot. The minority report was not adopted.

**LD 1465**

**An Act to Limit Liquidation Harvesting**

**CARRIED OVER**

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

LD 1465 proposes requiring a permit for any harvesting of timber that would result in a clear-cut or understocked stand. The Department of Conservation would be authorized to grant permits only when harvesting was being proposed for one of four specified purposes. The bill proposes replacing the definitions section in the current forest practices laws, in particular, replacing the definition of “clear-cut” with a definition of “clear-cut or understocked stand” based on criteria set forth in stocking guides for the Northeast. This bill proposes a penalty section that increases the fines applicable for violations of forest harvesting regulations.

**LD 1473**

**An Act to Amend the Laws Regarding Forest Practices**

**CARRIED OVER**

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

LD 1473 proposes to amend the laws governing forest practices by limiting the maximum land area that could be clear-cut in any year and by providing that an individual clear-cut could not exceed 50 acres in total area for forest ownerships of more than 500 acres.

The bill proposes to amend the provisions governing the process by which a municipality may propose to adopt or amend a timber harvesting ordinance. The bill proposes adding eight foresters to the Maine Forest Service in the Department of Conservation and requiring the department to hold 14 seminars per year, two at each of the seven campuses of the Maine Technical College System, to educate landowners and harvesters regarding forest practices.

**LD 1518                      Resolve, to Establish the Maine Forest Policy Round Table Study Commission                      CARRIED OVER**

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

LD 1518 proposes a resolve to establish the Maine Forest Policy Round Table Study Commission. The resolve directs the commission to study key forest economic and labor issues. The commission is to directed to issue a report that assesses problems and makes recommendations for changes in the State's forestry policy. The commission is directed to submit its report and necessary implementing legislation to the 119th Legislature by January 1, 2000.

**LD 1543                      An Act to Restrict the First Day of Reservations for State Parks to Residents of the State Only                      ONTP**

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

LD 1543 proposed requiring that each year the first day of reservations for overnight camping in state parks be set aside for receiving reservations by Maine residents.

**LD 1646                      An Act to Increase the Effectiveness of the Maine Blueberry Commission                      PUBLIC 511 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH HARRIMAN	OTP-AM	H-444

LD 1646 proposed making the Maine Blueberry Commission a public instrumentality of the State. It also proposed changing the commission's name to the "Maine Wild Blueberry Commission" and changing references from "blueberries" to "wild blueberries." The bill also proposed amending the terms of members of the commission so that terms would end on August 31st and would be staggered.

**Committee Amendment "A" (H-444)** proposed changing the name of the commission from the "Maine Wild Blueberry Commission" to the "Wild Blueberry Commission of Maine." It proposed clarifying that a grower who

processes less than 1,000,000 pounds of wild blueberries in a year may serve on the commission as a grower representative.

***Enacted law summary***

Public Law 1997, chapter 511 makes the Maine Blueberry Commission a public instrumentality of the State. It changes the commission's name to the " Wild Blueberry Commission of Maine" and changing references from "blueberries" to "wild blueberries." It allows a grower who processes less than 1,000,000 pounds of wild blueberries in a year to serve on the commission as a grower representative and provides for staggered terms for commission members. The effective date is June 12, 1997.

**LD 1686**

**An Act to Permit the Retail Sale of Smoked Alewives**

**PUBLIC 439**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS	OTP-AM MAJ ONTP MIN	H-613

LD 1686 proposed allowing alewives smoked without removing the viscera to be offered for sale. Currently regulations of the Department of Agriculture, Food and Rural Resources prohibit the sale of alewives smoked without removing the viscera.

**Committee Amendment "A" (H-613)** was the majority report of the committee. It proposed adding a requirement for a person selling alewives smoked with their viscera to post a sign advising consumers to cook them prior to eating.

***Enacted law summary***

Public Law 1997, chapter 439 allows alewives smoked without removing the viscera to be offered for sale. It requires a person selling alewives smoked with their viscera to post a sign advising consumers to cook them prior to eating.

**LD 1726**

**An Act to Minimize Reliance on Pesticides**

**PUBLIC 389**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM MAJ OTP-AM MIN	S-272

LD 1726 proposed to establish the Special Advisory Committee on Pesticides Reduction of the Board of Pesticides Control. The committee would have been charged with studying and making recommendations to the board and the Legislature regarding methods to accomplish incremental reductions in the volumes of pesticides sold and applied so that for the year 2002 a reduction of 33% over 1996 levels would have been achieved. It also proposed requiring the board to adopt rules to achieve a 33% reduction by 2003 if the reduction were not achieved for 2002.

**Committee Amendment "A" (S-272)** was the majority report of the committee. It proposed to replace the original resolve and to direct the agencies of the State to promote integrated pest management and to work with private

interests to determine other appropriate actions. It proposed directing the State Board of Pesticides Control to study ways to improve the usefulness of report information and to publish an annual report on pesticides sales and sector of use wherever possible.

**Committee Amendment "B" (S-273)** was the minority report of the committee. It proposed to replace the original resolve and direct the State and agencies of the State to determine actions to reduce reliance on pesticides. It proposed requiring the State Board of Pesticides Control to strengthen reporting procedures for data collection on pesticide sales and use; directing the board to implement rules necessary for efficient data collection; requiring the board to publish an annual report on pesticides sales and use. The amendment also proposed stating that the policy of the State is to use fewer or less toxic pesticides. The minority report was not adopted.

***Enacted law summary***

Public Law 1997, chapter 389 directs the agencies of the State to promote integrated pest management and to work with private interests to determine other appropriate actions. It directs the State Board of Pesticides Control to study ways to improve the usefulness of report information and to publish an annual report on pesticides sales and sector of use wherever possible.

**LD 1746**                      **An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances That Apply to Forest Practices**                      **CARRIED OVER**

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

LD 1746 proposes amending the laws relating to development of municipal timber harvesting ordinances by requiring the ordinances to be consistent with the definitions for 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 proposes clarifying that a municipality may not adopt an ordinance with standards less stringent than the standards established in state law and rules adopted in accordance with state law. It proposes changes to the notice and hearing procedures for adopting municipal timber harvesting ordinances and specifying a 30-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.

**LD 1766**                      **An Act to Improve Management of Maine's Forests**                      **CARRIED OVER**

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

LD 1766 proposes to establish a new forest policy for the State. It proposes to establish a permit-by-rule procedure for clear-cutting, to increase the minimum basal area required for a timber harvest not to qualify as a clear-cut, to require that clear-cutting have a silvicultural justification and to set limitations on the size and arrangement of clear-cuts, with some exemptions provided for smaller holdings. The bill also proposes establishing the Sustainable Forest Management Audit Program within the Department of Conservation for ownerships greater than 100,000

acres in size to ensure the maintenance and enhancement of timber sustainability, the economic viability of forest management and the State's forest biodiversity. It proposes changes to the Bureau of Forestry's natural resource education program and directs the bureau's natural resource educator to develop partnerships and funding sources for creating new natural resource education initiatives for the public.

The bill proposes authorization of an ecological forest reserve on public lands, totaling between 8,000 and 10,000 acres. It also would direct the Maine Forest Service to undertake a study of liquidation harvesting and make recommendations to further restrict the practice.

**LD 1809                      Resolve, Authorizing the Exchange and Sale of Certain Public Lands                      RESOLVE 52**

<u>Sponsor(s)</u> PARADIS BELANGER D	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-295
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LD 1809 proposed authorizing the sale of certain parcels of public land under control of the Bureau of Parks and Lands.

**Committee Amendment "A" (S-295)** proposed a technical amendment, adding a cross-reference to the preamble of the resolve.

*Enacted law summary*

Resolve 1997, chapter 52 authorizes sale of the State's common and undivided 3/4 interest in approximately 54 acres located in the Town of Fort Kent. The State has entered into a purchase and sale contract with an abutting landowner to sell the State's common and undivided interest for \$12,800, which exceeds fair market value. It authorizes the sale of approximately 0.63 acres and associated buildings in the Town of Ashland and the sale of approximately 40 acres of undeveloped land in the Town of Solon. This resolve also authorizes the sale of one lot approximately 1/4 acre in size in Little Squaw Township. This conveyance resolves a long-standing boundary line matter involving the abutting landowner. Revenues generated by these sales will be used to purchase land containing more significant natural resources and public use values elsewhere in Aroostook County, Somerset County and Piscataquis County.

**LD 1852                      An Act to Reorganize and Clarify the Laws Relating to the Establishment, Powers and Duties of the Bureau of Parks and Lands                      CARRIED OVER**

<u>Sponsor(s)</u> KILKELLY BUNKER	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1852 proposes clarifying the establishment, powers and duties of the new Bureau of Parks and Lands without altering the essential missions, powers and purposes of the 2 former bureaus. The bill does not propose any new rule-making authority to the bureau. This bill proposes repealing certain provisions of law and consolidating



various bureau programs into one chapter, Maine Revised Statutes, Title 12, chapter 220. Public Law 1995, Chapter 502, An Act to Implement the Recommendations of the Productivity Realization Task Force, combined the Bureau of Public Lands and the Bureau of Parks and Recreation within the Department of Conservation. Section E-9 of P.L. 502 directed the Department of Conservation to review relevant statutes for the two bureaus and submit a proposal to the Legislature for a unified statute on the establishment, powers and duties of the Bureau of Parks and Lands.

The bill does not propose altering the essential purposes and practices of the bureau's programs as established in current law. The bill does propose the following substantive changes from current law:

1. Consent of the Commissioner of Conservation is added to that of the Governor for the charging of user fees, acquisition and conveyance of state parks and historic sites, the granting of licenses and permits for use of state park and historic site lands, and acquisition of land for the Maine Trails System.
2. The bureau is given specific authority to transfer management of state park and historic site lands to other agencies or accept such responsibility from other agencies with the consent of the Commissioner of Conservation and the Governor.
3. Language is deleted that prohibits searches of dwellings and railroad cars.
4. Specific authority is given to the bureau to administer the Forest Recreation Resource Fund and to receive income from campsites administered under this program on all lands within its jurisdiction for that fund, which presently receives income only from bureau lands.
5. Language is added to existing law to clarify that administration of the state park campsite reservation system by a private contractor is permissible.
6. Obsolete language is deleted regarding control of fires, real estate subject to flowage, lifeguard training, an official bureau seal and care of certain properties transferred from the Federal Government.
7. A general policy on public access to nonreserved lands is added similar to the one that already exists for public reserved lands.
8. It establishes that the Nonreserved Public Lands Management Fund accrues interest in the same manner as the Public Reserved Lands Management Fund.
9. It requires the director to give notice of proposed sales of nonreserved public lands similar to the notice required for public reserved lands.
10. To be consistent with penalties for violation of rules on other bureau lands, violation of rules regarding the Allagash Wilderness Waterway is changed from a civil violation to a Class E crime.
11. Permitted use of the ATV Recreational Management Fund is expanded to include land purchases for use as ATV trails.

The bill also proposes reference changes in the Maine Revised Statutes to coincide with the new chapter, updates obsolete language and makes technical corrections. It also removes reference to specific punishments for Class E crimes.

Sponsor(s)  
PARADIS

Committee Report

Amendments Adopted

LD 1874 proposes establishing limits on swine feeding operations located within jurisdiction of the Maine Land Use Regulation Commission. It is based on South Carolina law. It proposes provisions for permitting of animal-feeding operations. It proposes minimum separation distances between waste storage ponds and land owned by another person, drinking water wells, and bodies of water. It would prohibit locating a new animal feeding operation in the 100-year floodplain unless certain conditions are met and certifications received. It would require the Maine Land Use Regulation Commission to adopt rules relating to land application rates for animal wastes for animal-feeding operations that exceed a certain capacity. It proposes directing the commission to require remediation of undesirable levels of odor.

# Joint Standing Committee on Agriculture, Conservation & Forestry

## SUBJECT INDEX

### *Animals*

#### Enacted

<b>LD 461</b>	<b>An Act to Include Domestic Water Fowl in the Animal Trespass Statutes</b>	<b>PUBLIC 104</b>	<b>Page 7</b>
<b>LD 691</b>	<b>An Act to Clarify the Sanctions for Violating Laws Relating to Animal Pulling Events</b>	<b>PUBLIC 121</b>	<b>Page 9</b>
<b>LD 940</b>	<b>An Act to Amend the Laws Pertaining to the Boarding of Dogs</b>	<b>PUBLIC 33</b>	<b>Page 10</b>
<b>LD 1076</b>	<b>An Act to Increase the Civil Penalty for Cruelty to Animals</b>	<b>PUBLIC 170</b>	<b>Page 13</b>
<b>LD 1362</b>	<b>An Act to Improve the Administration of Animal Welfare Law</b>	<b>PUBLIC 456</b>	<b>Page 18</b>

#### Not Enacted

<b>LD 460</b>	<b>An Act to Repeal the Laws That Pertain to the Licensing of Dogs</b>	<b>ONTP</b>	<b>Page 6</b>
<b>LD 698</b>	<b>An Act to Require That Dogs Be Kept on Leashes</b>	<b>ONTP</b>	<b>Page 9</b>
<b>LD 800</b>	<b>An Act to Prohibit the Docking of a Cow's Tail</b>	<b>ONTP</b>	<b>Page 10</b>
<b>LD 930</b>	<b>Resolve, to Require the Animal Welfare Advisory Committee to Make Recommendations for the Licensing of Dog Groomers</b>	<b>ONTP</b>	<b>Page 10</b>
<b>LD 1232</b>	<b>An Act to Provide Relief from Barking Dogs</b>	<b>CARRIED OVER</b>	<b>Page 17</b>

## *Food Safety/Food Labeling*

### Enacted

<b>LD 160</b>	<b>An Act to Fund Research Regarding the Reinstatement of a Meat Inspection Program</b>	<b>P &amp; S 45</b>	<b>Page 2</b>
<b>LD 883</b>	<b>An Act to Extend the Exemptions for Farm Stands to Include Farmers' Markets</b>	<b>PUBLIC 96</b>	<b>Page 10</b>
<b>LD 1686</b>	<b>An Act to Permit the Retail Sale of Smoked Alewives</b>	<b>PUBLIC 439</b>	<b>Page 23</b>

### Not Enacted

<b>LD 575</b>	<b>An Act to Label All Eggs Produced in the State by Source</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 8</b>
<b>LD 1078</b>	<b>An Act to Require Labeling on Genetically Engineered Food</b>	<b>INDEF PP</b>	<b>Page 13</b>

## *Forestry - Forest Management/Forest Policy*

### Enacted

None

### Not Enacted

<b>LD 289</b>	<b>Resolve, to Establish the Committee to Study Maine Forest Practices</b>	<b>CARRIED OVER</b>	<b>Page 4</b>
<b>LD 968</b>	<b>An Act to Require Recommended Silvicultural Stocking Standards on Land Ownerships Enrolled under the Tree Growth Tax Laws</b>	<b>CARRIED OVER</b>	<b>Page 11</b>
<b>LD 1092</b>	<b>An Act to Provide Public Information on Forest Management Practices</b>	<b>ONTP</b>	<b>Page 14</b>
<b>LD 1200</b>	<b>An Act to Reform the Maine Tree Growth Tax Law</b>	<b>CARRIED OVER</b>	<b>Page 17</b>
<b>LD 1311</b>	<b>An Act to Prohibit Clear-cutting</b>	<b>CARRIED OVER</b>	<b>Page 18</b>
<b>LD 1395</b>	<b>Resolve, to Establish the Maine Council on Sustainable Silviculture</b>	<b>CARRIED OVER</b>	<b>Page 20</b>

<b>LD 1465</b>	<b>An Act to Limit Liquidation Harvesting</b>	<b>CARRIED OVER</b>	<b>Page 21</b>
<b>LD 1473</b>	<b>An Act to Amend the Laws Regarding Forest Practices</b>	<b>CARRIED OVER</b>	<b>Page 22</b>
<b>LD 1518</b>	<b>Resolve, to Establish the Maine Forest Policy Round Table Study Commission</b>	<b>CARRIED OVER</b>	<b>Page 22</b>
<b>LD 1746</b>	<b>An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances That Apply to Forest Practices</b>	<b>CARRIED OVER</b>	<b>Page 24</b>
<b>LD 1766</b>	<b>An Act to Improve Management of Maine's Forests</b>	<b>CARRIED OVER</b>	<b>Page 25</b>

### *Forestry - Logger Licensing*

**Enacted**

None

**Not Enacted**

<b>LD 1405</b>	<b>An Act to License Timber Harvesters and Deter Timber Trespassing</b>	<b>CARRIED OVER</b>	<b>Page 20 133</b>
<b>LD 1430</b>	<b>An Act to Regulate Professional Loggers</b>	<b>CARRIED OVER</b>	<b>Page 21 134</b>

### *Forestry - Maine Forest Service*

**Enacted**

<b>LD 396</b>	<b>An Act to Allow the Maine Forest Service to Retain Funds from the Sale of Real Estate</b>	<b>PUBLIC 536</b>	<b>Page 4</b>
<b>LD 1128</b>	<b>An Act to Transfer Funds from the Maine Forest Service to the Waldo County Soil and Water Conservation District</b>	<b>P &amp; S 34</b>	<b>Page 14</b>

**Not Enacted**

<b>LD 253</b>	<b>An Act to Require a Search Warrant to Investigate Private Property for the Purpose of Forestry Examinations</b>	<b>CARRIED OVER</b>	<b>Page 3</b>
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LD 643                    An Act to Permit Forest Rangers to Carry Weapons                    INDEF PP                    Page 8

*Maine Land Use Regulation Committee*

Enacted

LD 1034                    An Act to Provide Information to the Maine Land Use Regulation Commission                    PUBLIC 335                    Page 12

LD 1166                    An Act to Amend the Membership of the Maine Land Use Regulation Commission                    PUBLIC 549                    Page 15

Not Enacted

LD 230                    An Act to Require the Maine Land Use Regulation Commission to Consider Community Benefits when Approving Utility Line Permits                    ONTP                    Page 3

LD 244                    An Act to Regulate the Use of Gates on Access Roads to Remote Ponds                    ONTP                    Page 3

LD 628                    An Act to Authorize the Maine Land Use Regulation Commission to Regulate the Location and Use of Roads in the Unorganized and Deorganized Areas                    ONTP                    Page 8

LD 1175                    An Act to Remove the Large Lot Exemption from the Definition of "Subdivision" within the Laws Administered by the Maine Land Use Regulation Commission                    INDEF PP                    Page 16

LD 1198                    An Act to Protect Maine's Wild Lands                    DIED IN CONCURRENCE                    Page 16

LD 1366                    An Act Regarding Qualifications of Land Use Regulation Commissioners                    ONTP                    Page 19

*Parks and Public Land*

Enacted

LD 1424                    An Act to Allow ATV Use on Public Lands Not Specifically Designated as Primitive-use Land                    PUBLIC 274                    Page 20

LD 1809                    Resolve, Authorizing the Exchange and Sale of Certain Public Lands                    RESOLVE 52                    Page 25

Not Enacted

LD 127	An Act to Prohibit Destruction of Any Artificial Structure within Baxter State Park	ONTP	Page 2
LD 128	An Act to Require Public Access to Any Public Lands Conveyed for Inclusion in a National Park	ONTP	Page 2
LD 1235	Resolve, to Convene a Study Group to Identify Access to Public Landings and Their Facilities by Persons Engaged in Commercial Fishing	ONTP	Page 17
LD 1543	An Act to Restrict the First Day of Reservations for State Parks to Residents of the State Only	ONTP	Page 22
LD 1852	An Act to Reorganize and Clarify the Laws Relating to the Establishment, Powers and Duties of the Bureau of Parks and Lands	CARRIED OVER	Page 26

*Pesticides*

Enacted

LD 420	An Act to Improve the Reporting of General Use Pesticide Sales	PUBLIC 139	Page 5
LD 1726	An Act to Minimize Reliance on Pesticides	PUBLIC 389	Page 24

Not Enacted

LD 447	An Act Regarding Disclosure of Pesticide Use to a Buyer of Blueberry Land	ONTP	Page 6
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*Potatoes*

Enacted

LD 429	An Act to Protect the Potato Industry from the Spread of Serious Disease	PUBLIC 538 EMERGENCY	Page 6
LD 941	An Act to Enhance the Potato Industry	PUBLIC 388	Page 11

Not Enacted

None

*Miscellaneous - Agriculture*

Enacted

<b>LD 265</b>	<b>An Act to Amend the Maine Apiary Laws</b>	<b>PUBLIC 480</b>	<b>Page 4</b>
<b>LD 978</b>	<b>An Act to Improve the Efficiency of the Department of Agriculture, Food and Rural Resources</b>	<b>PUBLIC 454</b>	<b>Page 12</b>
<b>LD 1174</b>	<b>An Act to Enhance Live Animal and Embryo Exports From Maine</b>	<b>P &amp; S 20</b>	<b>Page 15</b>
<b>LD 1646</b>	<b>An Act to Increase the Effectiveness of the Maine Blueberry Commission</b>	<b>PUBLIC 511 EMERGENCY</b>	<b>Page 23</b>

Not Enacted

<b>LD 1874</b>	<b>An Act to Establish Limitations on Swine-feeding Operations</b>	<b>CARRIED OVER</b>	<b>Page 27</b>
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*Miscellaneous - Other*

Enacted

<b>LD 514</b>	<b>An Act to Provide Limited Voting Authority for Associate Supervisors of Maine's Soil and Water Conservation Districts</b>	<b>PUBLIC 105</b>	<b>Page 7</b>
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Not Enacted

<b>LD 1277</b>	<b>An Act Concerning the Harvesting and Sampling of Ginseng</b>	<b>ONTP</b>	<b>Page 18</b>
<b>LD 1463</b>	<b>An Act to Regulate Camp Lot Leases</b>	<b>ONTP</b>	<b>Page 21</b>





## Joint Standing Committee on Banking and Insurance

**LD 112**

**An Act to Aid Enforcement of the Laws Regarding Mandatory Insurance for Motor Vehicles**

**ONTP**

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

Current law requires that owners and operators of motor vehicles maintain automobile liability insurance or other proof of financial responsibility. LD 112 proposed to amend the motor vehicle laws regarding auto insurance to require that, in addition to the existing requirement of a 10-day notice before cancellation of a policy, insurance companies provide the Secretary of State with a 10-day notice before termination of a policy occurs by expiration. The requirement in this bill applies to policies that must be filed and certified as proof of financial responsibility with the Secretary of State under the Maine Revised Statutes, Title 29-A, section 1602. The penalties for failure to provide proof of financial responsibility within 30 days of a request include suspension of the person's license, of the registration of the vehicle for which proof of insurance was not provided and of the right to apply for a license or registration.

See related bills LD 622 and LD 836.

**LD 159**

**An Act to Clarify the Parity Provision in Maine Banking Law**

**PUBLIC 207  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP-AM	S-116

In 1996, the U.S. Supreme Court decided Barnett Bank of Marion County, N.A. v. Nelson, holding that national banks may sell insurance in the manner provided for under the National Banking Act, despite state laws to the contrary. LD 159 proposed to amend the Maine Banking Code to clarify the parity provisions to ensure that state-chartered financial institutions are permitted to engage in any and all activities that are permitted for federally chartered financial institutions, including the sale of insurance, notwithstanding any other provision of state law including, but not limited to Maine Revised Statutes, Title 24-A, section 1514-A. It also clarified that any state law preempted in its application to the powers that may be exercised by a federally chartered financial institution must be automatically preempted in its application to financial institutions authorized to do business in this State. This bill also proposed to authorize the Superintendent of Banking to adopt rules to carry out the purposes of Title 9-B, sections 416 and 828, and to ensure that all such activities engaged in by state-chartered financial institutions are carried out in a safe and sound manner and with sufficient consumer protections.

**Committee Amendment "A" (S-116)** proposed to clarify that preemption of state law may occur through Acts of Congress as well as through actions of federal regulatory authorities and that the superintendent may adopt rules to ensure that any powers exercised by a financial institution in this State under the parity provision are conducted in a safe and sound manner. The amendment also proposed to allow insurance agents and brokers to engage in any

insurance activity permissible for federally chartered financial institutions to the extent authorized by the Superintendent of Insurance through rulemaking.

The amendment also adds a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 207 amends the parity provisions of the Maine Banking Code to allow state-chartered financial institutions to engage in any and all activities permitted for federally chartered financial institutions by federal law or regulatory action notwithstanding any other provision of state law. The law authorizes the Superintendent of Banking to adopt rules to ensure that all such activities engaged in by state-chartered financial institutions are conducted in a safe and sound manner. The law also amends the Maine Insurance Code to permit insurance agents and brokers to engage in any insurance activity permissible for federally chartered financial institutions pursuant to federal law or rule to the extent authorized by the Superintendent of Insurance.

Public Law 1997, chapter 207 was enacted as an emergency measure effective May 16, 1997.

**LD 234**

**An Act to Extend Access to Chiropractic Care under Health Maintenance Organization Managed Care Plans**

**PUBLIC 99**

<u>Sponsor(s)</u> CAMPBELL LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-23
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LD 234 proposed to extend the repeal date for access to chiropractor care under health maintenance organization managed care plans from March 1, 1998 to March 1, 2000. Under current law, enrollees in health maintenance organization managed care plans may self refer for chiropractic care under certain conditions.

**Committee Amendment "A" (H-23)** proposed to remove the repeal date of the statutory provision governing access to chiropractic care under health maintenance organization managed care plans. The amendment also proposed to require the Bureau of Insurance to submit a report to the joint standing committee of the Legislature having jurisdiction over insurance matters by January 1, 1999 on the claims experience of health maintenance organizations related to self-referrals of chiropractic care. The amendment also adds a fiscal note to the bill.

**House Amendment "A" (H-70)** proposed to amend the bill by removing the exception in current law that exempts all health maintenance organization contracts with the State Employee Health Insurance Program from providing self-referrals for chiropractic care. House Amendment "A" was not adopted.

**Senate Amendment "A" (S-86)** also proposed to amend the bill by removing the exception in current law that exempts all health maintenance organization contracts with the State Employee Health Insurance Program from providing self-referrals for chiropractic care. Senate Amendment "A" was not adopted.

***Enacted law summary***

Public Law 1997, chapter 99 removes the repeal date of the provisions in current law that allow self-referrals for chiropractic care by enrollees in health maintenance organization managed care plans. The law also requires the

Bureau of Insurance to conduct a study on the claims experience related to self-referrals of chiropractic care of health maintenance organization managed care plans.

**LD 307**                      **An Act to Allow Self-referral for Obstetrical Care in Managed Care CARRIED OVER Plans**

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

LD 307 proposes to require all group managed care plans of insurers, nonprofit hospital and medical service organizations and health maintenance organizations to provide coverage for obstetrical care throughout a pregnancy without requiring a prior referral from the woman's primary care physician. This bill proposes to apply to all policies, contracts or certificates issued or renewed on or after January 1, 1998.

Pursuant to Title 24-A, Maine Revised Statutes, Section 2752, the Bureau of Insurance is required to conduct a review and evaluation of proposed mandated insurance benefit legislation before the proposal is enacted into law. The Joint Standing Committee on Banking and Insurance requested a review and evaluation by the Bureau and LD 307 was carried over to the Second Regular Session to allow the Bureau to complete the study.

**LD 309**                      **An Act to Amend the Laws Governing Medical Payments Coverage Limits on Priority Liens**                      **ONTP**

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

LD 309 proposed to extend the current statutory provisions governing limits on priority liens and subrogation rights related to health insurance policies to medical payments coverage in casualty insurance policies. The bill would have prohibited an insurer from reimbursing an insured for any medical payments that may be recovered from a third party as a result of a legal action except if the payments were allowed on a just and equitable basis.

See related bills LD 1288 and LD 1453.

**LD 335**                      **An Act to Prohibit Certain Activities by Insurance Adjusters**                      **PUBLIC 86**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO ABROMSON	OTP-AM	H-107

LD 335 proposed to prohibit an insurance adjuster from approaching, soliciting or offering services to a person not insured by the insurer for which the adjuster is providing services for at least 36 hours after an accident or occurrence for which the person may have a potential claim.

The bill also proposed to require that a contract between an adjuster and any person not insured by the insurer for which the adjuster is providing services contain an option provision for the rescission of the contract within two business days after the contract is signed.

**Committee Amendment "A" (H-107)** replaced the bill and proposed to prohibit an insurance adjuster from soliciting or offering an adjustment services contract to a person not insured by the insurer for which the adjuster is providing services for at least 36 hours after an accident or occurrence for which the person may have a potential claim. It requires that contracts between adjusters and any person not insured by the insurer for which the adjuster is providing services contain an option provision for the rescission of the contract within two business days after the contract is signed. It also adds an allocation section and a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 86 prohibits an insurance adjuster from soliciting or offering a contract to a person not insured by the insurer that employs the adjuster for at least 36 hours after an accident or occurrence for which the person may have a potential claim. The law also requires that contracts for adjustment services contain a provision allowing rescission of the contract within two business days after the contract is signed.

**LD 350**                      **Resolve, to Establish a Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits**                      **RESOLVE 63 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER MILLS	OTP-AM	H-89 S-394 MICHAUD

LD 350 proposed to establish the Task Force on Single Claims Processing to study the feasibility of a single claims processing system for third-party payors of health care benefits. The task force shall submit its report to the Second Regular Session of the 118th Legislature.

**Committee Amendment "A" (H-89)** replaced the resolve and proposed to establish the Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits.

It also proposed to add an emergency preamble, an emergency clause, an appropriation section and a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-394)** proposed to change the reporting date, replace the appropriation section with an allocation section and require the Bureau of Insurance to transfer funds to the Legislature.

***Enacted law summary***

Resolve 1997, chapter 63 establishes the Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits. The task force consists of 15 members, including 4 Legislators, and is charged with studying the feasibility of a single claims processing system or of streamlining the current claims processing system used by third-party payors. The task force is required to submit a report to the Second Regular Session of the Legislature no later than January 1, 1998.

Resolve 1997, chapter 63 was enacted as an emergency measure effective June 12, 1997.

**LD 360**                      **An Act to Amend the Process of Competitive Bidding for Insurance by School Boards**                      **ONTP**

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

LD 360 proposed to do the following:

1. Clarify that school boards located in municipalities where the school buildings and other properties are owned by the municipality must purchase insurance through competitive bidding;
2. Remove the waiver of competitive bidding available to school boards for workers' compensation and employee benefit insurance such as life, disability and health insurance; and
3. Remove the waiver of competitive bidding available to school boards in a municipal school unit when the municipal government competitively purchases municipal and school insurance as a package.

**Committee Amendment "A" (H-235)** is the minority report and proposed to add a fiscal note to the bill. Committee Amendment "A" was not adopted.

See related bill LD 477.

**LD 477**                      **An Act to Require that Health Insurance Benefits for School District Employees Be Subject to the Mandatory Bid Process**                      **ONTP**

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

LD 477 proposed to remove the waiver of competitive bidding available to school boards for employee benefit insurance such as life, disability and health insurance. It requires that school boards purchase health insurance for employees through competitive bidding.

See related bill LD 360.

**LD 486**

**An Act Prohibiting Financial Institutions from Charging Fees for Verification of Sufficient Funds**

**ONTP**

Sponsor(s)  
PINGREE

Committee Report  
ONTP

Amendments Adopted

LD 486 proposed to prohibit financial institutions from charging a fee to a payee of a check for verifying whether or not there are sufficient funds in the payor's account with that financial institution.

**LD 546**

**An Act to Ensure Responsible Coordination of Medical Care under Managed Care**

**PUBLIC 163**

Sponsor(s)  
MAYO  
PARADIS

Committee Report  
OTP MAJ  
ONTP MIN

Amendments Adopted  
S-113 LAFOUNTAIN

LD 546 proposed to prohibit a managed care plan from including a clause that allows the managed care plan to terminate the provider's contract without cause.

**Senate Amendment "A" (S-113)** replaced the bill. The amendment proposed to require a carrier seeking to terminate a participating provider to provide a detailed explanation of the carrier's reasons for seeking to terminate the provider and the opportunity for a review or hearing on the decision at the provider's request. This requirement does not apply to termination cases involving imminent harm to patient care, a final determination of fraud by a governmental agency or a final disciplinary action that impairs the provider's ability to practice. A hearing panel of at least three persons, including one clinical peer of the provider, must review a proposed action to terminate a provider and provide a written decision to the provider.

***Enacted law summary***

Public Law 1997, chapter 163 requires health carriers to provide a detailed explanation to the provider of the carrier's reasons for seeking to terminate a participating provider and to give the provider an opportunity for a review or hearing on the carrier's decision at the provider's request. The requirement does not apply when termination occurs after a final determination of fraud by a governmental agency or a final disciplinary action that impairs a provider's ability to practice or in cases involving imminent harm to patient care.

**LD 548**

**An Act Concerning Service Relating to the Disclosure of Financial Records**

**PUBLIC 16**

Sponsor(s)  
JONES SL

Committee Report  
OTP

Amendments Adopted

LD 548 proposed to authorize the District Attorney, in addition to the Attorney General, to advise the court to delay or dispense with service of a subpoena, summons, warrant or order requesting disclosure of financial records if

service to the customer would not be in the public interest. The bill also proposed to remove the requirement that the customer be served when the disclosure is sought in connection with a criminal proceeding.

***Enacted law summary***

Public Law 1997, chapter 16 authorizes district attorneys to advise the court to delay or dispense with requiring service of a subpoena, summons, warrant or order requesting disclosure of financial records if service to the customer would not be in the public interest. The law also removes the requirement that the customer be served notice when the disclosure is sought in connection with a criminal proceeding.

**LD 552                      An Act to Prohibit Rebates and Other Incentives Pertaining to                      ONTP  
Insurance Claims**

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

LD 552 proposed to prohibit a motor vehicle repair facility from refunding a deductible to be paid by insured customers or providing rebates or other incentives to insured customers or other persons as an incentive to have a repair made at the repair facility with respect to repairs paid for in whole or in part by insurance companies.

**Committee Amendment "A" (H-92)** is the minority report of the committee and replaced the bill. It proposed to narrow the provision to apply only to motor vehicle glass repairs and prohibits a motor vehicle glass repair facility from refunding a deductible or any part of a deductible to be paid by insured customers or other persons as an incentive to have a motor vehicle glass repair made at the repair facility.

The amendment also adds a fiscal note. Committee Amendment "A" was not adopted.

**LD 561                      An Act to Provide the Maine Turnpike Authority with                      PUBLIC 77  
Representation on the State Employee Health Commission                      EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP-AM	S-54

LD 561 proposed to add representation on the State Employee Health Commission to labor and management of the Maine Turnpike Authority. The commission determines the Authority's health benefits and plan costs for its employees.

**Committee Amendment "A" (S-54)** proposed to correct a technical error and add an emergency preamble, an emergency clause and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 77 adds one labor member and one management member representing the Maine Turnpike Authority to the State Employee Health Commission.



**LD 585**                      **An Act to Protect the Confidentiality of Social Security Numbers**                      **ONTP**

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

LD 585 proposed to prohibit businesses from using a customer's social security number on correspondence.

**LD 602**                      **An Act to Clarify Requirements for a Credit Union Applying to Expand Its Field of Membership**                      **ONTP**

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

LD 602 proposed to require a credit union applying for an expansion of its field of membership to show that the requested expansion satisfies the defined fields of membership within the law.

**LD 622**                      **An Act to Deter Automobile Owners from Canceling their Insurance and to Require Notification of Cancellation**                      **ONTP**

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

Current law requires that owners and operators of motor vehicles maintain automobile liability insurance or other proof of financial responsibility. LD 622 proposed to amend the motor vehicle laws regarding auto insurance to require that, in addition to the existing requirement of a 10-day notice before cancellation of a policy, insurance companies provide the Secretary of State with a 10-day notice before termination of a policy occurs by expiration. The requirement in this bill applies to policies that must be filed and certified as proof of financial responsibility with the Secretary of State under the Maine Revised Statutes, Title 29-A, section 1602. The penalties for failure to provide proof of financial responsibility within 30 days of a request include suspension of the person's license, of the registration of the vehicle for which proof of insurance was not provided and of the right to apply for a license or registration. An insurance company that fails to provide the required notice is subject to a civil forfeiture of \$1,000.

See related bills LD 112 and LD 836.

**LD 666**

**An Act to Amend the Maine Consumer Credit Code to Permit Reverse Mortgages**

**PUBLIC 64  
EMERGENCY**

Sponsor(s)  
LAFOUNTAIN

Committee Report  
OTP-AM

Amendments Adopted  
S-12

The Maine Consumer Credit Code currently excludes first mortgage residential financing from rate ceilings and other substantive limitations. That exclusion does not extend to open-end loans where advances are made more than 30 days after closing. Federal secondary market agencies are now offering special open-end financing programs for elderly residents who wish to "unlock" their home equity but not be required to make any payments unless and until they sell the residence or die. These are known as "reverse mortgages" or "reverse annuity mortgages" under which an elderly person may receive monthly payments for life, remain at home and have no liability except for the value of the home. Maine's truth-in-lending laws have already been amended to permit these loans. This bill eliminates the sole remaining obstacle to the offering of these programs in Maine by amending the Maine Consumer Credit Code to treat reverse mortgages under the same rules as all other first mortgage programs, thereby allowing the new programs to be offered to Maine's elderly.

**Committee Amendment "A" (S-12)** proposed to add an emergency preamble, an emergency clause and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 64 amends the Maine Consumer Credit Code to require the treatment of reverse mortgages under the same provisions and rules as first mortgages. The law allows the sale of reverse mortgages in the state.

Public Law 1997, chapter 64 was enacted as an emergency measure effective March 28, 1997.

**LD 668**

**An Act to Amend the Laws Pertaining to Motor Vehicle Financial Responsibility and Insurance**

**ONTP**

Sponsor(s)  
KIEFFER

Committee Report  
ONTP

Amendments Adopted

LD 668 proposed to increase the minimum limits of insurance needed to operate a motor vehicle. The bill also proposed to require that insurance for medical payments be obtained.

The amendments to current law proposed by LD 668 were incorporated into LD 180, "An Act to Amend the Motor Vehicle Laws Regarding Proof of Financial Responsibility and to Increase the Required Minimum Amounts of Liability Insurance Coverage," through the adoption of House Amendment "A" (H-258). LD 180 was referred to the Joint Standing Committee on Transportation and enacted as Public Law 1997, chapter 176.

**LD 676**

**An Act to Make Health Care More Affordable to Small Businesses**

**ONTP**

<u>Sponsor(s)</u> KIEFFER HALL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 676 proposed to require that any future mandated health care benefit legislation receive a two-thirds vote in both chambers of the Legislature to be enacted.

**LD 681**

**An Act to Increase Access to Affordable Health Insurance for Citizens of Maine**

**ONTP**

<u>Sponsor(s)</u> KIEFFER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 681 proposed to authorize basic care medical plans to provide health insurance with high deductibles and levels of coinsurance. The plans may be purchased by persons who are unemployed, self-employed or employed and unable to purchase insurance. The plans cover hospitalization, prenatal, postnatal and new baby care, surgery, emergency and outpatient care. The plans are exempt from all state mandates of health care services and reimbursement and utilization of providers. The plans are renewable except for specified situations including nonpayment of premium, fraud and withdrawal from the market. The carriers that offer basic care medical plans are authorized to form a pool to distribute the risk of providing coverage to the insureds.

**LD 710**

**An Act Amending the Maine Consumer Credit Code**

**PUBLIC 122**

<u>Sponsor(s)</u> MAYO CAREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-147
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LD 710 proposed to amend the limit on consumer loans that are subject to certain consumer disclosures.

**Committee Amendment "A" (H-147)** replaced the bill and proposed to provide the protection of the Maine Consumer Credit Code to motor vehicle credit sales in which the amount financed is between \$25,000 and \$35,000.

The amendment also corrects a spelling error and adds a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 122 extends the protection of the Maine Consumer Credit Code to motor vehicle credit sales in which the amount financed is between \$25,000 and \$35,000. Under current law, the Code only applies to consumer credit sales in amounts under \$25,000.

LD 716

An Act to Require Certain Information on Insurance Bills

ONTP

<u>Sponsor(s)</u> SKOGLUND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 716 proposed to require insurers to disclose the names of its five highest-paid executives or officers, the state of their residence, their salaries and benefit packages and the profits of the company at the time insureds are billed for an insurance policy or contract.

LD 745

An Act to Amend the Maine Consumer Credit Code

PUBLIC 94

<u>Sponsor(s)</u> MAYO ABROMSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-105 MAYO H-90
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LD 745 proposed to remove the limits on late fees that retailers may charge customers to whom they extend credit. The bill also proposed to allow creditors to charge a single late fee when they change late fees on all future payments that are due, rather than having to charge the old fee for past due payments and the newer fee for new balances.

**Committee Amendment "A" (H-90)** proposed to strike section 2 of the bill and insert a new section that authorizes the refinancing of the balloon payment portion of a consumer loan if the transaction is made for a term of not less than four years and if the contract evidencing the obligation gives the consumer the right to refinance the final payment on terms then offered by the creditor if the consumer satisfies reasonable credit standards and the property satisfies reasonable loan to value standards. It also adds a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-105)** proposed to change a reference from "borrower" to "consumer."

*Enacted law summary*

Public Law 1997, chapter 94 removes the limits on late fees that retailers may charge customers to whom the retailers extend credit and allows creditors to charge a single late fee when they charge late fees on all future payments that are due, rather than having to charge the old fee for past due payments and the newer fee for balances. The law also authorizes the refinancing of the balloon payment portion of a consumer loan if the transaction is made for a term of not less than four years and if the contract evidencing the obligation gives the consumer the right to refinance the final payment on terms then offered by the creditor if the consumer satisfies reasonable credit standards and the property satisfies reasonable loan to value standards.

**LD 766**

**An Act to Provide Options under Managed Care Plans for Counseling by a Primary Care Physician**

**ONTP**

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

LD 766 proposed to allow primary care physicians to provide office-based mental health services to enrollees in managed care plans if the enrollee chooses to receive counseling from the primary care physician. The bill also proposed to require the managed care plan to reimburse a primary care physician for mental health services at the same level of reimbursement as a mental health provider credentialed by the managed care plan.

**LD 785**

**An Act to Require Certain Practices by Managed Care Plans**

**ONTP**

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

LD 785 proposed to require managed care plan policies and contracts offered by nonprofit hospital and medical service organizations, insurers and health maintenance organizations to provide in-patient hospital coverage following mastectomy surgery.

The bill also proposed to prohibit nonprofit hospital and medical service organizations, insurers and health maintenance organizations offering managed care plans from providing payments or other financial incentives to participating providers for not referring patients to specialists and for not disclosing the seriousness of a patient's condition.

See related bill LD 1556.

**LD 806**

**An Act to Include Health Maintenance Organizations in the Bureau of Insurance's Regulatory Assessment**

**PUBLIC 79**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-55

LD 806 proposed to apply the current assessment for the regulatory expenses of the Maine Bureau of Insurance upon insurance companies to health maintenance organizations as well. The current assessment on insurers will not be increased, but will be apportioned equitably between insurance companies and health maintenance organizations.

**Committee Amendment "A" (S-55)** proposed to clarify that the direct gross premium from the health maintenance organization division or line of business of a nonprofit hospital, medical or health care service organization is not included in the assessment base used in calculating the assessment upon a nonprofit hospital, medical or health care service organization for the expenses of maintaining the Bureau of Insurance.

The amendment also adds a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 79 requires health maintenance organizations to pay an assessment for the regulatory expenses of maintaining the Maine Bureau of Insurance.

**LD 808**

**An Act to Amend the Laws Governing Banking Institutions**

**PUBLIC 22**

<u>Sponsor(s)</u> LAFOUNTAIN CARLETON	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 808 proposed to do the following:

1. Expand the definition of activities that may be performed by a service corporation to include those activities permitted for service corporations owned by national banks;
2. Eliminate the application requirement for establishing, closing or relocating a satellite facility and replace it with a notification requirement;
3. Permit the Superintendent of the Bureau of Banking to expedite the conversion of a federally chartered financial institution to state charter if the superintendent considers it necessary for the protection of depositors, shareholders or the public. This provision is consistent with expedited authorities for mergers, acquisitions and other conversion transactions;
4. Change the provisions for the acquisition of a stock institution by a mutual institution;
5. Eliminate references to shareholders in the subordination of claims from the issuance of capital notes or debentures;
6. Change the current application process for most service corporations and subsidiaries to a notice process with no formal approval, which is similar to the process provided under federal law;
7. Change the provisions relating to insider lending to more closely track federal regulation of this area;
8. Repeal language that prohibits a bank director, officer or employee from engaging in the business of selling securities;
9. Repeal outdated requirements in thrift deposit-taking law regarding the payment of interest or dividends on deposit; and
10. Make consistent the process for annual review of lines of credit for banks and thrift institutions.

***Enacted law summary***

Public Law 1997, chapter 22 makes technical changes to modernize and update the Maine Banking Code. The law streamlines and reduces the regulatory requirements with respect to certain applications filed with the Bureau of

Banking. It amends the provisions related to insider lending to more closely track federal regulations. The law also repeals outdated provisions related to payment of interest on deposits by savings banks and savings and loan associations and to outside business interests of bank directors, officers or employees.

**LD 822**                      **An Act to Grant Visually Impaired Operators of Government Vending Facilities Access to State Health Insurance at Their Own Expense**                      **PUBLIC 80**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-56

LD 822 proposed to authorize the purchase of health insurance through the state employee health insurance program by blind and visually impaired vending facility managers participating in a state program administered by the Division for the Blind and Visually Impaired.

**Committee Amendment "A" (S-56)** proposed to correct an error in the bill and reflect that the Division for the Blind and Visually Impaired is located in the Department of Labor.

The amendment also adds a fiscal note.

*Enacted law summary*

Public Law 1997, chapter 80 authorizes the participation of blind and visually impaired vending facility managers at their own expense in the state employee health insurance program.

**LD 828**                      **An Act to Require Public Insurers to Supply Insurance Data to Schools and Municipalities**                      **ONTP**

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

LD 828 proposed to allow school administrative units to engage in competitive bidding by ensuring that school administrative units have access to their own experience ratings and claims history. This bill proposed to require that insurers provide such information to school administrative units at their request, regardless of the identity of the insurers' official clients, and to the municipalities in which the school unit is located if the municipality so requests.

**Committee Amendment "A" (H-272)** is the minority report and replaced the bill. It proposed to clarify that nonprofit hospital and medical service organizations, insurers and health maintenance organizations are required to provide school administrative units with information concerning their own experience ratings and claims history as members covered under a group policy or contract at the unit's request and to the municipalities in which the school unit is located at the municipality's request. Committee Amendment "A" was not adopted.

**LD 836**

**An Act Concerning the Lapse of Automobile Insurance**

**ONTP**

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

Current law requires that owners and operators of motor vehicles maintain automobile liability insurance or other proof of financial responsibility. LD 836 proposed to amend the motor vehicle laws regarding auto insurance to require that, in addition to the existing requirement of a 10-day notice before cancellation of a policy, insurance companies provide the Secretary of State with a 10-day notice before termination of a policy occurs by expiration. The requirement in this bill applies to policies that must be filed and certified as proof of financial responsibility with the Secretary of State under the Maine Revised Statutes, Title 29-A, section 1602. The penalties for failure to provide proof of financial responsibility within 30 days of a request include suspension of the person's license, of the registration of the vehicle for which proof of insurance was not provided and of the right to apply for a license or registration.

See related bills LD 112 and LD 622.

**LD 839**

**An Act to Ensure Reasonable Access to Emergency Medical Services**

**ONTP**

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

LD 839 proposed to prohibit health carriers from requiring prior authorization for emergency medical services.

**LD 843**

**An Act to Regulate Money Transmitters and Amend Consumer Credit Laws**

**PUBLIC 155**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VIGUE MAYO	OTP-AM	H-203 H-213 CAMERON

LD 843 proposed to do the following.

Title IV of the federal Reigle Community Development Act, titled the "Money Laundering Suppression Act of 1994," calls upon states to adopt uniform laws for licensing and regulating money transmitters and money order issuers. The language in Part A is adopted from a model money transmitter law developed jointly by the Money Transmitter Regulators Association and the money transmitter industry. It is designed to protect consumers by ensuring the solvency of money transmitters and money order issuers.

Title IV of the federal Reigle Community Development Act calls upon states to adopt uniform laws for licensing and regulating check cashers and currency exchangers, "for purposes of preventing money laundering and



protecting the payment system from fraud and abuse." Following the lead of most other states, this bill requires the registration of those businesses and ensures appropriate disclosures of costs to consumers.

The omnibus budget bill signed by the President on September 30, 1996 contained major revisions to the Federal Fair Credit Reporting Act upon which Maine's credit reporting laws are based. The language in Part B is derived from language in the new federal law. Incorporating the changes into Maine law will assist businesses that operate across state lines, because the requirements will be consistent among states. Enacting the changes will also bring several consumer protections adopted by Congress to Maine citizens, including the right of poor or unemployed individuals to obtain a copy of their credit report without charge.

The omnibus budget bill passed by Congress on September 30, 1996 contained several amendments to the federal Truth-in-Lending Act. The State maintains an exemption to the federal Truth-in-Lending Act by incorporating federal changes into state law. This provides consistency for Maine businesses, but also allows responsiveness on a state level to consumer issues. The language in Part C is derived exactly from that adopted at the federal level.

The federal budget bill enacted by Congress on September 30, 1996 contained an important clarification of the Federal Fair Debt Collection Practices Act upon which Maine collection law is based. The federal law provides regulatory relief to attorneys and debt collectors concerning the technical written notices that must be contained in each collection letter, and clarifies a related notice issue that has led to expensive litigation in other parts of the country. Part D clarifies Maine law on this issue.

Part E clarifies that a pawnbroker must have physical possession of the substantive collateral in order to effect a pawn transaction.

**Committee Amendment "A" (H-203)** proposed to add statutory provisions that conform Maine's credit reporting laws to revisions in the federal Fair Credit Reporting Act.

The amendment proposed to clarify the distribution of volume fees within the Department of Professional and Financial Regulation between the Office of Consumer Credit Regulation and Bureau of Banking with respect to consumer credit transactions that are originated by supervised lenders subject to regulation by the Office of Consumer Credit Regulation and subsequently assigned to financial institutions subject to regulation by the Bureau of Banking.

The amendment also makes some technical changes and corrections and adds an allocation section and a fiscal note to the bill.

**House Amendment "A" (H-213)** was presented on behalf of the Committee on Bills in the Second Reading to correct an amending clause and to enact an effective date provision to effectuate the intent to repeal the Maine Revised Statutes, Title 32, chapter 13, subchapter VI effective January 1, 1998.

#### ***Enacted law summary***

Public Law 1997, chapter 155 enacts provisions requiring the licensing and regulation of money transmitters and money order issuers doing business in the State and requiring the registration and regulation of check cashers and currency exchangers doing business in the State. These provisions are Maine's response to federal law requirements in Title IV of the Reigle Community Development Act.

The law conforms Maine's fair credit reporting, truth-in-lending and fair debt collections laws with recent changes in federal law.

Public Law 1997, chapter 155 also clarifies that a pawnbroker must have physical possession of the substantive collateral to effectuate a pawn transaction.

**LD 889**                      **An Act to Ensure Fair Claims Settlement Practices**                      **CARRIED OVER**

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

LD 889 proposes to expand the list of the types of unfair claims settlement practices by an insurer for which recovery may be made by an individual in a private cause of action.

The bill was carried over to the Second Regular Session along with a related bill, LD 1783.

**LD 900**                      **An Act Regarding the Decision by an Insurance Carrier Whether to Cover Certain Services**                      **ONTP**

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

LD 900 proposed to require carriers offering health plans in this State to employ persons licensed or otherwise qualified in particular areas to perform medical review or utilization review for the health plan in those areas in which the persons are licensed or qualified to make decisions about the provision of health care services to health plan enrollees.

**LD 902**                      **An Act Requiring Notice to Homeowners' Insurance Policyholders when an Insurer Ceases to Transact Business with an Agent**                      **ONTP**

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

LD 902 proposed to require an insurer to notify homeowners' insurance policyholders when the insurer ceases to do business through an agent or broker.

**LD 911**

**An Act to Define the Diagnosis of Pregnancy for the Purposes of Insurance Coverage**

**ONTP**

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

LD 911 proposed to define the existence of a pregnancy as the time when a women misses her last normal menstrual period for the purposes of determining when pregnancy exists as it relates to the application of a preexisting condition exclusion under an insurance policy. Under current practice, insurers define the existence of a pregnancy as the date of conception. However, pregnancy is medically diagnosed at the time a woman presents symptoms, namely a missed menstrual period. This bill proposed to define pregnancy as existing on the date when it is medically diagnosable.

**LD 922**

**An Act to Require Disclosure to Consumers about the Availability of Private Insurance Adjusters**

**ONTP**

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

LD 922 proposed to require insurers to notify persons filing claims that they may use the services of an independent adjuster for a fee.

**LD 933**

**Resolve, to Establish a Commission to Study Insurance Fraud**

**RESOLVE 77  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY LAFOUNTAIN	OTP-AM	H-238 S-357 MICHAUD

LD 933 proposed to establish the Commission to Study Insurance Fraud. The commission shall report its findings and any recommended legislation to the joint standing committee having jurisdiction over banking and insurance matters and to the Executive Director of the Legislative Council.

**Committee Amendment "A" (H-238)** replaced the resolve and proposed to make the following changes from the original bill:

1. Add representatives from the Office of the State Fire Marshal, the Medicaid fraud unit of the Department of Human Services, the private bar, hospitals and health care providers to the commission and clarify that the Governor appoints the commission members who are not Legislators;
2. Reduce the legislative membership from three to two members;

3. Clarify the issues that the commission must study;
4. Require that only legislative members of the commission are entitled to legislative per diem and reimbursement for travel and other necessary expenses;
5. Change the reporting date from December 1, 1998 to March 1, 1998;
6. Add an emergency preamble and emergency clause to the resolve; and
7. Add an appropriation section and a fiscal note to the resolve.

**Senate Amendment "A" to Committee Amendment "A" (S-357)** proposed to change the reporting date from March 1, 1998 to January 1, 1998, specify the number of commission meetings and revise the appropriation section.

***Enacted law summary***

Resolve 1997, chapter 77 establishes the Commission to Study Insurance Fraud. The commission consists of 12 members, including representatives of the insurance industry, the Office of the State Fire Marshal, the State's Medicaid fraud unit and health care providers, and Legislators. The commission is charged with studying the issue of insurance fraud in the State and developing recommendations to strengthen the State's laws governing insurance fraud.

Resolve 1997, chapter 77 was enacted as an emergency measure effective June 12, 1997.

**LD 969**

**An Act to Authorize the Issuance of a Credit Card to Benefit the Scholarships for Maine Fund**

**PUBLIC 97**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON	OTP-AM MAJ	H-100 DAVIDSON
ABROMSON	ONTP MIN	H-93

LD 969 proposed to authorize the Finance Authority of Maine to enter into an agreement for a sponsored credit card with a financial institution or a credit union authorized to do business in the State. The purpose of the credit card is to provide voluntary funding for the Scholarships for Maine Fund from which grants are made to students who evidence financial need when attending an accredited postsecondary education program. The bill also proposed to update the list of the higher education assistance programs the Finance Authority of Maine is authorized to administer.

**Committee Amendment "A" (H-93)** proposed to expand the types of entities that the Finance Authority of Maine may contract with to issue a credit card to benefit the Scholarships for Maine Fund to include credit card issuers.

The amendment also adds a fiscal note to the bill.

**House Amendment "A" (H-100)** proposed to correct two cross-references.

**Enacted law summary**

Public Law 1997, chapter 97 authorizes the Finance Authority of Maine to enter into an agreement with a financial institution, a credit union or other credit card issuer to sponsor a credit card to provide voluntary funding for the Scholarships for Maine Fund. The Fund provides grants to financially needy students pursuing a postsecondary education.

**LD 980**

**An Act to Amend Provisions Applicable to Property Casualty Insurers and Reporting Requirements to the Bureau of Insurance**

**PUBLIC 126**

<u>Sponsor(s)</u> DAVIDSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-148
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LD 980 proposed to do the following.

Sections 1 and 2 eliminate the requirement that insurers providing medical professional liability insurance report claims and information on the disposition of claims to the Attorney General.

Sections 3, 6, 10 and 11 reduce the reporting requirement for workers' compensation self-insurers to one report from two by eliminating the requirement that each individual self-insurer and group self-insurer report aggregate benefits paid and the annual standard premium to the Maine Self-Insurance Guarantee Association. This data would be filed with the Bureau of Insurance and the bureau would be responsible for its distribution to the Maine Department of Labor, Workers' Compensation Board and Maine Self-Insurance Guarantee Association.

Section 4 clarifies that forms filed with the bureau become public when effective, or if no effective date is provided, the forms become public when approved.

Section 5 clarifies that notice and mailing time requirements apply to the cancellation of casualty insurance policies that are in effect for 60 days or less.

Sections 7, 8 and 9 authorize the State or the University of Maine System to post security at the level of \$50,000 under the public employer provisions of the self-insurance laws. Those sections clarify that the valuation, net worth and bond rating tests apply only to municipalities and counties.

**Committee Amendment "A" (H-148)** proposed to allow workers' compensation self-insurers to report payrolls by class and experience modification factors for each calendar year to the Superintendent of Insurance instead of requiring the reporting of annual standard premium. Under the amendment, the superintendent determines annual standard premium based on the report filed by the self-insurer.

The amendment proposed to change the date required for submission of information to the Maine Self-Insurance Guarantee Association to May 15th and remove the amendment to Maine Revised Statutes, Title 24-A, section 237.

The amendment also adds a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 126 does the following.

1. It eliminates the requirement that medical malpractice insurers report claims and information on the disposition of claims to the Attorney General.
2. It reduces the reporting requirements for workers' compensation self-insurers and requires the Bureau of Insurance to report data on the aggregate benefits paid and annual standard premium of individual and group self-insurers to the Department of Labor, Workers' Compensation Board and Maine Self-Insurance Guarantee Association.
3. It clarifies that forms filed with the Bureau of Insurance become public when effective, or if no effective date is provided, the forms become public when approved.
4. It clarifies that notice and mailing time requirements apply to the cancellation of casualty insurance policies that are in effect for 60 days or less.
5. It authorizes the State or the University of Maine System to post bond security at the level of \$50,000 under the public employer provisions of the self-insurance laws.

**LD 981**

**An Act to Amend the Revised Maine Securities Act**

**PUBLIC 168**

<u>Sponsor(s)</u> O'NEIL ABROMSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-212
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The principal purpose of this bill is to incorporate into the Revised Maine Securities Act, referred to in this summary as the "Act," changes mandated by Congress in the National Securities Markets Improvement Act of 1996, referred to in this summary as "NSMIA." The NSMIA preempts the states from exercising regulatory authority over certain aspects of the securities business, but also enhances the state role in regulating investment advisers. For purposes of promoting uniformity among the states, LD 981, to the extent practical, tracks language recommended by the North American Securities Administrators Association, the organization of state and Canadian provincial securities regulators.

With respect to sales representatives of licensed broker-dealers, NSMIA preempts a state from requiring their licensing when they engage only in transactions for existing customers who are temporarily in Maine or recently moved here. The bill proposed to implement this change at the state level by creating a licensing exemption for these transactions.

In the investment adviser area, the major impact of NSMIA is to give states the exclusive authority to license investment advisers with less than \$25,000,000 under management and to give the United States Securities and Exchange Commission exclusive licensing authority over the larger advisers. To implement that change, the bill proposed to amend the Act to create a licensing exemption for the larger advisers. Consistent with NSMIA, the bill proposed to impose a notice filing and fee requirement on the larger advisers, with the fee being the same as they currently pay for licensing.

While preempting the licensing of larger advisers, NSMIA allows a state to impose qualifications on these advisers' representatives who have a place of business in the State. Accordingly, the bill proposed to amend the Act to allow the securities administrator to continue to impose on these individuals the currently existing examination requirements.

NSMIA limits the authority of the states to impose net capital, record keeping and fidelity bond requirements on broker-dealers and investment advisers, and the bill includes in the Act references to those limits.

Regarding the registration of securities, NSMIA preempts the states from requiring the registration of what it terms "covered securities," the most significant of which are mutual funds. NSMIA allows states to receive notice filings for these offerings, and since NSMIA is designed to be revenue neutral, it also allows for the assessment of filing fees. The bill proposed to conform state law to the dictates of NSMIA by creating the necessary registration exemptions and, where appropriate, replacing the registration requirement with a notice filing requirement. It also replaces the registration fees with notice fees of the same amount so that there should be no financial impact either on securities issuers or on the State.

The bill also proposed to make miscellaneous changes unrelated to the enactment of NSMIA.

First, the Maine Revised Statutes, Title 32, section 10312, subsection 2 is amended to allow the administrator to require a licensee to produce documents, whether or not the request is in connection with an on-site examination.

Second, Title 32, section 10501, subsection 18 is amended by eliminating from the definition of "security," "documents of title to and certificates of interest in the title to or any profits or earnings from land or other property situated outside of the State." Unlike the securities laws of other states, Maine's statute includes title to or profits or earnings from land situated outside of the State in the definition of "security."

Third, Title 32, section 10502, subsection 2, paragraph L is amended by eliminating the filing requirement when no commission is paid to solicit security holders in Maine and extending the exemption to issuers who pay a commission to solicit security holders in Maine. This change conforms Maine's statute to the securities laws of other states.

Fourth, Title 32, section 10502, subsection 2, paragraph N is amended by eliminating the requirement to file a notice with the administrator.

Fifth, the change to Title 32, section 10602, subsection 1, paragraph B allows the administrator to censure a broker dealer, sales representative or investment advisor for a violation of the Act even if that person is not licensed in Maine.

Sixth, Title 32, section 10707, subsection 6 is amended to make clear that the administrator has jurisdiction over securities offered to Maine residents over the Internet, an area of increasing concern in light of the growth of the electronic fraud. This change also conforms Maine law to the law of most other states.

**Committee Amendment "A" (H-212)** proposed to make technical changes and clarifications and add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 168 amends the Revised Maine Securities Act to incorporate the changes mandated by Congress in the National Securities Markets Improvement Act of 1996. While the federal law preempted states from regulating certain aspects of the security's industry, it also enhanced the state role in regulating investment advisers. Public Law 1997, chapter 168 makes the necessary changes to state law to conform with the changes in federal law. The law also makes other changes to the Revised Maine Securities Act to update the act and conform the act to the securities laws in other states.

**LD 1000                      An Act to Ensure Choice of Physicians in Managed Care Programs                      ONTP**

<u>Sponsor(s)</u> LEMAIRE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1000 proposed to require a nonprofit hospital and medical service organization and a nonprofit health care plan to permit any licensed health care provider that agrees to the terms of a managed care plan to become a participating provider in the plan.

**LD 1016                      An Act to Amend the Laws Pertaining to Infant Formulas                      ONTP**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1016 proposed to expand the requirement that all individual and group insurance policies and contracts provide coverage for metabolic formula and medical food for inborn errors of metabolism to include coverage for infant formula prescribed for persons with protein intolerance.

The bill proposed to apply to policies and contracts in effect on or after January 1, 1998.

**LD 1022                      An Act to Promote Investments in Maine through the Establishment of Merchant Banking Organizations                      PUBLIC 66  
EMERGENCY**

<u>Sponsor(s)</u> LAWRENCE KONTOS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-57
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Present law does not allow Maine banks, whether depository or nondepository institutions, to provide merchant banking financing, including capital, to businesses and entrepreneurs. LD 1022 proposed to amend the Maine Banking Code to authorize the establishment of merchant banks, formed as nondepository trust companies with high initial capitalization and high ongoing capitalization requirements to ensure the safety and soundness of the institution. Merchant banks would not be authorized to accept deposits, and therefore would not put depositors'



funds at risk, but they would nevertheless be supervised by the Superintendent of Banking and generally subject to the normal reporting, examination and enforcement provisions of the Maine Banking Code that apply to all Maine financial institutions.

**Committee Amendment "A" (S-57)** proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 66 authorizes the establishment of merchant banks under the Maine Banking Code. Merchant banks are required to have high initial capitalization and high ongoing capitalization requirements to ensure the safety and soundness of the institution. Merchant banks are not allowed to accept deposits. Generally, merchant banks are supervised by the Bureau of Banking and subject to the reporting, examination and enforcement provisions that apply to all Maine financial institutions.

Public Law 1997, chapter 66 was enacted as an emergency measure effective April 8, 1997.

**LD 1040                      An Act Directing the Bureau of Insurance to Develop Standards of Conduct for Insurance Adjusters                      ONTP**

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

LD 1040 proposed to require the Superintendent of Insurance to adopt rules establishing standards of conduct for insurance adjusters.

**LD 1052                      Resolve, Establishing a Task Force to Examine the Desirability of a Model Municipal Building Code                      RESOLVE 24**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS PARADIS	OTP-AM	H-91 S-153 PARADIS

LD 1052 proposed to create a task force to study and advise the Governor and Legislature on the desirability and feasibility of developing a model municipal building code. The use by Maine municipalities of an adequately administered model code that fosters sound construction practices has the potential to reduce the price homeowners and businesses must pay for property and casualty insurance, such as homeowners' insurance. Community rating systems used by private insurance carriers that assess the effectiveness of municipal building codes and their administration are a factor in determining the price for property and casualty insurance in a given town or city.

**Committee Amendment "A" (H-91)** proposed to add representatives from the Consulting Engineers of Maine and the Home Builders Association of Maine to the task force.

The amendment also adds a fiscal note to the resolve.

**Senate Amendment "A" (S-153)** proposed to remove the emergency preamble and the emergency clause from the resolve and change the reporting date from September 15, 1997 to January 15, 1998.

*Enacted law summary*

Resolve 1997, chapter 24 establishes the Task Force to Examine the Desirability of a Model Municipal Building Code.

**LD 1060                      An Act to Provide Health Insurance Coverage for Prostate Cancer Screening                      DIED BETWEEN BODIES**

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

LD 1060 proposed to require all individual and group contracts of nonprofit hospital, medical service and health care service organizations, insurers and health maintenance organizations to provide insurance coverage for prostate cancer screening. Coverage for prostate cancer screening must be provided annually to men 50 years of age or older; to African-American men 45 years of age or older; and to men 40 years of age or older with a family history of prostate cancer. The bill applies to all policies and contracts in effect on or after January 1, 1998.

**Committee Amendment "A" (S-274)** is the minority report and proposed to require all individual and group contracts of nonprofit hospital and medical service organizations, insurers and health maintenance organizations to provide insurance coverage for prostate cancer screening. Coverage for prostate cancer screening must be provided annually to men 50 years of age or older until a man reaches the age of 72 if the procedures are recommended by a physician. The amendment applies to all policies and contracts in effect on or after January 1, 1998.

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

**House Amendment "A" to Committee Amendment "A" (H-603)** proposed to add an exception to the requirement that health insurance contracts provide coverage for prostate cancer screening for accidental injury, specified disease, hospital indemnity, Medicare supplement, long-term care and other limited benefit health insurance policies and contracts. House Amendment "A" to Committee Amendment "A" was not adopted.

**LD 1061                      An Act to Authorize State-chartered Community Development Credit Unions                      PUBLIC 108**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT BROOKS	OTP-AM	S-69

LD 1061 proposed to authorize the designation of community development credit unions under a state charter approved by the Superintendent of Banking. Community development credit unions are organized for the purposes

of promoting community development and providing lending and investment services to a membership of predominantly low-income individuals. The bill allows community development credit unions to accept shares from nonmembers and to receive financial and technical assistance from the National Credit Union Administration's Community Development Credit Union Revolving Loan Fund.

**Committee Amendment "A" (S-69)** proposed to change the definition of "low-income", require that the Superintendent of Banking notify a community development credit union when the community development designation is removed and authorize community development credit unions to accept deposit accounts of a type approved by the Superintendent from nonmembers in addition to the acceptance of shares from nonmembers.

It also adds a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 108 authorizes the designation of community development credit unions under a state charter approved by the Superintendent of Banking. Community development credit unions are organized for the purposes of promoting community development and providing lending and investment services to a membership of predominantly low-income individuals. The law allows community development credit unions to accept shares, or deposit accounts of an approved type, from nonmembers and to receive financial and technical assistance from the National Credit Union Administration's Community Development Credit Union Revolving Loan Fund.

**LD 1082**

**An Act to Ensure Fair Pricing for Consumers of Health Care Services under Managed Care Plans**

**PUBLIC 197**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J MILLS	OTP-AM	H-236

LD 1082 proposed to require that, if insurers, health maintenance organizations and nonprofit hospital, medical and health care service organizations offering managed care plans calculate any copayment or deductible in percentage terms, that copayment or deductible must be based on the disclosed actual cost of the service to the carrier.

**Committee Amendment "A" (H-236)** proposed to replace the bill and expand the scope of the original bill to include all types of health care policies and plans subject to state regulation. It replaces the term "disclosed actual cost" with "net negotiated cost" and clarifies that net negotiated costs for any plans involving risk-sharing compensation arrangements be calculated at the time services are rendered on the basis of reasonably anticipated compensation levels and are not subject to retrospective adjustment at final settlement.

***Enacted law summary***

Public Law 1997, chapter 197 requires all insurers, health maintenance organization and nonprofit hospital and medical service organization contracts with respect to which the insurer or organization has negotiated discounts with providers to calculate all covered benefits, including all coinsurance, deductibles and lifetime maximum benefits, on the basis of the net negotiated cost and to reflect any discounts or differentials from charges otherwise applicable to the services provided. The law also clarifies that net negotiated costs for any plans involving risk-sharing compensation arrangements be calculated at the time services are rendered on the basis of reasonably anticipated compensation levels and are not subject to retrospective adjustment at final settlement.

**LD 1103**

**An Act to Apply Risk-based Capital Standards to Insurers**

**PUBLIC 81**

<u>Sponsor(s)</u> CARLETON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1103 proposed to require property and casualty insurers doing business in this State to meet certain risk-based capital standards. Similar standards have been applicable to life and health insurers for several years. The standards are based on National Association of Insurance Commissioners model legislation as part of the nationwide insurance regulatory agency accreditation effort.

***Enacted law summary***

Public Law 1997, chapter 81 requires property and casualty insurers licensed to do business in the State to meet certain risk-based capital standards based on National Association of Insurance Commissioners model legislation.

**LD 1119**

**An Act to Provide for International Banking in the State and  
Enhanced Enforcement Authority over Financial Institution  
Holding Companies**

**PUBLIC 182**

<u>Sponsor(s)</u> KIEFFER DAVIDSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-120 S-143 MURRAY
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Governor Angus S. King, Jr., established by Executive Order dated August 2, 1995 the Maine Task Force on Interstate Banking and Branching. The task force consisted of the Commissioner of Professional and Financial Regulation, the Superintendent of the Bureau of Banking, the two co-chairs of the Joint Standing Committee on Banking and Insurance, five members representing the Maine banking industry and five members representing the business community and the general public. The mission of the task force was to make recommendations regarding the State's response to the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994.

The task force issued its report on November 30, 1995, including proposed legislation implementing the recommendations of the task force. Ultimately, LD 1750, "An Act to Implement the Recommendations of the Maine Task Force on Interstate Banking and Branching," was enacted into law during the Second Regular Session of the 117th Legislature.

While LD 1750 contained most of the legislation necessary to respond to Riegle-Neal, the task force concluded it lacked the time and resources to fully explore an appropriate response to the provisions of Riegle-Neal regarding foreign banking and branching. The task force recommended that the Bureau of Banking study the issue of foreign banking and branching and, in consultation with the Maine banking industry, develop an appropriate legislative response.

Parts A and B of LD 1119 constitute the recommended response to the issue of foreign banking and branching. Specifically, Part A proposed to clarify that foreign banks and foreign bank holding companies can establish or acquire Maine financial institutions and financial institution holding companies subject to the prior approval of the Superintendent of Banking. Part B of the bill proposed to create Maine Revised Statutes, Title 9-B, chapter 107 to

provide for the establishment of branches, agencies and representative offices of foreign banks in Maine and the regulatory scheme for their operation. The powers, duties and obligations of foreign banks operating such offices in Maine are comparable to those of financial institutions organized pursuant to Title 9-B as modified by provisions comparable to those contained in the federal International Banking Act of 1978. The primary difference between a financial institution organized pursuant to Title 9-B and a foreign bank branch is that the foreign bank branch may not solicit deposits of less than \$100,000 and is not required to maintain federal deposit insurance.

Part C of the bill proposed to amend Title 9-B, section 232 to provide the Superintendent of Banking with the authority to remove directors and officers of financial institution holding companies. During 1996, the Bureau of Banking successfully completed the Conference of State Bank Supervisors' accreditation process for state banking departments. The Accreditation Review Team, however, recommended in its report of accreditation that director and officer removal authority be extended to financial institution holding companies.

**Committee Amendment "A" (S-120)** proposed to add a fiscal note to the bill.

**Senate Amendment "A" (S-143)** was presented on behalf of the Committee on Bills in the Second Reading to avoid a section numbering conflict with Public Law 1997, chapter 66.

#### *Enacted law summary*

Public Law 1997, chapter 182 enacts provisions into State law for the establishment and regulation of foreign banks and branches in Maine. The law is the State's response to the provisions relating to foreign banking and branching contained in the federal Reigle-Neal Interstate Banking and Branching Efficiency Act of 1994. It allows foreign banks and foreign bank holding companies to establish or acquire Maine financial institutions and financial institution holding companies with the prior approval of the Superintendent of Banking. It also allows foreign banks to establish branches, agencies or representative offices in the State subject to the requirement that foreign branches may not solicit deposits of less than \$100,000 and are not required to maintain federal deposit insurance.

Public Law 1997, chapter 182 also gives the Superintendent of Banking the authority to remove directors and officers of financial institution holding companies.

**LD 1132**

**An Act to Amend the Continuing Care Retirement Community Laws**

**PUBLIC 478**

Sponsor(s)  
TRIPP

Committee Report  
OTP-AM

Amendments Adopted  
H-426

LD 1132 proposed to repeal a provision added to the laws governing continuing care retirement communities in 1995 that exempts such communities under specific circumstances from complying with the provisions of the State's certificate of need laws in connection with the development and construction of any nursing facility. This bill also proposed to enact two provisions in the continuing care retirement community laws that were repealed in 1995 that require credit reports on all persons responsible for the conduct of the affairs of the developer of a continuing care retirement community and a requirement that the Department of Human Services, as part of the application process, certify to the Superintendent of Insurance that the proposed provider and developer of the continuing care retirement community has demonstrated the willingness and ability to ensure that health care services or supportive services, or both, will be provided in an appropriate manner to the persons who will reside in the continuing care retirement community.

**Committee Amendment "A" (H-426)** renamed and replaced the bill. It proposed to remove the requirement that only a nonprofit continuing care retirement community is exempt from the requirements of the State's certificate of need laws in connection with the development and construction of a skilled nursing facility as part of the continuing care retirement community.

***Enacted law summary***

Public Law 1997, chapter 478 removes the requirement that only a nonprofit continuing care retirement community is exempt from the requirements of the State's certificate of need laws in connection with the development and construction of a skilled nursing facility as part of the continuing care retirement community.

**LD 1150                      An Act to Prohibit Discrimination Based on Genetic Testing Information                      ONTP**

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

LD 1150 proposed to define the terms genetic information and genetic test and prohibit health insurance companies from denying coverage or increasing premiums based on genetic testing information. The bill also proposed to allow a person to bring a civil action if the person is denied coverage or if premiums are increased based on genetic testing information.

See related bills LD 1210 and LD 1243.

**LD 1185                      An Act to Prohibit the Raising of Interest Rates as a Penalty for Late Payment on Debt                      ONTP**

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

LD 1185 proposed to prohibit a lender from raising credit card interest rates as a penalty for late payments.

**LD 1190                      Resolve, Regarding Legislative Review of Chapter 840: Private Purchasing Alliances, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance                      RESOLVE 14 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-121

LD 1190 proposed to provide for legislative review of Chapter 840, Private Purchasing Alliances, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance.

**Committee Amendment "A" (H-121)** proposed to make a format change and add an allocation section and a fiscal note to the resolve.

***Enacted law summary***

Resolve 1997, chapter 14 authorizes the final adoption of major substantive rule Chapter 840, Private Purchasing Alliances, of the Bureau of Insurance.

Resolve 1997, chapter 14 was enacted as an emergency measure effective April 18, 1997.

**LD 1191**                      **Resolve, Regarding Legislative Review of Chapter 850, Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance**                      **RESOLVE 13 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1191 proposed to provide for legislative review of Chapter 850, Health Plan Accountability, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance.

***Enacted law summary***

Resolve 1997, chapter 13 authorizes the final adoption of major substantive rule Chapter 850, Health Plan Accountability, of the Bureau of Insurance.

Resolve 1997, chapter 13 was enacted as an emergency measure effective April 14, 1997.

**LD 1206**                      **An Act to Ensure Patient Choice and Access to Health Care by Offering a Point-of-service Plan**                      **ONTP**

<u>Sponsor(s)</u> SAXL J MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1206 proposed to require health insurers who restrict access to health care providers to allow enrollees to obtain coverage through a point-of-service plan.

**LD 1210**

**An Act to Prohibit Insurance Companies from Denying Health Care Coverage Based on DNA Tests**

**ONTP**

Sponsor(s)  
SAXL J  
LAFOUNTAIN

Committee Report  
ONTP

Amendments Adopted

LD 1210 proposed to prohibit the following from excluding or providing more restrictive benefits based on information obtained from DNA tests: individual, family and group health insurance policies; hospital, medical and health care service plans; fraternal society certificates of health benefits; and health maintenance organization contracts.

See related bills LD 1150 and LD 1243.

**LD 1243**

**An Act to Protect the Privacy of Genetic Information**

**CARRIED OVER**

Sponsor(s)  
RAND

Committee Report

Amendments Adopted

LD 1243 proposes to provide measures for the protection of the privacy of genetic information. It prohibits discrimination in any form of insurance regulated by the Bureau of Insurance on the basis of genetic information and requires informed consent for obtaining genetic information. It also provides individuals who are tested the right to inspect genetic information concerning them and to be informed of the results of genetic tests. The bill also prohibits discrimination in employment on the basis of genetic information.

LD 1243 was carried over to the Second Regular Session; related bills LD 1150 and LD 1210 were not enacted pursuant to Joint Rule 310 but the substantive provisions proposed in those bills will be incorporated into the consideration of LD 1243.

**LD 1265**

**An Act to Establish a Maximum Rate of Interest on Credit Card Debt**

**ONTP**

Sponsor(s)  
GOODWIN

Committee Report  
ONTP

Amendments Adopted

LD 1265 proposed to limit the interest that may be charged on any transactions involving a credit card purchase to 12 1/2%. Under current law, any amount of interest may be charged on a credit card transaction upon the agreement of the creditor and the consumer.



**LD 1288**                      **An Act to Adopt a Uniform Policy on Treatment of Medical Liens in Personal Injury Litigation**                      **ONTP**

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

LD 1288 proposed to expand the protection afforded insureds under the Maine Revised Statutes, Title 24-A, sections 2729-A and 2836 pertaining to limits of priority liens under group and health insurance policies to the medical payment provisions of a casualty insurance policy.

See related bills LD 309 and LD 1453.

**LD 1314**                      **An Act Concerning Costs Imposed by a Lender for Flood Hazard Analysis of Real Estate**                      **ONTP**

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

LD 1314 proposed to preclude a mortgagee from assessing additional costs for flood hazard inspections if the appraisal of the subject real estate states that it is not located in a flood zone.

**LD 1349**                      **An Act to Reduce Insurance Premiums by Discouraging Insurance Fraud**                      **PUBLIC 341**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO LAFOUNTAIN	OTP-AM	H-446

LD 1349 proposed to address the growing financial problems posed by insurance fraud and to reduce insurance premiums by discouraging fraudulent insurance acts. This bill proposed to require an award of reasonable attorney's fees and costs, including investigative costs, to the prevailing party in a civil action in which it is proven that a person committed a fraudulent insurance act.

**Committee Amendment "A" (H-446)** replaced the requirement in the bill that the court award attorney's fees and costs to the prevailing party in a civil action in which it is proven that a fraudulent insurance act was committed. The amendment proposed to give the court discretion to award attorney's fees and costs to an insurer that prevails in a civil action and also allows the court to award attorney's fees and costs to the prevailing party in civil actions in which a fraudulent insurance act is not established at trial if the allegation is not supported by a reasonable basis.

The amendment also adds a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 341 allows the court to award attorney's fees and costs to an insurer that prevails in a civil action and to award attorney's fees and costs to the prevailing party in civil actions in which a fraudulent insurance act is not established at trial if the allegation is not supported by a reasonable basis.

**LD 1371                      An Act Regarding Compensation for Restricting Medical Care                      ONTP**

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1371 proposed to prohibit health care practitioners from contracting with nonprofit hospital and medical service organizations, insurers or health maintenance organizations or subcontracting with each other under such contracts to receive any inducement to deny or limit necessary and appropriate health care services or treatment for covered patients.

**LD 1374                      An Act to Increase Mandatory Auto Insurance Limits                      ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1374 proposed to increase mandatory motor vehicle insurance limits for damage to property from \$10,000 to \$25,000, for injury to or death of any one person from \$20,000 to \$50,000 and for one accident resulting in injury to or death of more than one person from \$40,000 to \$100,000. The bill also proposed to increase mandatory uninsured and underinsured motor vehicle coverage by the same amounts. The bill proposed to take effect January 1, 1999.

See related bill LD 668.

**LD 1385                      An Act to Promote Parity in the Regulation of Insurance Sales by                      PUBLIC 315  
   Federally and State-chartered Financial Institutions                      EMERGENCY**

<u>Sponsor(s)</u> CAREY CAMPBELL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-595 SAXL J S-234
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LD 1385 proposed to authorize state-chartered financial institutions to engage in the sale and negotiation of insurance products to the same extent as federally chartered financial institutions by making the following changes.

It authorizes supervised lenders to engage in insurance agency activities, subject to the same restrictions placed on agents affiliated with financial institutions and credit unions. Agents affiliated with supervised lenders are regulated by the Office of Consumer Credit Regulation and the Superintendent of Insurance.

It adds definitions of insurance agent, broker and consultant and product that relate to definitions contained within the Maine Insurance Code. An insurance product does not include the enrollment of consumers into group credit-related insurance policies, the sale of which are regulated elsewhere under state law.

It makes clear that fiduciary institutions may disclose financial records as permitted under Maine's Fair Credit Reporting Act and the federal Fair Credit Reporting Act.

It makes clear that a financial institution, credit union or holding company authorized to do business in this State who sells an insurance product in connection with a loan must provide advance notice to the borrower of the borrower's right to choose the borrower's own agent or insurer. Violation of this section is an anticompetitive practice under the Banking Code for which the Superintendent of Banking may issue cease and desist orders, initiate injunction proceedings in Superior Court or remove an office or director of a financial institution.

It clarifies that financial institutions and credit unions engaged in the sale or negotiation of an insurance product must include in any advertisement of such a product that it is not a federally insured deposit. Violation of this section is considered a deceptive advertising practice under the Banking Code.

It clarifies the anti-tie-in rules regarding financial institutions and credit unions. In particular, the bill clarifies that financial institutions authorized to do business in the State may not provide discounts or otherwise condition the extension of credit or other services on the purchase of an insurance product authorized to be purchased from the institution.

It removes the current prohibition on the sale of insurance products by third-party agents selling annuities under an arrangement with a financial institution or credit union.

It contains the general authority for banks and credit unions to sell insurance on terms similar to those available to federally-chartered financial institutions. This authority carries with it the responsibility to provide posted notification that those insurance products are not a federally guaranteed deposit and the requirement of providing clear visible notice or signs separating insurance products from other financial institution products or services.

It clarifies that the sale of insurance by affiliates of creditors or lenders to debtors of such businesses is not a controlled business arrangement.

It clarifies ambiguities within and initially limits to towns over 5,000, the scope of the so-called "anti-affiliation statute" that currently prevents financial institutions, their affiliates and their subsidiaries from being licensed to sell insurance products under the Maine Insurance Code.

It repeals the prohibition on the ability of an agent affiliated with a financial institution to hold an annuities license and a license to act as agent regarding other lines of insurance.

It expands the current right-to-choose laws to require lenders to give borrowers the right to purchase, from any agent or company, any insurance in connection with the loan. Current law gives borrowers the right to choose an insurer or agent only with respect to insurance directly insuring the secured property.

It prevents creditors from interfering with the free choice of an insurance agent by using unreasonable red tape or delay tactics.

It requires lenders to maintain written criteria for approving an insurer selected by a borrower in connection with a loan, to make this criteria available to consumers and to provide timely notice if a consumer's selected insurer is rejected using this criteria.

It clarifies that a purchaser or borrower may change insurance carriers related to an extension of credit, except when the change violates a condition of the loan or another provision of law.

It limits the ability of lenders to directly solicit or negotiate certain insurance contracts from borrowers until the creditor has notified the borrower of its action on the application for credit.

It requires lenders to notify borrowers of their right to choose any insurance agent or carrier in connection with a loan, not simply with respect to insurance otherwise required on a loan as provided under current law. The current notice is also expanded to make clear to borrowers that selecting a particular agent will not affect credit decisions of the lender, unless the insurance product selected violates the terms of the loan or other statutory provisions. It also provides that a lender may not reject an insurance product selected by the borrower solely because the product was not obtained by or through an agent or broker affiliated with the lender.

It places certain limits on the ability of lenders to use in solicitations any insurance information required to be disclosed by a borrower in connection with a loan.

Finally, the bill authorizes joint rulemaking by the Superintendent of Banking, the Superintendent of Insurance and the Director of the Office of Consumer Credit Regulation to implement this Act.

**Committee Amendment "A" (S-234)** proposed to clarify that certain statutory provisions relating to the regulation of insurance sales by supervised lenders, financial institutions and credit unions authorized to do business in this State do not apply to group health and group life insurance to the extent authorized by the Maine Revised Statutes, Title 24-A, chapters 31 and 35 when the insured is enrolled in the insurance policy, credit life and credit health insurance to the extent authorized by Title 24-A, chapter 37, credit property insurance, credit involuntary unemployment insurance, forced placed property insurance, a vendor's single interest policy or any insurance product as determined by the Superintendent of Insurance.

The amendment proposed to remove the limit authorizing only supervised lenders, credit unions and financial institutions located in towns with populations of 5,000 or less to sell insurance products and authorize supervised lenders, credit unions, financial institutions and their affiliates and subsidiaries located anywhere in the State to be licensed to sell insurance products under the Maine Insurance Code.

The amendment also makes technical and grammatical changes to the bill and adds a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-595)** proposed to add punctuation to clarify a list of exceptions and to make a usage change.

### *Enacted law summary*

Public Law 1997, chapter 315 authorizes state-chartered financial institutions, credit unions, supervised lenders and their affiliates and subsidiaries to be licensed to sell insurance products under the Maine Insurance Code. Generally, the authority granted to state-chartered financial institutions to engage in the sale and negotiation of insurance products is subject to terms and requirements similar to those applicable to federally chartered financial institutions. The law requires state-chartered financial institutions selling insurance to provide posted notification that those insurance products are not federally insured deposits and provide clear visible notice or signs separating

insurance products from other financial institution products and services. The law also requires financial institutions selling insurance products in connection with a loan to provide advance notice to the borrower of the borrower's right to choose and purchase any insurance product from any agent or broker.

Public Law 1997, chapter 315 clarifies that certain statutory provisions relating to the regulation of insurance sales by supervised lenders, financial institutions and credit unions authorized to do business in this State do not apply to group health and group life insurance to the extent authorized by the Maine Revised Statutes, Title 24-A, chapters 31 and 35 when the insured is enrolled in the insurance policy, credit life and credit health insurance to the extent authorized by Title 24-A, chapter 37, credit property insurance, credit involuntary unemployment insurance, forced placed property insurance, a vendor's single interest policy or any insurance product as determined by the Superintendent of Insurance.

The law also authorizes the Superintendent of Banking, Superintendent of Insurance and Director of the Office of Consumer Credit Regulation to conduct joint rulemaking to implement the law's provisions.

Public Law 1997, chapter 315 was enacted as an emergency measure effective May 29, 1997.

**LD 1386**                      **Resolve, to Review Health Insurance Benefits Mandated by the State**                      **ONTP**

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

LD 1386 proposed to require the Bureau of Insurance to review existing mandated health insurance benefits in the same manner as it is currently required to review new proposals for mandated coverage. The bureau must report to the joint standing committee of the Legislature having jurisdiction over insurance matters by January 15, 1998 on the social and financial impacts, the medical efficacy of mandating the benefit and the effects of balancing the social, economic and medical efficacy considerations and determine which of the existing mandates are to be repealed, amended or continued.

**LD 1417**                      **An Act to Prohibit Certain Accidents from Being Used by Insurers to Increase Insurance Premiums**                      **ONTP**

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

LD 1417 proposed to prohibit an insurer from imposing a surcharge or increasing the rate for an insurance policy on a motor vehicle owned for personal use when the insured was involved in an accident while employed as a commercial driver and the accident was determined to be not the fault of that person.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J MURRAY	OTP-AM	H-524

LD 1453 proposed to ensure that an insured person will obtain a full recovery from other sources before having to reimburse the insurance carrier for benefits paid under a health insurance or motor vehicle insurance policy.

**Committee Amendment "A" (H-524)** replaced the bill. It proposed to expand the current statutory provisions pertaining to limits on priority liens under individual and group health insurance policies to health maintenance organization contracts and add a cross-reference to the current provisions in the Maine Revised Statutes, Title 24, to make the provisions explicitly applicable to nonprofit hospital and medical service organizations. The amendment also proposed to require that subrogation provisions in casualty insurance policies account for the pro rata share of the insured's attorney fees incurred in obtaining the recovery from another source.

The amendment also added a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 369 makes the current statutory provisions pertaining to limits on priority liens under health insurance policies applicable to health maintenance organization contracts. It also adds a cross-reference to the current provisions in the Maine Revised Statutes, Title 24 to make the statutory requirements explicitly applicable to nonprofit hospital and medical service organization contracts.

Public Law 1997, chapter 369 also requires that subrogation provisions in casualty insurance policies account for the pro rata share of the insured's attorney's fees incurred in obtaining the recovery from another source.

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

LD 1470 proposed to require that school boards purchase all insurance other than that for workers' compensation or insurance related to employee benefits from the state-administered fund administered by the risk management division within the Department of Administrative and Financial Services.

**LD 1484**

**An Act to Make Mandated Health Insurance Coverage Optional**

**ONTP**

<u>Sponsor(s)</u> WATERHOUSE RUHLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1484 proposed to require health insurers to make available to purchasers optional coverage of benefits that are currently mandated. The benefits would not be required to be provided in an insurance policy unless the purchaser chooses the option.

**LD 1489**

**An Act to Update the Insurance Code for Substance Abuse**

**ONTP**

<u>Sponsor(s)</u> LEMAIRE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1489 proposed to make the following changes to the laws governing health insurance coverage for alcohol and drug dependency treatment.

1. Current law requires that nonprofit hospital and medical service organizations and group health insurers provide benefits for the treatment of alcohol and drug dependency. This bill requires that health maintenance organizations offer the same benefits.
2. The bill specifies that any managed care plan issued by a nonprofit hospital and medical service organization or group health insurer must provide benefits for the treatment of alcoholism and drug dependency.
3. This bill specifies that benefits for alcoholism or drug dependency services must be provided by a state-licensed alcohol and drug counselor or other professional under the direct supervision of such a counselor.
4. The bill prohibits insurers, health maintenance organizations and nonprofit hospital and medical service organizations from excluding state-licensed alcohol and drug counselors from reimbursement by requiring such counselors to possess education or credentials other than those required by the State for licensure.

**LD 1491**

**An Act to Reduce Interest and Charges on Improvident Extensions of Consumer Credit**

**ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1491 proposed to eliminate any interest, finance charges or costs for improvident extensions of consumer credit to insolvents. This bill also proposed to allow a consumer to whom improvident extensions of credit are made to recover limited costs incurred in the successful defense of an action brought by a credit card company against the insolvent consumer.

**LD 1500**

**An Act to Increase Access to and Affordability of Mental Health Services**

**PUBLIC 174**

Sponsor(s)  
MITCHELL J  
PARADIS

Committee Report  
OTP-AM

Amendments Adopted  
H-237

LD 1500 proposed to extend to health maintenance organizations the statutory provisions that currently apply to nonprofit hospital and medical service organizations, individual health care insurers and group health care insurers. This bill requires health maintenance organizations issuing mental health services contracts to offer coverage for those services when performed by a counseling professional who is licensed to assess and treat interpersonal and intrapersonal problems, has at least a masters degree from an accredited educational institution and has been employed as a counselor for at least two years.

**Committee Amendment "A" (H-237)** proposed to remove section 1 of the bill because section 2 of the bill effectuates the intent of the changes made in section 1. Section 1 proposed to make unnecessary clarifications.

*Enacted law summary*

Public Law 1997, chapter 174 requires health maintenance organizations issuing mental health services contracts to offer coverage for those services when performed by a counseling professional who is licensed to assess and treat interpersonal and intrapersonal problems, has at least a masters degree from an accredited educational institution and has been employed as a counselor for at least two years.

The requirements of chapter 174 apply to all contracts executed, delivered, issued for delivery, continued or renewed on or after January 1, 1998.

**LD 1509**

**Resolve, to Create a Restriction on Requiring the Early Payment of Loans**

**ONTP**

Sponsor(s)  
GERRY

Committee Report  
ONTP

Amendments Adopted

LD 1509 proposed to direct the Commissioner of Professional and Financial Regulation to study the practice of banks calling in loans early and to make recommendations to prohibit this practice. The commissioner is also required to study and recommend set penalties imposed by banks for late payments of loans.

**LD 1521**

**An Act to Amend the Laws Concerning Health Insurance**

**PUBLIC 370**

Sponsor(s)  
PERRY  
LAFOUNTAIN

Committee Report  
OTP-AM

Amendments Adopted  
H-582



LD 1521 proposed to make the following changes to the laws governing health insurance.

Part A removes the requirement for private purchasing alliances to offer inpatient only and outpatient only plans. Inpatient plans are permitted but not required.

Part B prohibits the practice of "dumping" by which individuals with health problems are provided individual policies in order to improve the claims experience of a group policy.

Part C makes technical amendments to the health insurance continuity law to improve consistency and clarity.

Part D allows a Medicare beneficiary who switches to a managed care plan and then switches back to repurchase a Medicare supplement policy.

Part E makes technical amendments to the small group and individual health insurance reform laws for consistency and clarity. It also creates an exception to guaranteed issue of individual policies for individuals eligible for Medicare Part A without paying a premium and allows these policies to be rated separately.

Part F clarifies filing requirements applicable to health maintenance organizations offering products using a more limited provider network rather than their full network.

Part G clarifies the requirements for filing and approval of policy forms.

Part H corrects an allocation error.

**Committee Amendment "A" (H-582)** proposed to remove the rebuttable presumption language in the "anti-dumping" provisions in the bill and replace it with language requiring the Superintendent of Insurance to initiate enforcement proceedings when investigation of the circumstances surrounding the procurement of an individual policy at the time of replacement of the group policy produces evidence of a violation of the anti-dumping provisions.

The amendment also proposed to remove sections of the bill that conflict with provisions contained in the Committee Amendment to LD 1808, "An Act to Make Maine Health Insurance Laws Consistent with Federal Laws." It also adds a fiscal note to the bill.

### ***Enacted law summary***

Public Law 1997, chapter 370 makes several changes to the laws governing health insurance that include:

1. Removing the requirement for private purchasing alliances to offer inpatient only and outpatient only plans. Inpatient plans are permitted but not required;
2. Prohibiting the practice of "dumping" by which individuals with health problems are provided individual health policies in order to improve the claims experience of a group policy;
3. Allowing a Medicare beneficiary who switches to a managed care plan and then switches back to repurchase a Medicare Supplement policy;
4. Creating an exception to the guaranteed issuance of all individual policies for individuals eligible for Medicare Part A without paying a premium and allows these policies to be rated separately; and

5. Clarifying the filing requirements applicable to health maintenance organizations offering products using a more limited provider network than their full provider network.

**LD 1530**                      **An Act to Require Banks to Forward Copies of Mortgages to the Municipalities in Which the Property Is Located**                      **ONTP**

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

LD 1530 proposed to require creditors and financial institutions that issue mortgages to forward a copy of a mortgage to the municipality in which the mortgaged property is located or, for property located in an unorganized territory, to the State Tax Assessor.

**Committee Amendment "A" (H-325)** is the minority report and replaced the bill. It proposed to allocate to the Maine Revised Statutes, Title 33, chapter 9 the provision requiring mortgagees to provide notice of mortgages to municipalities 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 instead of forwarding copies of the mortgage a mortgagee shall forward only the name and address of the mortgagor, the location of the property and the name and address of the mortgagee.

The amendment also adds a fiscal note to the bill. Committee Amendment “A” was not adopted.

**LD 1540**                      **An Act to Establish a State Disaster Relief Trust Fund**                      **CARRIED OVER**

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

LD 1540 proposes 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 is funded by a surcharge on homeowners' and business property insurance policies. was carried over to the Second Regular Session.

**LD 1556**                      **An Act to Establish Breast Cancer Patient Protection**                      **PUBLIC 408**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON GOLDTHWAIT	OTP-AM    MAJ OTP-AM    MIN	H-668

LD 1556 proposed to require that medical insurance coverage provide a patient with not less than 48 hours of inpatient care following a mastectomy and not less than 24 hours of inpatient care following a lymph node dissection for treatment of breast cancer.

**Committee Amendment "A" (H-668)** is the majority report and it replaced the bill. It proposed to require that medical insurance coverage provide inpatient coverage for a period of time determined by the physician and patient to be medically appropriate following a mastectomy, lumpectomy or a lymph node dissection for treatment of breast cancer.

The amendment also proposed to require insurance coverage for annual mammograms for women 40 years of age and over and extend to health maintenance organizations the provisions requiring coverage for annual mammograms.

The amendment adds an application provision stating that the bill applies to policies issued or renewed on or after January 1, 1998.

The amendment also adds a fiscal note to the bill.

**Committee Amendment "B" (H-669)** is the minority report and replaced the bill. It proposed to require that medical insurance coverage provide inpatient coverage for a period of time determined by the physician and patient to be medically appropriate following a mastectomy, lumpectomy or a lymph node dissection for treatment of breast cancer.

The amendment also proposed to require insurance coverage for annual mammograms for women with a family history of breast cancer if recommended by a physician and extend to health maintenance organizations the provisions requiring coverage for screening mammograms in current law.

The amendment adds an application provision stating that the bill applies to all policies and contracts issued or renewed on or after January 1, 1998.

The amendment also adds a fiscal note to the bill. Committee Amendment "B" was not adopted.

#### ***Enacted law summary***

Public Law 1997, chapter 408 requires that nonprofit hospital and medical service organizations, insurers and health maintenance organizations provide insurance coverage for inpatient hospital stays for a period of time determined by the physician and patient to be medically appropriate following a mastectomy, lumpectomy or a lymph node dissection for treatment of breast cancer.

Public Law 1997, chapter 408 also requires insurance coverage for annual mammograms for women age 40 and older in individual and group contracts of nonprofit hospital and medical service organizations, insurers and health maintenance organizations.

The requirements of chapter 408 apply to all policies and contracts executed, delivered, issued for delivery, continued or renewed on or after January 1, 1998.

Sponsor(s)  
WATSON  
MURRAY

Committee Report  
OTP-AM

Amendments Adopted  
H-656

LD 1558 proposed to establish a mechanism for regulating viatical settlement agreements. Viatical settlement agreements are agreements by which a person insured under a life insurance policy who has a catastrophic or life-threatening illness agrees to designate the viatical provider as the beneficiary under the policy in exchange for an immediate payment to the ill person. This bill requires a person who acts as viatical settlement provider to obtain a license from the Superintendent of Insurance, demonstrate trustworthiness and good business standing and demonstrate financial responsibility. Forms used by viatical settlement providers and viatical settlement brokers must be approved by the superintendent. Annual reports are required. The bill also provides for the confidentiality of information relating to the viator, disclosure of the rights of a viator, potential implications of a settlement agreement and provisions for ensuring that a viator is competent and enters into the agreement voluntarily. A violation of the viatical settlement provisions is an unfair trade practice. Currently, these types of agreements are being entered into without regulation or protection for the insured person.

**Committee Amendment "A" (H-656)** proposed to do the following:

1. Clarify the definitions in the bill and add new definitions for "institutional investor," "viatical settlement" and "viator;"
2. Replace the use of the terms "agent" and "broker" with the terms "producer" and "independent producer;"
3. Eliminate separate licensing and fee requirements for independent viatical producers already licensed as independent producers;
4. Increase the licensing and renewal fees for viatical settlement providers;
5. Provide that a viatical settlement provider has an opportunity for hearing before the Superintendent of Insurance denies, suspends, revokes or refuses to renew a license, rather than requiring a hearing in all instances;
6. Add provisions governing confidentiality and disclosure;
7. Make income from viatical settlements taxable under state income tax laws only to the extent the income is subject to federal tax;
8. Clarify the provisions relating to rights under assignment;
9. Remove the provisions relating to incontestability and limits on defenses that may be raised by insurance companies in disputes;
10. Clarify the provisions relating to conversion from a group to an individual life insurance policy; and
11. Change the effective date from November 1, 1997 to October 1, 1997.

12. The amendment also adds an allocation section and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 430 establishes a regulatory framework for viatical settlement agreements. Viatical settlement agreements are agreements by which a person insured under a life insurance policy who has a catastrophic or life-threatening illness agrees to designate the viatical settlement provider as the beneficiary under the policy in exchange for immediate payment to the ill person. Under current state law, there are no regulatory or consumer protection provisions governing viatical settlement agreements.

The law requires viatical settlement providers who are in the business of purchasing viatical settlement agreements to be licensed by the Bureau of Insurance. Viatical producers who solicit or arrange viatical settlement agreements are also required to be licensed as life and health producers under the Maine Insurance Code.

Public Law 1997, chapter 430 also provides for the confidentiality of information relating to the viator, disclosure of rights of a viator, rights under assignment, state income taxation, conversion from a group to an individual life insurance policy, potential implications of a viatical settlement agreement and provisions for ensuring that a viator is competent and enters into the agreement voluntarily.

Public Law 1997, chapter 430 takes effect October 1, 1997.

**LD 1566**                      **An Act to Require Blue Cross and Blue Shield of Maine to Report Annually to the Legislature Regarding the Fulfillment of Its Charitable Mission**                      **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1566 proposed to require that nonprofit hospital and medical service organizations, such as Blue Cross and Blue Shield of Maine, annually report to the Legislature regarding the fulfillment of the corporation's purposes as a charitable and benevolent institution.

**LD 1568**                      **An Act to Amend the Board of Directors of Nonprofit Hospital or Medical Service Organizations**                      **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1568 proposed to amend the composition of the board of directors of nonprofit hospital and medical service organizations to require the addition of three public directors, one each appointed by the President of the Senate and the Speaker of the House, and the Commissioner of Human Services. The public directors are subject to the same term restrictions as are placed on the current directors, except that the initial term of the appointee of the President of the Senate is only two years, so that the terms of the public directors are staggered.

**LD 1619**                      **An Act to Require Banks to Have Written or Oral Authority before Funds Are Electronically Removed from Resident Accounts**                      **ONTP**

<u>Sponsor(s)</u> GERRY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1619 proposed to prohibit a bank from electronically transferring funds from the account of a state resident without first obtaining written or oral authorization.

**LD 1625**                      **An Act to Create an Independent Ombudsman for Consumer Protection in Managed Care**                      **ONTP**

<u>Sponsor(s)</u> MITCHELL J LAFOUNTAIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1625 proposed to create a Managed Care Ombudsman to investigate consumer experience with health maintenance organizations and report on that investigation to the Legislature each year. Funding for the ombudsman is obtained by the placement of a surcharge, in an amount determined by the Superintendent of Insurance, on the annual net amounts obtained from the issuance of health care policies, contracts or certificates by nonprofit hospital and medical service organization plans, individual or family health insurers, group health insurers, fraternal benefit societies or health maintenance organizations.

See related bill LD 1848 which was carried over to the Second Regular Session.

**LD 1640**                      **An Act to Streamline Licensing and Reporting Requirements and Reduce Regulatory Burdens for Licensed Insurance Professionals and Insurers**                      **PUBLIC 457  
EMERGENCY**

<u>Sponsor(s)</u> ABROMSON	<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN	<u>Amendments Adopted</u> S-313
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LD 1640 proposed to remove the appointment of the Superintendent of Insurance by insurers and other nonresident licensees for service of process of legal actions and provides that licensees must appoint an attorney located in the State as agent for service of process. It proposed to allow the superintendent to bill insurers on a periodic basis for filings rather than requiring licensees to pay with each filing, clarify provisions in third-party administrator law related to insurer responsibility, reduce reporting requirements for surplus lines brokers, modify rebating laws to allow the payment of fees for services rather than commissions, modify rebating laws to allow gifts valued at less than \$20 to be given to insured customers, revise the law to allow insurance agents and insurers to arrange financing for insureds, and repeal chapter 63 of the Maine Insurance Code, removing the regulation of road or tourist service companies from the Bureau of Insurance. It also proposed to repeal chapter 17 of the Maine Insurance Code and enact chapter 16 resulting in the following changes in licensing laws.

1. It clarifies that the licensing laws apply to health maintenance organizations, fraternal benefit societies and nonprofit hospital and medical service organizations as well as insurers.
2. It eliminates the need for a license if an adjuster is employed by an insurer, health maintenance organization, nonprofit hospital and medical service organization or fraternal benefit society.
3. It changes the law to allow licensed producers, formerly defined as agents and brokers, to adjust claims for insurers, health maintenance organizations, fraternal benefit societies and nonprofit hospital and medical service organizations up to \$5,000 instead of \$2,500.
4. It strengthens consumer protection in consultant licensing.
5. It eliminates the agent and broker categories of licensure and creates one license category, a "producer."
6. It adopts a definition for limited insurance producer. It extends the definition to require a limited license for a person that enrolls others in most group insurance contracts and a person selling mechanical break-down contracts when an insurer is underwriting the contract and part of the money received for the contract becomes a premium for a policy. This, in combination with the repeal of the controlled business law, allows organizations that are group policyholders to become licensed and share in commissions. It will allow persons enrolling to collect commissions if licensed.
7. It changes the definition of "organization" to the more commonly used term "agency."
8. It changes the definition of "resident" to accommodate residents of other states or provinces who work in Maine full time and to accommodate Maine residents who work in other states or provinces full time.
9. It eliminates the "controlled business" law.
10. It requires that an officer of an agency be licensed and designated as responsible for the agency and that a change in the responsible person be forwarded to the superintendent within 14 days of the change. It also requires that the responsible person will be responsible for all correspondence with the superintendent and must notify the superintendent within 30 days of every change in individuals designated to act in the name of the agency. It further requires that if the responsible person in an agency loses that person's license, the agency license will terminate if a new person is not designated as responsible within 14 days.
11. It requires all branch offices, resident or nonresident, to be registered, but eliminates the need to have a different manager at each location.
12. It clarifies that an agency cannot be licensed with the word "company" in the name.
13. It requires, for residents and nonresidents, that notice of changes in officers, directors, partners and members be sent to the superintendent within 14 days of request from the superintendent and eliminates the need to send changes as they occur.
14. It incorporates the holding from Wood vs. Superintendent. "Voluntary surrender outside context of disciplinary proceeding does not immunize licensee from subsequent disciplinary action." Wood v. Superintendent of Ins. (1994) Me., 638 A.2d 67.
15. It eliminates the need for insurers to file appointments of representatives of insurance companies.

16. It requires notice of material change in the application to be sent to the superintendent within 30 days.
17. It allows a person to retest for the part of the examination failed, rather than the entire examination. Most tests for licensure are two-part. Under current law, if a person fails one part, the person must take the entire exam again.
18. It allows a nonresident to obtain a temporary license after passing the law portion of the exam, eliminating a nonresident being out of work while waiting for a letter of clearance from another state.
19. It clarifies that individuals that have passed examinations to become licensed must become licensed within two years after passing the test.
20. It allows a producer to work for a fee rather than a commission on large commercial accounts, but leaves the standards for this to be established through rulemaking.
21. It allows a licensee to maintain a principal place of business in this State if a resident in another state or country.
22. It retains the requirement that a resident licensee have a place of business accessible to the public, but allows that place of business to be in a contiguous state or province.
23. It provides that return premiums must be forwarded to insureds or credited to outstanding balances of the insured within 10 days from receipt and establishes a definition of receipt.
24. It provides that premiums due the insurer, health maintenance organization, fraternal benefit society and nonprofit hospital and medical service organization be forwarded promptly to the insurer in accordance with the contract between the insurer, health maintenance organization, fraternal benefit society and nonprofit hospital and medical service organization and the licensee.
25. It raises the amount of a consultant bond to \$20,000 from \$10,000.
26. It allows a licensee that has been disciplined for failure to notify the superintendent of address change to remove that action from the licensee's record.

**Committee Amendment "A" (S-313)** proposed to do the following.

1. It adds a provision to preserve the "broker" concept consistent with current law and rewrites several sections for clarification.
2. It adds additional reasons why advance notice of termination of producer or agency appointment is not required.
3. It preserves the definition of service representative and a licensing exception for salaried employees of life insurers.
4. It allows an agency 90 days within which to get an officer or member licensed and designated as responsible for the agency and allows the Superintendent of Insurance to extend that period for good cause.



5. It provides that when any rebate or discount for a surety bond is approved the economic value of the rebate or discount must be returned to the governmental agency or department of the surety bond covering a project supported with public funds.
6. It adds an effective date of October 1, 1997 for all provisions of the bill pertaining to "single producer licensing", the repeal of Title 24-A, chapter 17 and the enactment of Title 24-A, chapter 16.

The amendment also adds a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 457 repeals chapter 17 of the Maine Insurance Code and enacts a new chapter 16 governing the licensure of insurance professionals. It eliminates the agent and broker categories of licensure and creates one licensure category, "producer".

The law also removes the appointment of the Superintendent of Insurance by insurers and other nonresident licensees for service of process of legal actions and provides that licensees must appoint an attorney located in the State as agent for service of process. It allows the Superintendent to bill insurers on a periodic basis for filings rather than requiring licensees to pay with each filing, clarifies provisions in 3rd-party administrator law related to insurer responsibility, reduces reporting requirements for surplus lines brokers, modifies rebating laws to allow payment of fees for services rather than commissions, modifies rebating laws to allow gifts valued at less than \$20 to be given to insured customers, provides that when any rebate or discount must be returned to the governmental agency or department of the surety bond covering a project supported with public funds, revises the law to allow insurance agents and insurers to arrange financing for insureds and removes the regulation of road or tourist service companies from the Bureau of Insurance.

Public Law 1997, chapter 457 was enacted as an emergency measure effective June 11, 1997. However, the provisions of chapter 457 pertaining to "single producer licensing", the repeal of Title 24-A Maine Revised Statutes chapter 17 and the enactment of Title 24-A Maine Revised Statutes chapter 16 take effect October 1, 1997.

**LD 1642                      Resolve, to Require the Superintendent of Insurance to Develop Criteria for an Independent Fairness Review Prior to Conversion of a Non-profit Entity to a For-profit Entity                      ONTP**

<u>Sponsor(s)</u> MITCHELL J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1642 proposed to require the Superintendent of Insurance to develop criteria to be considered in determining whether a conversion plan of a nonprofit hospital and medical service organization to a for-profit corporation or mutual benefit corporation or entity or engage in for-profit activity is fair and equitable. The superintendent must report back to the Joint Standing Committee on Banking and Insurance of the 118th Legislature no later than February 1, 1998 with the criteria and any legislation recommended by the superintendent to protect the public interest and the subscribers of the nonprofit hospital and medical service organization.

**LD 1664**

**An Act to Require Bids from Health Care Providers for State Employees to Include Medicaid Coverage**

**ONTP**

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

LD 1664 proposed to require any insurance company, nonprofit hospital, medical or health care service organization, health maintenance organization, third-party administrator or any other organization administering and operating a health care plan that bids for participation in the state employee health insurance program to also bid for participation in the Medicaid program. It also provides that any organization that participates as a contractor in both programs must maintain a separate risk pool between the Medicaid population and state employees.

**LD 1738**

**An Act to Include Nontraditional Medical Alternatives under Health Maintenance Organization 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 1738 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 maintenance organization plan contracts to provide coverage of nontraditional medical alternatives and nutritional and dietary services. The bill also allows the patient to choose the method of treatment.

**LD 1741**

**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	ONTP MAJ OTP-AM MIN	

LD 1741 proposed to establish universal health insurance coverage in the State through the following changes.

Part A of the bill proposed to establish the Maine Single-payor Health Care Plan. It establishes the Department of Health Security as an independent agency to administer the plan. Under the plan, enrollees pay premiums to the plan and choose their own health care providers and the plan pays their bills. Coverage under the plan is supplemental to other coverage. The bill requires 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 requires 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 establishes 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 requires that this legislation be submitted to the voters of the State for acceptance through referendum.

**Committee Amendment "A" (H-447)** is the minority report and proposed to add a fiscal note to the bill. Committee Amendment "A" was not adopted.

**LD 1754**                      **An Act Regarding Hospital Charges for Physicians Not Participating in Health Maintenance Organizations**                      **ONTP**

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

LD 1754 proposed to require hospitals to charge the same fees for hospital privileges to physicians participating in health maintenance organizations and those physicians that do not participate. The bill also proposed to require hospitals to charge the same fees for hospital services to a person participating in a health maintenance organization plan and a person that is not participating and prohibits a health maintenance organization plan from prohibiting an enrollee to obtain services from nonparticipating hospitals.

**LD 1775**                      **An Act to Promote Access to Health Care**                      **ONTP**

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

LD 1775 proposed to prohibit health care providers from discriminating against patients based upon the patient's source of payment.

**LD 1783**                      **An Act to Clarify the Laws Concerning Claims Settlement Practices** **CARRIED OVER**

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

LD 1783 proposes to do the following.

Part A sets forth those practices of insurers that would constitute unfair claims practices under the Maine Insurance Code. Part A is based in part on the 1990 Unfair Claims Settlement Practices Model Act of the National Association of Insurance Commissioners. The intent of the law is to provide a regulatory framework for the Bureau of Insurance to act in those cases where unfair claim practices arise. The law does not create a private right

of action nor is it intended to create an alternate mechanism to adjudicate disputed claims. Under Part A, the Superintendent of Insurance is required to adopt rules that are major and substantive in nature to carry out the provisions of this law. Penalties, notice and hearing provisions of current law remain in effect.

Part B authorizes the Superintendent of Insurance to make public aggregate ratios of substantiated consumer complaints against insurance companies. Only those complaints determined by the Bureau of Insurance to be valid are included in the development of these ratios.

Part C clarifies the jurisdictional and penalty provisions of the enforcement section of the Maine Insurance Code and gives the superintendent concurrent disciplinary jurisdiction when insurers or insurance professionals violate laws outside the Maine Insurance Code, such as workers' compensation or general criminal laws, in the course of their insurance business.

LD 1783 was carried over to the Second Regular Session along with a related bill, LD 889. Part B of the bill was reported out by the committee as LD 1879, "An Act Authorizing the Bureau of Insurance to Release Aggregate Ratios of Consumer Complaints to the Public," which was enacted as Public Law 1997, chapter 314.

**LD 1787**                      **An Act to Authorize Captive Insurance Companies**                      **PUBLIC 435**

<u>Sponsor(s)</u> MAYO MURRAY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-638
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LD 1787 implements the recommendations of the September 3, 1996 Final Report and Recommendations of the Financial Services Economic Development Subgroup.

The bill proposed to authorize the formation of captive insurers that would be able to provide insurance coverage with respect to the exposures of their parent or affiliated companies. Captive insurance companies could be owned and controlled by single corporations, by groups of corporations or by associations. Capital and surplus requirements for captive insurance companies are significantly less than those otherwise applicable to commercial insurers. Captive insurers are regulated by the Department of Professional and Financial Regulation, Bureau of Insurance to the extent provided for in the bill.

The bill also proposed to provide for taxation of captive insurers on a different basis than that applicable to other insurers. Captive insurers domiciled in Maine are taxed on all premiums received with respect to risks in other jurisdictions at rates comparable to those imposed in other jurisdictions with captive insurance laws. Taxation of direct premiums with respect to Maine risks is at the same rate as is applicable to other insurers. Captive insurers also are subject to an alternative minimum tax.

**Committee Amendment "A" (H-638)** proposed to clarify that captive insurers required to file documents with the Secretary of State's office must transmit the appropriate filing fee to the Secretary of State along with the documents.

The amendment also proposed to correct a numerical error in the taxation provisions of the bill which generally tax captive insurers at a rate of .375 of 1% on the first \$20,000,000 of direct premiums collected or contracted for regardless of where the risk is located. These rates decline incrementally on additional amounts of premium. The taxation rates on reinsurance premiums are lower.

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

***Enacted law summary***

Public Law 1997, chapter 435 authorizes the establishment of captive insurers. Captive insurance companies are formed for the purpose of providing insurance coverage with respect to the exposures of their parent or affiliated companies. The companies may be owned and controlled by single corporations, by groups of corporations or by associations. While the capital and surplus requirements and taxation of captive insurance companies are different than those otherwise applicable to commercial insurers, captive insurers are subject to regulation by the Bureau of Insurance.

**LD 1808**

**An Act to Make Maine Health Insurance Laws Consistent with Federal Laws**

**PUBLIC 445  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E KIEFFER	OTP-AM MAJ OTP-AM MIN	H-610

The Health Insurance Portability and Accountability Act of 1996 was enacted by Congress and signed by the President of the United States on August 21, 1996. Included in that act are health insurance reforms providing for portability of coverage, limits on preexisting condition exclusions, guaranteed renewability and guaranteed issue to small groups and certain individuals.

Although this State has had similar reforms and in many cases stronger reforms, in place for several years, many of the details differ. For this reason, many of the State's reform laws would be preempted by the federal law if not amended to conform to federal standards. LD 1808 proposed to make the necessary changes to avoid preemption and allow the State to continue to enforce its health insurance reform laws.

The bill proposed to eliminate duplicative language by making nonprofit hospital and medical service organizations subject to the continuity laws in the Maine Revised Statutes, Title 24-A rather than including identical language in Title 24.

The bill also proposed to amend the State's individual health insurance reform laws by clarifying residency requirements and waiving some of these requirements for federally eligible individuals. The bill also added provisions allowing managed care plans to deny coverage to individuals not within their service area and provides a mechanism by which those plans may close enrollment if their capacity is exceeded. The bill eliminates language providing guaranteed renewal, which is now addressed in a new section applicable to both individual and group policies.

The bill also proposed to amend the State's small group health insurance reform laws. The most significant change is that this law would apply to groups with up to 50 employees, up from 24 employees in the current law. The rating restrictions for the newly covered groups take effect January 1, 1998, and are phased in over a three-year period. Also, insurance carriers are permitted to establish a minimum group size of 2 employees. The federal law defines small groups as those with two to 50 employees. The bill also amends the rules for counting employees to conform to federal standards. As in the individual reform laws, provisions are added allowing managed care plans to deny coverage to individuals not within their service area and providing a mechanism by which those plans may

close enrollment if capacity is exceeded. Provisions dealing with guaranteed renewal and limitations on preexisting condition exclusions are deleted because they are addressed in new sections with broader applicability. The bill defines terms used to define "federally eligible individuals," who are entitled to certain rights detailed in other sections.

The bill also proposed to tighten the current restrictions on preexisting condition limitations to conform to the federal law. Use of genetic information is not allowed as a basis for an exclusion. In group contracts, only conditions for which medical advice, diagnosis, care or treatment was recommended or received in the past six months may be excluded and no exclusion may be imposed relating to pregnancy as a preexisting condition. No exclusion at all is permitted for federally eligible individuals.

The bill proposed to make the continuity laws applicable to certain self-insured groups that are not otherwise exempt from state law.

The bill proposed to require guaranteed renewal of all medical policies with certain exceptions that are based on the federal laws. Unlike the current laws, which apply to individuals and small groups, this guaranteed renewal provision applies to large groups as well.

The bill proposed to prohibit group insurance carriers from discriminating against individuals within a group with respect to eligibility standards or premium contributions based on the individual's medical condition or claims experience. Similar requirements already apply to individuals and small groups, but this bill applies to large groups as well.

The requirements of the bill apply to policies, contracts and certificates issued or renewed on or after July 1, 1997. This is the effective date for the group health insurance reforms of the federal laws.

**Committee Amendment "A" (H-610)** is the majority report. It proposed to add a statutory provision to comply with the "special enrollment period" of the federal law. Although the federal law addresses long-term care insurance, health care fraud and other issues as well as health insurance, the amendment and the bill address health insurance only and do not apply to disability or long-term care insurance. The amendment proposed to clarify the guaranteed issuance, guaranteed renewal and continuity of coverage health insurance laws and make technical changes.

The amendment also adds a fiscal note to the bill.

**Committee Amendment "B" (H-611)** is the minority report. It differs from the majority report in that it proposed to extend the prohibition against imposing a preexisting condition exclusion related to a pregnancy for group insurance policies and contracts contained in the bill to individual policies and contracts as well.

The amendment also adds a fiscal note to the bill. Committee Amendment "B" was not adopted.

### ***Enacted law summary***

Public Law 1997, chapter 445 makes changes to Maine's health insurance laws to conform with changes in federal law included in the Health Insurance Portability and Accountability Act of 1996. The changes made in this law are necessary to avoid preemption by the federal law and to allow the State to continue to enforce its health insurance reform laws.

Public Law 1997, chapter 445 was enacted as an emergency measure effective June 10, 1997; the requirements of chapter 445 apply to all policies and contracts issued or renewed on or after July 1, 1997.

**LD 1848**                      **An Act to Create the Managed Care Ombudsman Program**                      **CARRIED OVER**

<u>Sponsor(s)</u> SAXL J		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1848 proposes to create the Managed Care Ombudsman Program within the Office of the Public Advocate to educate and assist consumers with managed care plan selection, assist enrollees in understanding their rights and responsibilities under managed care plans, advocate for policies and programs that protect consumer rights and interests and handle complaints and appeals and provide individual case representation. The bill establishes the Managed Care Ombudsman Program Fund, a dedicated fund to receive income from assessments on nonprofit hospital and medical service organizations, insurers and health maintenance organizations.

LD 1848 was carried over to the Second Regular Session.

**LD 1849**                      **An Act to Clarify the Charitable Status of Nonprofit Hospital and Medical Service Organizations, to Permit Their Creation of Health Insurance Affiliates and Their Conversion to Stock Insurers and to Ensure Regulatory Equity**                      **PUBLIC 344**

<u>Sponsor(s)</u> SAXL M LAWRENCE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-701
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LD 1849 proposed to clarify the charitable status of nonprofit hospital and medical service organizations, permit their creation of health insurance affiliates, permit their conversion to stock insurers and ensure regulatory equity.

**Committee Amendment "A" (H-701)** proposed to do the following.

1. It adds a requirement that the board of directors of any charitable trust established after a conversion or a material change in form represent the interests of the medically uninsured and underserved populations.
2. It clarifies that a nonprofit hospital and medical service organization may not convert to a mutual insurer.
3. It prohibits a nonprofit hospital and medical service organization from serving as the charitable trust after a conversion or material change in form.
4. It requires a nonprofit hospital and medical service organization to file an annual report to the Attorney General and the Superintendent of Insurance describing its efforts to fulfill its charitable and benevolent purposes.
5. It clarifies that the bill does not affect the charitable status or obligations of current nonprofit health care service organization plans that provide dental and vision services in the State.

6. It raises the maximum percentage of ownership interests available to for-profit interests in health insurance affiliates from 20% to 25% in the case of individual physicians and limits the maximum ownership interest to 20% for nonprofit and noncharitable physician-hospital organizations in the aggregate, or in combination with individual physicians.
7. It clarifies that the tax exemption for nonprofit hospital and medical service organizations will be removed after a material change in form in the event that the entire charitable interest is transferred to a charitable trust.
8. It makes necessary clarifications and technical changes.
9. It adds an allocation section and a fiscal note.

### ***Enacted law summary***

Public Law 1997, chapter 344 clarifies the charitable status of nonprofit hospital and medical service organizations currently and following a material change in form or a conversion to a for-profit stock insurer, permits the formation of health insurance affiliates in joint ventures including nonprofit hospital and medical service organizations, allows the conversion of a nonprofit hospital and medical service organization to a stock insurer pursuant to a plan approved by the Superintendent of Insurance and institutes an expedited process of rate review for individual and Medicare supplement insurance products.

Public Law 1997, chapter 344 explicitly states that a nonprofit hospital and medical service organization, such as Blue Cross Blue Shield of Maine, is a charitable and benevolent institution and a public charity. The charitable purposes for which a nonprofit hospital and medical service organization holds its assets are defined to include providing access to medical care through affordable health insurance and affordable managed care products to persons of all incomes; identifying and addressing unmet health needs of the State, particularly with regard to medically uninsured and underserved populations; making services available through participating providers; and improving the quality of care for medically uninsured and underserved populations.

The law enacts provisions under the Attorney General's charitable authority outlining the charitable status of the organization in the event that a nonprofit hospital and medical service organization converts to a for-profit stock insurer or materially changes its form. In the event of a conversion or a material change in form, the law establishes a formula for determining what percentage of assets will be paid to subscribers. In any conversion or material change in form transaction, not less than 90% of the fair market value of a nonprofit hospital and medical service organization must be transferred to a charitable trust and applied for charitable purposes. The Attorney General must initiate litigation in Kennebec County Superior Court by December 31, 1997 on the issue of the designation of ownership interests and the charitable purposes of a nonprofit hospital and medical service organization. Any person may file objections to the designation, but must file within 90 days of notice of filing by the Superior Court. The Superior Court must rule on designation of ownership interests and charitable purposes and any claim of ownership in the organization.

Public Law 1997, chapter 344 prohibits a nonprofit hospital and medical service organization from converting to a mutual insurer. It provides a mechanism for conversion to a for-profit stock insurer only after a review and approval of the Superintendent of Insurance. Review of a conversion plan may not begin until the Superior Court has approved or approved with modifications the charitable trust plan or unless the Superintendent determines an earlier review is necessary. Final approval of the conversion may not occur unless the terms and conditions of the plan are fair and equitable, the plan is approved by a vote of not less than 2/3 of the organization's board of directors and the plan provides for the issuance of capital stock or assets or a combination of these, without



consideration, to the charitable trust and to subscribers, if applicable, in the amount prescribed under the established formula.

The law authorizes the establishment of for-profit affiliates by nonprofit hospital and medical service organizations with other nonprofit institutions and for-profit health care providers as long as the nonprofit hospital and medical service organization has 50% or more control of the affiliate. The for-profit ownership interests in the affiliate may not exceed 25% if held by individual physicians, individually and aggregate; or 20% if held by nonprofit and non-charitable physician-hospital organizations, individually or in combination with individual physicians. The health insurance affiliate must have corporate purposes that are consistent with and in furtherance of the charitable purposes of the nonprofit hospital and medical service organization.

Public Law 1997, chapter 344 also streamlines the process for review of premium rates for individual and Medicare supplement insurance products for nonprofit hospital and medical service organizations and for-profit insurance companies regulated by the Maine Insurance Code. If a rate filing seeks an increase of less than 1.5 times the rate of inflation for medical costs and the company has a loss ratio of 80% or greater, the burden of proof is shifted from the insurance company to the Bureau of Insurance and any party asserting that the rates are excessive to prove that the rates are excessive. The burden of proving that rates are adequate and not unfairly discriminatory remains with the insurance company or the nonprofit hospital and medical service organization. The provisions governing rate review for individual and Medicare supplement insurance policies are repealed October 1, 2001.

**LD 1857**

**An Act to Protect Patients of Managed Care Plans**

**CARRIED OVER**

<u>Sponsor(s)</u> BROOKS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1857 proposes to establish a duty and standard of ordinary care that must be provided by an insurance company, health maintenance organization, preferred provider organization or a nonprofit hospital and medical service organization under a managed health care plan. It also would 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.

LD 1857 was carried over to the Second Regular Session.

**LD 1869**

**An Act to Create a Universal Bank Charter**

**PUBLIC 398  
EMERGENCY**

<u>Sponsor(s)</u> CARLETON MURRAY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-523 S-284 MURRAY
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In November 1996, the Bureau of Banking formed a study group consisting of bankers, attorneys and bureau staff to study the various bank chartering options under state law. LD 1869 proposed to incorporate the recommendations of that study group in the development of a universal bank charter in the banking laws of this State by making the following changes.

Part A makes the necessary changes to definitions found in the banking laws.

Part B gives a financial institution the sole discretion to establish hours and days of operation, including remaining open for business on weekends and holidays.

Part C permits investor-owned financial institutions to be organized as corporations, limited liability companies, limited partnerships and limited liability partnerships. It also makes other changes to align the banking laws with the Maine Business Corporation Act, the Maine Revised Statutes, Title 13-A, the Maine Limited Liability Company Act and the Maine Revised Uniform Limited Partnership Act, Title 31, with respect to the corporate governance of these types of financial institutions.

Part D revises the banking laws, Title 9-B, chapter 32, to provide a greater distinction between the two types of mutual institutions: mutual savings institutions, historically mutual savings banks; and cooperative institutions, historically savings and loan associations. It expands the current residency requirement for organizers and incorporators to permit appointment of incorporators and directors that reside in the geographic area to be served by the institution and permits proxy voting at an annual meeting in accordance with provisions of the bank's bylaws.

Part E removes the requirement for approval by the Superintendent of the Bureau of Banking for most transactions to establish or relocate a branch and removes all regulatory approvals for establishment, relocation or closing of an automated teller machine. The definition of "branch" is broadened and bank management is given the sole responsibility to determine days and hours of operation and services to be provided at each office.

Parts F and G make the necessary technical changes to conversion and mergers and acquisition laws to encompass different types of investor-owned, mutual or cooperative financial institutions, permit a smooth conversion from a federal to state charter and ease regulatory burden for certain types of corporate reorganizations.

Part H makes technical changes to the laws governing bank liquidations to conform to new definitions and terminology incorporated with the different types of investor-owned and mutual or cooperative financial institutions.

Part I sets forth the powers, privileges, duties and restrictions of state-chartered financial institutions. These provisions establish broad authority for financial institutions in the areas of investment, lending and deposit-taking. It removes outdated provisions of the banking laws and preserves all charters approved under private and special acts of the Legislature or actions by the Bureau of Banking and unites all types of state-chartered financial institutions with the powers and authorities of a universal bank charter. In addition, it broadens the authority for a financial institution to engage, directly or indirectly, in closely related activities.

Part I also places restrictions on transactions between a financial institution and its affiliate that mirror federal laws in this area. In addition, it consolidates all laws governing trust activities of financial institutions into one statutory chapter, making no substantive changes to those provisions of the banking laws.

Part J enacts a new part in the banking laws that addresses specialty or limited purpose financial institutions, incorporating a provision clarifying the general purpose, authority and organization of nondepository trust companies, merchant banks and uninsured banks.

Part K makes miscellaneous changes to the banking laws to conform them to other provisions in the bill. In addition, it sets forth a procedure for preliminary review by the Bureau of Banking of an application and authority for the bureau to assess the prospective applicant a fee for that service that may be applied to the application fee if

and when an application is filed. It makes other technical changes to application processing and holding company laws and establishes an assessment fee on nondepository trust companies chartered by the State but not affiliated with another state-chartered financial institution.

Part K also repeals the outdated provisions of the banking laws that contained the powers and authorities of savings banks, savings and loan associations and trust companies that subsequently will operate with the powers of the universal bank charter.

Part L corrects cross-references.

**Committee Amendment "A" (H-523)** proposed to add a definition of real-estate related services, an emergency preamble and an emergency clause to the bill.

**Senate Amendment "A" (S-284)** was presented on behalf of the Committee on Bills in the Second Reading to correct an incorrect history and to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 9-B, section 316 in Public Law 997, chapter 182.

***Enacted law summary***

Public Law 1997, chapter 398 establishes a universal bank charter for state-chartered financial institutions. It repeals provisions in the Maine Banking Code related to the powers and authorities of state-chartered savings banks, savings and loan associations and trust companies and enacts provisions that unite these types of institutions under the powers and authorities of a universal bank charter. The law provides state-chartered financial institutions with broad authority in the areas of investing, lending and deposit-taking and also broadens the authority to engage, directly or indirectly, in closely related activities. It removes the requirement for approval by the Superintendent of Banking for most transactions to establish or relocate a branch and removes all regulatory approvals for the establishment, relocation or closing of an automated teller machine. Financial institutions and bank management are also given sole discretion to establish hours and days of operation, including remaining open for business on weekends and holidays.

Public Law 1997, chapter 398 also enacts provisions clarifying the general purpose, authority and organization of specialty or limited purpose financial institutions, including nondepository trust companies, merchant banks and uninsured banks.

Public Law 1997, chapter 398 was enacted as an emergency measure effective June 5, 1997.

**LD 1879                      An Act Authorizing the Bureau of Insurance to Release Aggregate                      PUBLIC 314**  
**Ratios of Consumer Complaints to the Public**

Sponsor(s)                      |                      Committee Report                      |                      Amendments Adopted

LD 1879 was reported out by the Joint Committee on Banking and Insurance pursuant to joint order. The bill proposed to enact a portion of LD 1783, "An Act Clarifying Claims Settlement Practices," which was carried over to the Second Regular Session. This bill authorizes the Superintendent of Insurance to make public aggregate ratios of substantiated consumer complaints against insurance companies. Only those complaints determined by the Bureau of Insurance to be valid are included in the development of these ratios. The method for calculating the

ratios must be established by rule. These rules are major substantive rules and must be submitted for legislative review no later than January 1, 1998.

*Enacted law summary*

Public Law 1997, chapter 314 authorizes the Superintendent of Insurance to make public aggregate ratios of substantiated consumer complaints against insurance companies. The method for calculating these aggregate ratios must be established by rules to be submitted for legislative review no later than January 1, 1998.

## Joint Standing Committee on Banking and Insurance

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#### *Banking*

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LD 808	An Act to Amend the Laws Governing Banking Institutions	PUBLIC 22	Page 47
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<b>LD 585</b>	<b>An Act to Protect the Confidentiality of Social Security Numbers</b>	<b>ONTP</b>	<b>Page 42</b>
<b>LD 602</b>	<b>An Act to Clarify Requirements for a Credit Union Applying to Expand Its Field of Membership</b>	<b>ONTP</b>	<b>Page 42</b>
<b>LD 1314</b>	<b>An Act Concerning Costs Imposed by a Lender for Flood Hazard Analysis of Real Estate</b>	<b>ONTP</b>	<b>Page 66</b>
<b>LD 1509</b>	<b>Resolve, to Create a Restriction on Requiring the Early Payment of Loans</b>	<b>ONTP</b>	<b>Page 74</b>
<b>LD 1530</b>	<b>An Act to Require Banks to Forward Copies of Mortgages to the Municipalities in Which the Property Is Located</b>	<b>ONTP</b>	<b>Page 75</b>
<b>LD 1619</b>	<b>An Act to Require Banks to Have Written or Oral Authority before Funds Are Electronically Removed from Resident Accounts</b>	<b>ONTP</b>	<b>Page 79</b>

### *Consumer Credit*

#### Enacted

<b>LD 666</b>	<b>An Act to Amend the Maine Consumer Credit Code to Permit Reverse Mortgages</b>	<b>PUBLIC 64 EMERGENCY</b>	<b>Page 43</b>
<b>LD 710</b>	<b>An Act Amending the Maine Consumer Credit Code</b>	<b>PUBLIC 122</b>	<b>Page 44</b>
<b>LD 745</b>	<b>An Act to Amend the Maine Consumer Credit Code</b>	<b>PUBLIC 94</b>	<b>Page 45</b>
<b>LD 843</b>	<b>An Act to Regulate Money Transmitters and Amend Consumer Credit Laws</b>	<b>PUBLIC 155</b>	<b>Page 49</b>

#### Not Enacted

<b>LD 1185</b>	<b>An Act to Prohibit the Raising of Interest Rates as a Penalty for Late Payment on Debt</b>	<b>ONTP</b>	<b>Page 64</b>
<b>LD 1265</b>	<b>An Act to Establish a Maximum Rate of Interest on Credit Card Debt</b>	<b>ONTP</b>	<b>Page 66</b>
<b>LD 1491</b>	<b>An Act to Reduce Interest and Charges on Improvident Extensions of Consumer Credit</b>	<b>ONTP</b>	<b>Page 73</b>

## *Insurance, Health*

### Enacted

<b>LD 234</b>	<b>An Act to Extend Access to Chiropractic Care under Health Maintenance Organization Managed Care Plans</b>	<b>PUBLIC 99</b>	<b>Page 36</b>
<b>LD 350</b>	<b>Resolve, to Establish a Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits</b>	<b>RESOLVE 63 EMERGENCY</b>	<b>Page 38</b>
<b>LD 546</b>	<b>An Act to Ensure Responsible Coordination of Medical Care under Managed Care</b>	<b>PUBLIC 163</b>	<b>Page 40</b>
<b>LD 561</b>	<b>An Act to Provide the Maine Turnpike Authority with Representation on the State Employee Health Commission</b>	<b>PUBLIC 77 EMERGENCY</b>	<b>Page 41</b>
<b>LD 806</b>	<b>An Act to Include Health Maintenance Organizations in the Bureau of Insurance's Regulatory Assessment</b>	<b>PUBLIC 79</b>	<b>Page 46</b>
<b>LD 822</b>	<b>An Act to Grant Visually Impaired Operators of Government Vending Facilities Access to State Health Insurance at Their Own Expense</b>	<b>PUBLIC 80</b>	<b>Page 48</b>
<b>LD 1082</b>	<b>An Act to Ensure Fair Pricing for Consumers of Health Care Services under Managed Care Plans</b>	<b>PUBLIC 197</b>	<b>Page 60</b>
<b>LD 1190</b>	<b>Resolve, Regarding Legislative Review of Chapter 840: Private Purchasing Alliances, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance</b>	<b>RESOLVE 14 EMERGENCY</b>	<b>Page 64</b>
<b>LD 1191</b>	<b>Resolve, Regarding Legislative Review of Chapter 850, Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance</b>	<b>RESOLVE 13 EMERGENCY</b>	<b>Page 64</b>
<b>LD 1500</b>	<b>An Act to Increase Access to and Affordability of Mental Health Services</b>	<b>PUBLIC 174</b>	<b>Page 73</b>
<b>LD 1521</b>	<b>An Act to Amend the Laws Concerning Health Insurance</b>	<b>PUBLIC 370</b>	<b>Page 74</b>
<b>LD 1556</b>	<b>An Act to Establish Breast Cancer Patient Protection</b>	<b>PUBLIC 408</b>	<b>Page 76</b>

<b>LD 1808</b>	<b>An Act to Make Maine Health Insurance Laws Consistent with Federal Laws</b>	<b>PUBLIC 445 EMERGENCY</b>	<b>Page 87</b>
<b>LD 1849</b>	<b>An Act to Clarify the Charitable Status of Nonprofit Hospital and Medical Service Organizations, to Permit Their Creation of Health Insurance Affiliates and Their Conversion to Stock Insurers and to Ensure Regulatory Equity</b>	<b>PUBLIC 344</b>	<b>Page 89</b>
<b><u>Not Enacted</u></b>			
<b>LD 307</b>	<b>An Act to Allow Self-referral for Obstetrical Care in Managed Care Plans</b>	<b>CARRIED OVER</b>	<b>Page 37</b>
<b>LD 360</b>	<b>An Act to Amend the Process of Competitive Bidding for Insurance by School Boards</b>	<b>ONTP</b>	<b>Page 39</b>
<b>LD 477</b>	<b>An Act to Require that Health Insurance Benefits for School District Employees Be Subject to the Mandatory Bid Process</b>	<b>ONTP</b>	<b>Page 39</b>
<b>LD 676</b>	<b>An Act to Make Health Care More Affordable to Small Businesses</b>	<b>ONTP</b>	<b>Page 44</b>
<b>LD 681</b>	<b>An Act to Increase Access to Affordable Health Insurance for Citizens of Maine</b>	<b>ONTP</b>	<b>Page 44</b>
<b>LD 766</b>	<b>An Act to Provide Options under Managed Care Plans for Counseling by a Primary Care Physician</b>	<b>ONTP</b>	<b>Page 46</b>
<b>LD 785</b>	<b>An Act to Require Certain Practices by Managed Care Plans</b>	<b>ONTP</b>	<b>Page 46</b>
<b>LD 828</b>	<b>An Act to Require Public Insurers to Supply Insurance Data to Schools and Municipalities</b>	<b>ONTP</b>	<b>Page 48</b>
<b>LD 839</b>	<b>An Act to Ensure Reasonable Access to Emergency Medical Services</b>	<b>ONTP</b>	<b>Page 49</b>
<b>LD 911</b>	<b>An Act to Define the Diagnosis of Pregnancy for the Purposes of Insurance Coverage</b>	<b>ONTP</b>	<b>Page 52</b>
<b>LD 1000</b>	<b>An Act to Ensure Choice of Physicians in Managed Care Programs</b>	<b>ONTP</b>	<b>Page 57</b>
<b>LD 1016</b>	<b>An Act to Amend the Laws Pertaining to Infant Formulas</b>	<b>ONTP</b>	<b>Page 57</b>



<b>LD 1060</b>	<b>An Act to Provide Health Insurance Coverage for Prostate Cancer Screening</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 59</b>
<b>LD 1150</b>	<b>An Act to Prohibit Discrimination Based on Genetic Testing Information</b>	<b>ONTP</b>	<b>Page 63</b>
<b>LD 1206</b>	<b>An Act to Ensure Patient Choice and Access to Health Care by Offering a Point-of-service Plan</b>	<b>ONTP</b>	<b>Page 65</b>
<b>LD 1210</b>	<b>An Act to Prohibit Insurance Companies from Denying Health Care Coverage Based on DNA Tests</b>	<b>ONTP</b>	<b>Page 65</b>
<b>LD 1243</b>	<b>An Act to Protect the Privacy of Genetic Information</b>	<b>CARRIED OVER</b>	<b>Page 65</b>
<b>LD 1371</b>	<b>An Act Regarding Compensation for Restricting Medical Care</b>	<b>ONTP</b>	<b>Page 67</b>
<b>LD 1386</b>	<b>Resolve, to Review Health Insurance Benefits Mandated by the State</b>	<b>ONTP</b>	<b>Page 70</b>
<b>LD 1484</b>	<b>An Act to Make Mandated Health Insurance Coverage Optional</b>	<b>ONTP</b>	<b>Page 72</b>
<b>LD 1489</b>	<b>An Act to Update the Insurance Code for Substance Abuse</b>	<b>ONTP</b>	<b>Page 72</b>
<b>LD 1566</b>	<b>An Act to Require Blue Cross and Blue Shield of Maine to Report Annually to the Legislature Regarding the Fulfillment of Its Charitable Mission</b>	<b>ONTP</b>	<b>Page 78</b>
<b>LD 1568</b>	<b>An Act to Amend the Board of Directors of Nonprofit Hospital or Medical Service Organizations</b>	<b>ONTP</b>	<b>Page 79</b>
<b>LD 1625</b>	<b>An Act to Create an Independent Ombudsman for Consumer Protection in Managed Care</b>	<b>ONTP</b>	<b>Page 79</b>
<b>LD 1642</b>	<b>Resolve, to Require the Superintendent of Insurance to Develop Criteria for an Independent Fairness Review Prior to Conversion of a Non-profit Entity to a For-profit Entity</b>	<b>ONTP</b>	<b>Page 83</b>
<b>LD 1664</b>	<b>An Act to Require Bids from Health Care Providers for State Employees to Include Medicaid Coverage</b>	<b>ONTP</b>	<b>Page 595</b>
<b>LD 1738</b>	<b>An Act to Include Nontraditional Medical Alternatives under Health Maintenance Organization and Medicaid Coverage and to Allow the Patient to Choose the Method of Treatment</b>	<b>ONTP</b>	<b>Page 83</b>

<b>LD 1741</b>	<b>An Act to Establish the Maine Single-payor Health Care Plan and to Restructure the State Tax System</b>	<b>ONTP</b>	<b>Page 84</b>
<b>LD 1754</b>	<b>An Act Regarding Hospital Charges for Physicians Not Participating in Health Maintenance Organizations</b>	<b>ONTP</b>	<b>Page 84</b>
<b>LD 1775</b>	<b>An Act to Promote Access to Health Care</b>	<b>ONTP</b>	<b>Page 85</b>
<b>LD 1848</b>	<b>An Act to Create the Managed Care Ombudsman Program</b>	<b>CARRIED OVER</b>	<b>Page 88</b>
<b>LD 1857</b>	<b>An Act to Protect Patients of Managed Care Plans</b>	<b>CARRIED OVER</b>	<b>Page 91</b>

### *Insurance, Motor Vehicles*

#### Enacted

None

#### Not Enacted

<b>LD 112</b>	<b>An Act to Aid Enforcement of the Laws Regarding Mandatory Insurance for Motor Vehicles</b>	<b>ONTP</b>	<b>Page 35</b>
<b>LD 622</b>	<b>An Act to Deter Automobile Owners from Canceling their Insurance and to Require Notification of Cancellation</b>	<b>ONTP</b>	<b>Page 42</b>
<b>LD 668</b>	<b>An Act to Amend the Laws Pertaining to Motor Vehicle Financial Responsibility and Insurance</b>	<b>ONTP</b>	<b>Page 43</b>
<b>LD 836</b>	<b>An Act Concerning the Lapse of Automobile Insurance</b>	<b>ONTP</b>	<b>Page 49</b>
<b>LD 1374</b>	<b>An Act to Increase Mandatory Auto Insurance Limits</b>	<b>ONTP</b>	<b>Page 67</b>
<b>LD 1417</b>	<b>An Act to Prohibit Certain Accidents from Being Used by Insurers to Increase Insurance Premiums</b>	<b>ONTP</b>	<b>Page 71</b>

## *Insurance, Regulation and Practices*

### Enacted

<b>LD 335</b>	<b>An Act to Prohibit Certain Activities by Insurance Adjusters</b>	<b>PUBLIC 86</b>	<b>Page 37</b>
<b>LD 806</b>	<b>An Act to Include Health Maintenance Organizations in the Bureau of Insurance's Regulatory Assessment</b>	<b>PUBLIC 79</b>	<b>Page 46</b>
<b>LD 933</b>	<b>Resolve, to Establish a Commission to Study Insurance Fraud</b>	<b>RESOLVE 77 EMERGENCY</b>	<b>Page 52</b>
<b>LD 980</b>	<b>An Act to Amend Provisions Applicable to Property Casualty Insurers and Reporting Requirements to the Bureau of Insurance</b>	<b>PUBLIC 126</b>	<b>Page 54</b>
<b>LD 1052</b>	<b>Resolve, Establishing a Task Force to Examine the Desirability of a Model Municipal Building Code</b>	<b>RESOLVE 24</b>	<b>Page 58</b>
<b>LD 1103</b>	<b>An Act to Apply Risk-based Capital Standards to Insurers</b>	<b>PUBLIC 81</b>	<b>Page 61</b>
<b>LD 1132</b>	<b>An Act to Amend the Continuing Care Retirement Community Laws</b>	<b>PUBLIC 478</b>	<b>Page 63</b>
<b>LD 1190</b>	<b>Resolve, Regarding Legislative Review of Chapter 840: Private Purchasing Alliances, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance</b>	<b>RESOLVE 14 EMERGENCY</b>	<b>Page 64</b>
<b>LD 1191</b>	<b>Resolve, Regarding Legislative Review of Chapter 850, Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance</b>	<b>RESOLVE 13 EMERGENCY</b>	<b>Page 64</b>
<b>LD 1349</b>	<b>An Act to Reduce Insurance Premiums by Discouraging Insurance Fraud</b>	<b>PUBLIC 341</b>	<b>Page 66</b>
<b>LD 1385</b>	<b>An Act to Promote Parity in the Regulation of Insurance Sales by Federally and State-chartered Financial Institutions</b>	<b>PUBLIC 315 EMERGENCY</b>	<b>Page 68</b>
<b>LD 1453</b>	<b>An Act to Provide Subrogation Equity</b>	<b>PUBLIC 369</b>	<b>Page 71</b>
<b>LD 1558</b>	<b>An Act to Regulate Viatical Companies</b>	<b>PUBLIC 430</b>	<b>Page 77</b>

<b>LD 1640</b>	<b>An Act to Streamline Licensing and Reporting Requirements and Reduce Regulatory Burdens for Licensed Insurance Professionals and Insurers</b>	<b>PUBLIC 457 EMERGENCY</b>	<b>Page 80</b>
<b>LD 1787</b>	<b>An Act to Authorize Captive Insurance Companies</b>	<b>PUBLIC 435</b>	<b>Page 86</b>
<b>LD 1879*</b>	<b>An Act Authorizing the Bureau of Insurance to Release Aggregate Ratios of Consumer Complaints to the Public</b>	<b>PUBLIC 314</b>	<b>Page 93</b>
<b><u>Not Enacted</u></b>			
<b>LD 309</b>	<b>An Act to Amend the Laws Governing Medical Payments Coverage Limits on Priority Liens</b>	<b>ONTP</b>	<b>Page 37</b>
<b>LD 552</b>	<b>An Act to Prohibit Rebates and Other Incentives Pertaining to Insurance Claims</b>	<b>ONTP</b>	<b>Page 41</b>
<b>LD 716</b>	<b>An Act to Require Certain Information on Insurance Bills</b>	<b>ONTP</b>	<b>Page 45</b>
<b>LD 889</b>	<b>An Act to Ensure Fair Claims Settlement Practices</b>	<b>CARRIED OVER</b>	<b>Page 51</b>
<b>LD 900</b>	<b>An Act Regarding the Decision by an Insurance Carrier Whether to Cover Certain Services</b>	<b>ONTP</b>	<b>Page 51</b>
<b>LD 902</b>	<b>An Act Requiring Notice to Homeowners' Insurance Policyholders when an Insurer Ceases to Transact Business with an Agent</b>	<b>ONTP</b>	<b>Page 51</b>
<b>LD 922</b>	<b>An Act to Require Disclosure to Consumers about the Availability of Private Insurance Adjusters</b>	<b>ONTP</b>	<b>Page 52</b>
<b>LD 1040</b>	<b>An Act Directing the Bureau of Insurance to Develop Standards of Conduct for Insurance Adjusters</b>	<b>ONTP</b>	<b>Page 58</b>
<b>LD 1150</b>	<b>An Act to Prohibit Discrimination Based on Genetic Testing Information</b>	<b>ONTP</b>	<b>Page 63</b>
<b>LD 1210</b>	<b>An Act to Prohibit Insurance Companies from Denying Health Care Coverage Based on DNA Tests</b>	<b>ONTP</b>	<b>Page 65</b>
<b>LD 1243</b>	<b>An Act to Protect the Privacy of Genetic Information</b>	<b>CARRIED OVER</b>	<b>Page 65</b>
<b>LD 1288</b>	<b>An Act to Adopt a Uniform Policy on Treatment of Medical Liens in Personal Injury Litigation</b>	<b>ONTP</b>	<b>Page 66</b>

<b>LD 1470</b>	<b>An Act to Lower Property Taxes by Requiring School Boards to Purchase Certain Insurance from the State</b>	<b>ONTP</b>	<b>Page 72</b>
<b>LD 1540</b>	<b>An Act to Establish a State Disaster Relief Trust Fund</b>	<b>CARRIED OVER</b>	<b>Page 76</b>
<b>LD 1566</b>	<b>An Act to Require Blue Cross and Blue Shield of Maine to Report Annually to the Legislature Regarding the Fulfillment of Its Charitable Mission</b>	<b>ONTP</b>	<b>Page 78</b>
<b>LD 1568</b>	<b>An Act to Amend the Board of Directors of Nonprofit Hospital or Medical Service Organizations</b>	<b>ONTP</b>	<b>Page 79</b>
<b>LD 1642</b>	<b>Resolve, to Require the Superintendent of Insurance to Develop Criteria for an Independent Fairness Review Prior to Conversion of a Non-profit Entity to a For-profit Entity</b>	<b>ONTP</b>	<b>Page 83</b>
<b>LD 1783</b>	<b>An Act to Clarify the Laws Concerning Claims Settlement Practices</b>	<b>CARRIED OVER</b>	<b>Page 85</b>

### *Securities*

#### Enacted

<b>LD 981</b>	<b>An Act to Amend the Revised Maine Securities Act</b>	<b>PUBLIC 168</b>	<b>Page 55</b>
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#### Not Enacted

None

\*Introduced without reference to committee.



## Joint Standing Committee on Business and Economic Development

**LD 32**

**An Act to Grandfather Ambulance Attendants from Additional Rulemaking**

**PUBLIC 26**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY NASS	OTP-AM	S-15

LD 32 proposed to grandfather ambulance attendants under licensing provisions in effect on September 30, 1996. Ambulance attendants that were grandfathered would not be subject to rules affecting the licensing of ambulance attendants after September 1, 1996.

**Committee Amendment "A" (S-15)** proposed to change the retroactivity date for the grandfathering of ambulance attendants to August 30, 1996.

### *Enacted law summary*

Public Law 1997, chapter 26 allows ambulance attendants to be grandfathered under licensing provisions in effect on August 30, 1996.

**LD 114**

**An Act to Amend the Unclaimed Property Act**

**ONTP**

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

LD 114 proposed to amend the Unclaimed Property Act as follows.

1. It proposed to reduce the general presumption of abandonment from five years to two years.
2. It proposed to specifically reduce for gift certificates and credit memos the presumption from five years to two years as well as require all issuers of gift certificates to keep records of purchasers and their addresses.
3. It proposed to require holders of abandoned property to report the names and addresses of last known owners whose property they retained with a value over \$200. Currently that requirement is attached for property with a value of \$25.
4. It proposed to raise the threshold for the ability to report, in the aggregate, held property with individual values of under \$200 rather than the current \$25.
5. It proposed to 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. Currently, the administrator fines people, even

if they do not hold abandoned property, for not reporting since the administrator presumes certain businesses must hold abandoned property.

6. It proposed to reduce from ten years to six years the length of time a business must maintain records. This time period would equal the general statute of limitations.

**LD 165**                      **An Act to Clarify the Right of Campground Owners To Evict or Deny Accommodations to Problem Guests**

**PUBLIC 59  
EMERGENCY**

<u>Sponsor(s)</u> KILKELLY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-16
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LD 165 proposed to give the owner of a campground the authority to refuse or deny accommodations or eject guests from a campground for the following reasons:

1. If the person was unwilling or unable to pay;
2. If the person was a minor;
3. If the person brought in property that was dangerous to others;
4. If allowing a person to stay caused the campground owner to exceed the limit on occupants; or
5. If the person violated any rules or endangered others.

**Committee Amendment "A" (S-16)** proposed to permit a campground owner to deny accommodations to any person who violated any rule of the campground that was posted in a conspicuous manner at the guest registration desk and at the campground site. This amendment proposed to eliminate the requirement that the rules be posted at each campground site.

***Enacted law summary***

Public Law 1997, chapter 59 gives the owner of a campground the authority to refuse or deny accommodations or eject guests from a campground for the following reasons:

1. If the person is unwilling or unable to pay;
2. If the person is a minor;
3. If the person brings in property that is dangerous to others;
4. If allowing a person to stay causes the campground owner to exceed the limit on occupants; or
5. If the person violates any rules or endangers others. The rules of the campground must be posted in a conspicuous manner at the guest registration desk.

Chapter 59 was enacted as an emergency measure effective March 28, 1997.



**LD 170**

**An Act to Allow Members of Cooperatives to Vote by Proxy**

**PUBLIC 7**

Sponsor(s)  
CAREY

Committee Report  
OTP

Amendments Adopted

LD 170 proposed to remove the prohibition on members of cooperatives voting by proxy. The bill proposed to allow a cooperative to prohibit voting by proxy in the articles of incorporation or bylaws. If a cooperative did not prohibit voting by proxy in its articles of incorporation or bylaws, members of the cooperative could vote by proxy.

*Enacted law summary*

Public Law 1997, chapter 7 removes the prohibition on members of cooperatives voting by proxy. P.L. Chapter 7 allows a cooperative to prohibit voting by proxy in the articles of incorporation or bylaws. If a cooperative does not prohibit voting by proxy in its articles of incorporation or bylaws, members of the cooperative may vote by proxy.

**LD 184**

**An Act to Decrease the Time Period Allowed for the Rescission of a Time-share Contract**

**PUBLIC 83**

Sponsor(s)  
HALL

Committee Report  
OTP-AM MAJ  
OTP MIN

Amendments Adopted  
S-60

LD 184 proposed to decrease the time period allowed for the rescission of a time-share contract from 15 days to seven days.

**Committee Amendment "A" (S-60)** proposed to increase the time period allowed for rescission as proposed by the bill from seven days to 10 calendar days.

*Enacted law summary*

Public Law 1997, chapter 83 decreases the time period allowed for the rescission of a time-share contract from 15 days to 10 calendar days.

**LD 204**

**Resolve, to Authorize the Electricians' Examining Board to Study the Need for Continuing Education Among Helper Electricians**

**RESOLVE 16**

Sponsor(s)  
HATCH

Committee Report  
OTP-AM

Amendments Adopted  
H-142

LD 204 proposed to amend the laws governing electricians as follows:

1. It would have deleted the designation "helper electrician" and eliminated references to helper electricians.
2. It would have changed reference from "inside electrician" to "inside journeyman wireman electrician."

**Committee Amendment "A" (H-142)** proposed to replace the bill with a resolve directing the Electricians' Examining Board to study the issue of continuing education for helper electricians. The Electricians' Examining Board would report back to the Joint Standing Committee on Business and Economic Development by November 15, 1997.

***Enacted law summary***

Resolve 1997, chapter 16 directs the Electricians' Examining Board to study the issue of continuing education for helper electricians. The Electricians' Examining Board is to report back to the Joint Standing Committee on Business and Economic Development by November 15, 1997 with its findings and recommendations.

**LD 217**

**An Act to Amend the Optometry Licensing Laws and to Allow  
Maine Citizens to Fill Contact Lens Prescriptions through the Mail**

**PUBLIC 117**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY	OTP-AM MAJ ONTP MIN	S-82

LD 217 proposed to allow a person to fill a contact lens prescription by mail.

**Committee Amendment "A" (S-82)** proposed to replace the bill. The bill removed the prohibition against filling contact lens prescriptions by mail. This amendment proposed to retain that provision and would also require mail order contact lens suppliers to register with the Board of Commissioners of the Profession of Pharmacy and comply with certain requirements. The amendment would restrict the expiration dates of contact lens prescriptions to 24 months from the date of issue and require record retention for all contact lens prescriptions filled for five years. The amendment would also remove the provision in the Board of Optometry's laws that requires all therapeutic licensees to upgrade their licenses to an advanced therapeutic license.

***Enacted law summary***

Public Law 1997, chapter 117 removes the prohibition against filling contact lens prescriptions by mail. Mail order contact lens suppliers are required to be registered with the Board of Commissioners of the Profession of Pharmacy and comply with certain requirements in order to register. Chapter 117 restricts the expiration dates of contact lens prescriptions to 24 months from the date of issue and requires record retention for all contact lens prescriptions filled for five years. Finally, the provision in the Board of Optometry's laws that requires all therapeutic licensees to upgrade their licenses to an advanced therapeutic license is removed.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD KERR	OTP-AM	S-59

LD 266 proposed to amend Maine law to make it consistent with federal law governing fair housing for older persons by removing language that referred to federal requirements for significant facilities and services that are no longer in existence.

**Committee Amendment "A" (S-59)** proposed to delete a reference to regulations adopted by the United States Department of Housing and Urban Development to be consistent with the removal of the language requiring significant facilities and services as defined by HUD regulation in the bill.

*Enacted law summary*

Public Law 1997, chapter 85 amends Maine law to make it consistent with federal law governing fair housing for older persons by removing language that refers to federal requirements for significant facilities and services that are no longer in existence.

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

LD 285 proposed to repeal the statutory authority of the Task Force on Defense Realignment and the Economy. The Task Force on Defense Realignment and the Economy was created in 1991 to monitor reductions in federal defense spending and military base realignments, coordinate statewide responses to these reductions and develop a plan to reduce the State's defense dependency. The legislative charge of the task force has been met and no further military base closures are anticipated, the continuation of the task force is no longer necessary nor desirable.

*Enacted law summary*

Public Law 1997, chapter 15 repeals the statutory authority for the Task Force on Defense Realignment and the Economy. The task force was created in 1991 to monitor reductions in federal defense spending and military base realignments, coordinate statewide responses to these reductions and develop a plan to reduce the State's defense dependency. As the legislative charge of the task force has been met and no further military base closures are anticipated, the continuation of the task force is no longer necessary nor desirable.

**LD 330**

**Resolve, to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Microenterprise Needs**

**RESOLVE 23**

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

LD 330 proposed to require the Department of Economic and Community Development to report to the joint standing committee of the Legislature having jurisdiction over business and economic development matters by October 1, 1997 on the needs of entrepreneurship in the State, microloans, microenterprise and small business needs.

***Enacted law summary***

Resolve 1997, chapter 23 requires the Department of Economic and Community Development to report to the joint standing committee of the Legislature having jurisdiction over business and economic development matters by October 1, 1997 on the needs of entrepreneurship in the State, microloans, microenterprise and small business needs.

**LD 390**

**An Act Requiring Masonry Work to Comply with State and Local Building and Fire Codes**

**ONTP**

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

LD 390 proposed to require that masonry work comply with applicable state and local building and fire codes. The committee acknowledged the safety concerns brought forward by the bill and assigned a subcommittee to address the issue. The subcommittee discussed existing requirements for chimney and fireplace installation and the need for additional state laws versus education on National Fire Protection Association code requirements. Under current law, 25 MRSA §2465, no person may install any vent or solid fuel burning appliance unless in accordance with the National Fire Protection Association Code #211, "The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances." The consensus was that by raising awareness and educating the individuals doing installations promotion of professionalism and accountability of the profession would grow. An agreement was reached that rather than pass a law, a more effective means of addressing this education issue would be to offer a seminar. The seminar would be a joint effort between the Department of Public Safety and the Department of Professional and Financial Regulation with assistance from the State Fire Marshall's Office to be scheduled for the fall of 1997.

**LD 421**

**An Act to Grandfather Certain Practicing Naturopathic Doctors**

**ONTP**

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

LD 421 proposed to create an exception to a licensing requirement for naturopathic doctors. If practicing naturopathic doctors had begun their practice before the board-approved basic sciences exam was developed, they would be exempt from the basic sciences exam requirement.

**LD 426**                      **An Act to Amend the Employee Leasing Company Registration Process**                      **PUBLIC 29**

<u>Sponsor(s)</u> CATHCART		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 426 proposed to make technical corrections to the employee leasing laws enacted in the Second Regular Session of the 117th Legislature. The intent of those laws was to have the registration performed at the Department of Professional and Financial Regulation, not the Department of Labor.

***Enacted law summary***

Public Law 1997, chapter 29 makes technical corrections to the employee leasing laws enacted in the Second Regular Session of the 117th Legislature. The intent of those laws was to have the registration performed at the Department of Professional and Financial Regulation, not the Department of Labor.

**LD 481**                      **An Act to Regulate Body Piercing**                      **PUBLIC 206**

<u>Sponsor(s)</u> KERR		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-215
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LD 481 proposed to direct the Department of Human Services to establish sterilization, sanitation and safety standards for persons engaged in the business of body piercing. The bill would have required practitioners of body piercing to be registered with the municipality in which they practiced. The bill proposed to require local health officers to annually inspect locations where body piercing was practiced.

In addition, the bill proposed to establish a task force to recommend legislation to regulate body piercing.

**Committee Amendment "A" (H-215)** replaced the bill and proposed to direct the Department of Human Services to establish sterilization, sanitation and safety standards and necessary rules to regulate the art of body piercing. This amendment would require persons practicing body piercing to be licensed by the department beginning January 1, 1998. The license to practice would be renewed annually for a fee not to exceed \$75. For those persons practicing both body piercing and tattooing, the renewal fee would not to exceed \$100. The renewal fee would include costs for an annual inspection of the body piercing establishment by department sanitarians.

This amendment would also prohibit body piercers from performing body piercing on a minor unless parental consent had been obtained. The prohibition for minors would not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear. The amendment would establish a civil violation as the penalty for nonadherence to chapter requirements.

***Enacted law summary***

Public Law 1997, chapter 206 directs the Department of Human Services to establish sterilization, sanitation and safety standards and necessary rules to regulate the art of body piercing. Persons practicing body piercing are to be licensed by the department beginning January 1, 1998. The license to practice is to be renewed annually for a fee not to exceed \$75. For those persons practicing both body piercing and tattooing, the renewal fee is not to exceed \$100. The renewal fee includes costs for an annual inspection of the body piercing establishment by department sanitarians.

Body piercers are prohibited from performing body piercing on a minor unless parental consent has been obtained. The prohibition on piercing minors does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear. Nonadherence to chapter requirements is a civil violation.

**LD 508                      An Act to Increase the Certification Fee Cap for the Board of Geologists and Soil Scientists                      PUBLIC 141**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VIGUE	OTP-AM    MAJ ONTP        MIN	H-130

LD 508 proposed to increase the cap for initial and renewal fees for certification as a geologist or soil scientist in order to outsource the geologist exam. The bill proposed an increase in certification fees of \$15 from \$65 per year to \$80 per year.

**Committee Amendment "A" (H-130)** adds an allocation and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 141 increases the cap for initial and renewal fees for certification as a geologist or soil scientist in order to outsource the geologist exam. Certification fees will increase \$15 from \$65 per year to \$80 per year.

**LD 539                      An Act to Clarify the Laws Regarding the Board of Licensure in Medicine and Ensure That Physician Discipline Is Reported to the Appropriate Licensing Board                      PUBLIC 271**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VIGUE LONGLEY	OTP-AM	H-359

LD 539 proposed to amend the Maine Revised Statutes, Title 24, chapter 21, the Maine Health Security Act, to include health maintenance organizations, preferred provider arrangements and similar organizations as entities that must report practitioner discipline related to clinical competence or unprofessional conduct.

The bill also proposed to amend Title 32, chapter 48, the laws regarding the Board of Licensure in Medicine, to clarify that physician assistants are licensed to practice and are registered with the board, under a supervisory physician. The bill also clarified the board's authority to require licensees to submit to mental or physical examination.

**Committee Amendment "A" (H-359)** proposed to replace the bill and enact new language to clarify concerns on various sections. This amendment proposed to amend the Maine Revised Statutes, Title 5, section 9057, subsection 6 to apply the procedures for handling confidential information in administrative hearings to information provided to the boards of medicine and osteopathic licensure pursuant to Title 24, section 2506.

This amendment proposed to amend the Maine Health Security Act to include health maintenance organizations, preferred provider arrangements and similar organizations as entities that must report practitioner discipline related to clinical competence or unprofessional conduct and to apply the immunities provided by the Maine Health Security Act to these organizations. This amendment clarified when a report pursuant to the Maine Health Security Act must be made to the Board of Licensure in Medicine and the Board of Osteopathic Licensure and what information related to the report must be provided to the boards.

This amendment changed the licensure of the physician assistants under the supervision of the Board of Osteopathic Licensure from annual to biennial.

This amendment clarified that the exemption from discovery does not apply to information that must be reported to the boards pursuant to Title 24, section 2506. This amendment applied only to the Board of Licensure in Medicine and the Board of Osteopathic Licensure and the materials protected by Title 32, section 2599 and section 3296 remain confidential for all other purposes.

This amendment clarified that physician assistants are licensed to practice and are registered with the Board of Licensure in Medicine under a supervisory physician. This amendment also clarified the board's authority to require licensees to submit to mental or physical examination.

### ***Enacted law summary***

Public Law 1997, chapter 271, amends Title 5, section 9057, subsection 6 to apply the procedures for handling confidential information in administrative hearings to information provided to the boards of medicine and osteopathic licensure pursuant to Title 24, section 2506. The exemption from discovery does not apply to information that must be reported to the boards pursuant to Title 24, section 2506.

Public Law 1997, chapter 271 also amends the Maine Health Security Act to include health maintenance organizations, preferred provider arrangements and similar organizations as entities that must report practitioner discipline related to clinical competence or unprofessional conduct and to apply the immunities provided by the Maine Health Security Act to these organizations. Clarification is made as to when a report pursuant to the Maine Health Security Act must be made to the Board of Licensure in Medicine and the Board of Osteopathic Licensure and what information related to the report must be provided to the boards.

Licensure of the physician assistants under the supervision of the Board of Osteopathic Licensure is changed from annual to biennial.

Clarification is made that physician assistants are licensed to practice and are registered with the Board of Licensure in Medicine under a supervisory physician. PL c. 539 also clarifies the board's authority to require licensees to submit to mental or physical examination.

**LD 541**

**An Act to Amend the Laws Regarding the Licensure of Hearing Aid Dealers and Fitters**

**PUBLIC 156**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH	OTP-AM MAJ ONTP MIN	H-196

LD 541 proposed to amend the Maine Revised Statutes, Title 32, chapter 23-A, Hearing Aid Dealers and Fitters, to revise the requirements for the trainee permit to include a more extensive period of supervised work experience and to centralize and revise fee information to include an application fee and a separate fee for the retake of the practical examination. Language would also be revised in chapter 23-A to make it gender-neutral.

**Committee Amendment "A" (H-196)** proposed to add an allocation section and a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 156 amends the Maine Revised Statutes, Title 32, chapter 23-A, Hearing Aid Dealers and Fitters, to revise the requirements for the trainee permit to include a more extensive period of supervised work experience and to centralize and revise fee information to include an application fee and a separate fee for the retake of the practical examination.

**LD 550**

**An Act to Ensure Fairness to Merchants under an Implied Warranty of Merchantability**

**VETO  
SUSTAINED**

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

LD 550 proposed to amend the Uniform Commercial Code to provide sellers of consumer goods who are required to honor implied warranties of merchantability to their customers with recourse against the manufacturer of those goods when the defect is the fault of the manufacturer. The Legislature enacted the bill, however, the Governor vetoed the bill. The veto was sustained; and the Legislature enacted LD 1889 to accomplish the intent of LD 550 without raising the concerns outlined in the Governor’s veto message.

**LD 567**

**An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to the Livable Wage in Business Assistance Subsidies**

**ONTP**

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



LD 567 proposed to require all business assistance subsidies provided by the Department of Economic and Community Development to be directed to employers that pay at least \$11.54 per hour in direct compensation.

**LD 573**                      **An Act to Conform the Maine Fair Debt Collection Practices Act to Federal Law**                      **ONTP**

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

LD 573 proposed to conform Maine's Fair Debt Collection Practices Act to a recent amendment to the federal Fair Debt Collections Practices Act.

**LD 584**                      **An Act to Repeal the Laws Regulating Naturopathic Practitioners**                      **ONTP**

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

LD 584 proposed to amend the laws governing the Board of Complementary Health Care Providers to eliminate the provisions regulating the practice of naturopathic medicine.

**LD 597**                      **An Act to Amend the Statutes Pertaining to Emergency Medical Services**                      **CARRIED OVER**

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

LD 597 is being carried over to the Second Regular Session of the 118th Legislature. This bill proposes to amend the current laws concerning emergency medical services by:

1. Changing the reference to the course that a basic emergency medical technician must complete from one defined by the United States Department of Transportation to one defined by Maine Emergency Medical Services;
2. Expanding the definition of emergency medical services' person;
3. Expanding the monitoring power of the Emergency Medical Services' Board to include other services provided by its licensees and to define treatments or services that fall within the scope of the practice of an emergency medical services person;
4. Expanding the membership of the Emergency Medical Services' Board by three persons; and

5. Listing the criminal convictions that result in denial, suspension or revocation of an emergency medical services license.

**LD 604**                      **An Act to Amend the Maine Veterinary Practice Act of 1975**                      **ONTP**

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

LD 604 proposed to amend current law to include as recognized veterinary medicine specialties those alternative medical practices approved by the American Veterinary Medical Association. The bill also proposed to allow animal health assistants to read or interpret certain laboratory tests designated by the Maine State Board of Veterinary Medicine and allow persons to become veterinary technicians without taking college courses if they have completed an equivalent program approved by the board and passed an examination prescribed by the board. The provisions of this bill were subsequently incorporated into the committee amendment to LD 1468 (Public Law 1997, chapter 421).

**LD 678**                      **An Act to Amend the Laws Relating to Auctioneers**                      **PUBLIC 183**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	OTP-AM	S-107

LD 678 proposed to repeal the "small auctioneer" free license category.

**Committee Amendment "A" (S-107)** added a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 183 repeals the "small auctioneer" free license category.

**LD 686**                      **An Act to Streamline the Registration Process for Drug Outlets, Manufacturers and Wholesalers**                      **ONTP**

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

Current law requires drug outlets, manufacturers and wholesalers to report changes in ownership or control of such an entity as well as changes in the officers of the corporation. This bill proposed to clarify that changes in the members of the board of directors, exclusive of the officers, need not be reported.

**LD 687**                      **An Act to Require Notification of Changes in Product Lines from Beverage Distributors to Redemption Centers and to Clarify Beverage Distributors' Obligation to Pick Up Containers**                      **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 687 proposed to require distributors to pick up containers when requested by dealers if the containers are empty, unbroken and reasonably clean; of the particular kind, size and brand sold by the distributor; and number at least 48. The bill would require distributors to notify redemption centers when a beverage line was discontinued or a new beverage line was added. The distributor could choose to notify redemption centers in one of two ways.

**LD 690**                      **An Act to Require That Safety Features Be Added to Hot Water Heaters and Furnaces Powered by Natural Gas**                      **ONTP**

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 690 proposed to require that sellers or installers of water heaters or furnaces that operate using natural gas for use in residences must ensure that those appliances are sold with and installed upon platforms that are at least ten inches off the floor.

**LD 709**                      **An Act to Define the Term "Occupational Therapy Practitioner" in the Laws Regulating Professions and Occupations**                      **PUBLIC 212**

<u>Sponsor(s)</u> FULLER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-287
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LD 709 proposed to enact a new definition in the Maine Revised Statutes, Title 32, chapter 32. The new definition, "occupational therapy practitioner," would include both occupational therapists and occupational therapy assistants. The bill would also amend language to include references to occupational therapy practitioners in the chapter.

**Committee Amendment "A" (H-287)** proposed to clarify that an occupational therapy practitioner included a licensed occupational therapist or a certified occupational therapy assistant.

*Enacted law summary*

Public Law 1997, chapter 212 enacts a new definition in the Maine Revised Statutes, Title 32, chapter 32. The new definition, "occupational therapy practitioner," includes licensed occupational therapists or certified occupational therapy assistants.

**LD 713**                      **An Act to Change the Composition of the Loring Development Authority Board of Trustees**                      **ONTP**

<u>Sponsor(s)</u> O'NEAL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 713 proposed to change the composition of the Loring Development Authority Board of Trustees by adding an additional member. The Aroostook County legislative delegation would appoint a member of the delegation to be a nonvoting, ex officio member of the board of trustees.

**LD 729**                      **An Act to Amend the Maine Pharmacy Act**                      **PUBLIC 245**

<u>Sponsor(s)</u> BRUNO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-288
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LD 729 proposed to simplify the title of the Board of Commissioners of the Profession of Pharmacy, to include in the Maine Pharmacy Act a definition of "pharmacy technician" and to authorize the board to establish a fee, not to exceed \$25, for the annual registration of pharmacy technicians.

**Committee Amendment "A" (H-288)** proposed to add new sections to the bill that would have revised the law regulating generic and therapeutically equivalent substitutions for brand-name medications to increase prescription form options available to practitioners and pharmacists. The amendment would also eliminate the requirement for posting a "Top 100" list of drug prices and would replace it with a requirement that a pharmacist or pharmacy technician disclose drug prices when asked, if provided with sufficient information by the inquiring person or by the prescribing practitioner.

***Enacted law summary***

Public Law 1997, chapter 245 simplifies the title of the Board of Commissioners of the Profession of Pharmacy, includes in the Maine Pharmacy Act a definition of "pharmacy technician" and authorizes the board to establish a fee, not to exceed \$25, for the annual registration of pharmacy technicians. Chapter 245 also amends the law regulating generic and therapeutically equivalent substitutions for brand-name medications to increase prescription form options available to practitioners and pharmacists. The prescription pad is no longer required to have a small check-off box on it in order to be filled in the State. Chapter 245 also eliminates the requirement for posting a "Top 100" list of drug prices and replaces it with a requirement that a pharmacist or pharmacy technician disclose drug prices when asked, if provided with sufficient information by the inquiring person or by the prescribing practitioner.

**LD 736**

**An Act to Abolish the Economic Development and Business Assistance Coordinating Council**

**PUBLIC 48**

Sponsor(s)  
ROWE

Committee Report  
OTP

Amendments Adopted

LD 736 proposed to abolish the Economic Development and Business Assistance Coordinating Council. The council was created in 1992 but never received state funding. The council is no longer necessary in light of the recent establishment of a similar economic development organization and the formation of an economic development strategic plan at the state level.

***Enacted law summary***

Public Law 1997, chapter 48 abolishes the Economic Development and Business Assistance Coordinating Council. The council was created in 1992 but never received state funding. The Council is no longer necessary in light of the recent establishment of a similar economic development organization and the formation of an economic development strategic plan at the state level.

**LD 737**

**An Act to Create a Helper Registration Category, to Exempt Certain Persons from Licensure under the Propane and Natural Gas Act and to Eliminate the Tagging Requirement**

**PUBLIC 270**

Sponsor(s)  
FARNSWORTH

Committee Report  
OTP-AM

Amendments Adopted  
H-358

LD 737 proposed to establish a propane and natural gas apprentice registration program under the Propane and Natural Gas Act to allow a technician to hire a helper to assist in installations and maintenance of propane and natural gas equipment. This bill also proposed to exempt from licensure highway transport drivers who deliver propane to bulk plants or industrial customers.

**Committee Amendment "A" (H-358)** proposed to change all references to "apprentice" to "helper." This amendment would also add the words "on-site" to ensure that all work performed by a helper on-site is done under the direct and continuous supervision of a licensed individual. This amendment would repeal the tagging requirement for the installation of propane and natural gas equipment.

***Enacted law summary***

Public Law 1997, chapter 270 establishes a propane and natural gas helper category under the Propane and Natural Gas Act to allow a technician to hire a helper to assist in installations and maintenance of propane and natural gas equipment. All work performed by a helper on-site must be done under the direct and continuous supervision of a licensed individual. Chapter 270 exempts from licensure highway transport drivers who deliver propane to bulk plants or industrial customers. Chapter 270 also repeals the tagging requirement for the installation of propane and natural gas equipment.

LD 768

**An Act to Clarify the Right of a Real Estate Broker to a Lien on Land, Improvements or Structures**

PUBLIC 264

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEXTER	OTP-AM MAJ OTP-AM MIN	H-323

LD 768 proposed to clarify the right of a real estate broker to a lien on land, improvements or structures to secure payment for services rendered in selling or leasing the land, improvements or structures.

**Committee Amendment "A" (H-323)** was the majority report of the committee. It proposed to strike reference to real estate broker action associated with leasing any interest in land, improvements or structures as subject to right of placing a lien. This proposal would be consistent with the intent of the original law passed in 1993 to include real estate brokers in this lien provision.

*Enacted law summary*

Public Law 1997, chapter 264 clarifies the right of a real estate broker to a lien on land, improvements or structures to secure payment for services rendered in selling the land, improvements or structures.

LD 841

**An Act to Amend the Dental Licensure Laws to Authorize Special Permits for Instruction in Dentistry and to Identify and Rehabilitate Impaired Dentists**

PUBLIC 107

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

LD 841 proposed to enable Maine dentists to establish a professional review committee to develop and implement a comprehensive therapeutic program to address the needs of dentists who have or who may develop impairments such as alcohol abuse, psychoactive drug abuse or other dependency interfering with their practices. This bill would also amend the Dental Practice Act to allow the Board of Dental Examiners to issue limited licenses to certain instructors in board-approved continuing education programs within the State. Instruction in specialized areas may require the practice of dentistry, as defined by the Maine Revised Statutes, Title 32, section 1081, by persons who are not licensed in Maine but whose credentials otherwise make them uniquely qualified to educate Maine practitioners in certain techniques.

**Committee Amendment "A" (H-127)** proposed to clarify that the professional review committee would be made up of either physicians, dentists or both as circumstances warrant. This amendment proposed to add language to include all professionals licensed with the Board of Dental Examiners in provisions enabling affected individuals to obtain help with a drug or alcohol dependency issue.

*Enacted law summary*

Public Law 1997, chapter 107 enables Maine dentists to establish a professional review committee to develop and implement a comprehensive therapeutic program to address the needs of all professionals licensed with the Board of

Dental Examiners who have or who may develop impairments such as alcohol abuse, psychoactive drug abuse or other dependency interfering with their practices. The professional review committee would be made up of either physicians, dentists or both as circumstances warrant.

Chapter 107 allows the Board of Dental Examiners to issue limited licenses to certain instructors in board-approved continuing education programs within the State. Instruction in specialized areas may require the practice of dentistry, as defined by the Maine Revised Statutes, Title 32, section 1081, by persons who are not licensed in Maine but whose credentials otherwise make them uniquely qualified to educate Maine practitioners in certain techniques.

**LD 842**                      **An Act to Amend the Osteopathic Licensure Laws to Clarify the Appropriate Degree Required for Licensure**                      **PUBLIC 50**

<u>Sponsor(s)</u> CAMERON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 842 proposed to amend the osteopathic licensure laws to clarify that the degree required for licensure is one conferred by a school or college of osteopathic medicine approved by the American Osteopathic Association.

***Enacted law summary***

Public Law 1997, chapter 50 amends the osteopathic licensure laws to clarify that the degree required for licensure is one conferred by a school or college of osteopathic medicine approved by the American Osteopathic Association.

**LD 891**                      **Resolve, to Authorize and Fund an Independent Study of the Economic Impacts of Increased Natural Gas Availability and Use in the State**                      **ONTP**

<u>Sponsor(s)</u> KILKELLY MADORE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 891 proposed to require the State Planning Office to hire an independent consultant to conduct a study of the economic consequences of increased natural gas use in Maine.

**LD 904**                      **An Act to Clarify the Audit Requirement of the Maine State Housing Authority**                      **PUBLIC 125  
EMERGENCY**

<u>Sponsor(s)</u> ROWE DONNELLY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-141
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LD 904 proposed to clarify that the Maine State Housing Authority's annual financial report may be prepared by the State Auditor or a qualified public accountant, which would be consistent with the preparation of financial reports of other independent authorities of the State.

**Committee Amendment "A" (H-141)** proposed to add an emergency preamble and emergency clause to the bill.

***Enacted law summary***

Public Law 1997, chapter 125 clarifies that the Maine State Housing Authority's annual financial report may be prepared by the State Auditor or a qualified public accountant, which is consistent with the preparation of financial reports of other independent authorities of the State.

Chapter 125 was enacted as an emergency measure effective April 25, 1997.

**LD 994                      An Act to Conform the Maine Fair Debt Collection Practices Act to Federal Laws                      ONTP**

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

LD 994 proposed to conform the Maine Fair Debt Collection Practices Act to a recent amendment to the federal Fair Debt Collection Practices Act, 15 United States Code, Section 1692( e) (11), contained in the federal Omnibus Appropriations Act, 1997 Public Law 104-208, Section 2305.

**LD 1005                      An Act to Provide for the Licensing of Building Contractors                      ONTP**

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

LD 1005 proposed to establish in the Department of Professional and Financial Regulation, Division of Licensing and Enforcement, a comprehensive register of contractors doing business in the State. The information would be available to the public.

The bill specified information that the contractor must provide and information that the department must provide the registrants to ensure that they would be aware of all applicable legal and ethical requirements for engaging in their particular business in Maine.

The registrants would be required to renew their registration annually and pay registration fees established by the department to cover the costs of administration of this law, but these requirements must be coordinated with any specific licensing or certification requirements with which the contractor must comply.

Registration would not be permitted for a contractor whose license, certification or registration has been suspended or revoked in this State or any other state unless the contractor passes a professional review.



**LD 1009**                      **An Act to Equalize the Energy Efficiency Standards for Multifamily Residential Structures Funded by Public Funds**                      **ONTP**

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

LD 1009 proposed to repeal the law that requires higher insulation standards in multifamily residential buildings funded in whole or in part by public funds in which electric heat is installed.

**LD 1025**                      **An Act Concerning Licensing and Recertification of Licensed Counseling Professionals**                      **PUBLIC 128**

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

LD 1025 proposed to allow licensed professional counselors to renew a license lapsed due to insufficient continuing education, once the continuing education requirements had been met.

**Committee Amendment "A" (H-135)** proposed to clarify that the Board of Counseling Professionals Licensure would adopt rules outlining how a licensee would reactivate an inactive license. The bill's summary inaccurately noted that only licensed clinical professional counselors were eligible for inactive status. As the bill was written all counseling professionals are eligible for inactive status.

*Enacted law summary*

Public Law 1997, chapter 128 allows licensed professional counselors to renew a license lapsed due to insufficient continuing education, once the continuing education requirements have been met. The Board of Counseling Professionals Licensure will adopt rules outlining how a licensee can reactivate an inactive license.

**LD 1049**                      **An Act to Amend the Real Estate Brokerage Laws**                      **PUBLIC 209**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMERON JENKINS	OTP-AM	H-289

LD 1049 proposed to amend the Real Estate Brokerage laws in the following ways:

1. Repeals the requirement that a home service company or sales agent obtain a license for the sale or solicitation of applications for home service contracts. It would also repeal requirements relating to required deposits, bonds and reserves.
2. Repeals the licensing requirement for timeshare agents.

3. Repeals the provisions specifying the course structure and hours required for an associate real estate broker course of study which makes the associate broker course of study consistent with the other prelicense courses approved by the Real Estate Commission.

**Committee Amendment "A" (H-289)** proposed to remove the sections of the bill that repeal the license requirement for timeshare agents.

***Enacted law summary***

Public Law 1997, chapter 209 amends the Real Estate Brokerage laws in the following ways:

1. Repeals the requirement that a home service company or sales agent obtain a license for the sale or solicitation of applications for home service contracts. It repeal requirements relating to required deposits, bonds and reserves.
2. Repeals the provisions specifying the course structure and hours required for an associate real estate broker course of study which makes the associate broker course of study consistent with the other prelicense courses approved by the Real Estate Commission.

<b>LD 1055</b>	<b>Resolve, Directing the Office of Tourism and Community Development and the Maine Tourism Commission to Include Lewiston as Part of Southern or South-central Maine and Directing the Maine Turnpike Authority to Change Turnpike Signs to Accurately Reflect Access to the Sunday River Ski Area by Way of Exits 11 and 12</b>	<b>RESOLVE 21</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JENKINS VIGUE	OTP-AM	S-106

LD 1055 proposed to direct the Office of Tourism and Community Development and the Maine Tourism Commission to consider the City of Lewiston as part of the southern region or the south-central region of the State when recommending or implementing policy guidelines on marketing and advertising strategies for tourism growth.

**Committee Amendment "A" (S-106)** This amendment proposed to add a section to the resolve directing the Maine Turnpike Authority to change signs located on the southern portion of the turnpike to accurately reflect access to the Sunday River ski area by way of turnpike exits 11 and 12. The signs currently indicate turnpike exit 11 as the only gateway to the ski area.

***Enacted law summary***

Resolve 1997, chapter 21 directs the Office of Tourism and Community Development and the Maine Tourism Commission to consider the City of Lewiston as part of the southern region or the south-central region of the State when recommending or implementing policy guidelines on marketing and advertising strategies for tourism growth. The resolve also directs the Maine Turnpike Authority to change signs located on the southern portion of the

turnpike to accurately reflect access to the Sunday River ski area by way of turnpike exits 11 and 12. The signs currently indicate turnpike exit 11 as the only gateway to the ski area.

**LD 1118**

**An Act to Amend the Oil and Solid Fuel Board Laws**

**PUBLIC 82**

<u>Sponsor(s)</u> HARRIMAN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1118 proposed to amend the Oil and Solid Fuel Board laws in the following ways:

1. Clarifies the requirements for a master oil burner technician license;
2. Eliminates the provision that applicants for an initial license with a term of one year or less pay only one half the biennial license fee;
3. Provides for staggered license renewals; and
4. Provides that licensees violating the provisions of laws and rules relating to the Oil and Solid Fuel Board are guilty of a Class E crime.

***Enacted law summary***

Public Law 1997, chapter 82 amends the Oil and Solid Fuel Board laws in the following ways:

1. Clarifies the requirements for a master oil burner technician license;
2. Eliminates the provision that applicants for an initial license with a term of one year or less pay only one half the biennial license fee;
3. Provides for staggered license renewals; and
4. Provides that licensees violating the provisions of laws and rules relating to the Oil and Solid Fuel Board are guilty of a Class E crime.

**LD 1142**

**An Act to Require That Only Licensed Substance Abuse Counselors Treat Substance Abuse Problems**

**ONTP**

<u>Sponsor(s)</u> MAILHOT NUTTING		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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Current law allows licensed health care professionals to provide substance abuse counseling as long as that is not the only professional service the person provides. LD 1142 proposed to require the licensed professional to successfully complete examinations given by the State Board of Alcohol and Drug Counselors. This bill would also allow the State Board of Alcohol and Drug Counselors to waive examination for applicants if the National

Certification Reciprocity Consortium or a similar organization recognizes the person as having met state licensing requirements for substance abuse counselors.

**LD 1151**                      **An Act to Require the Use of Safety Bars on Chairlifts**                      **ONTP**

<u>Sponsor(s)</u> BULL JENKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1151 proposed to require skiers to use safety devices on ski lifts, if the lifts are equipped with safety devices.

**LD 1171**                      **An Act to Better Inform Car Repair Customers**                      **PUBLIC 221**

<u>Sponsor(s)</u> RAND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-160
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A confusing aspect of any car repair for consumers is whether the bill is based on actual labor hours or a flat-rate manual's estimate of how much time such a repair should take. LD 1171 proposed to provide customers with greater information about flat-rate billing and to help them comparison shop for the best price. It is based on findings set forth in the 1995 National Association of Attorneys General Auto Repair Task Force Report.

**Committee Amendment "A" (S-160)** proposed to clarify the information that must be provided by the car repair shop to the customer for greater awareness about billing procedures in order to comparison shop.

*Enacted law summary*

Public Law 1997, chapter 221 provides customers with greater information about flat-rate billing to help them comparison shop for the best auto repair price. It is based on findings set forth in the 1995 National Association of Attorneys General Auto Repair Task Force Report.

**LD 1177**                      **An Act to Amend the Charter of the Northern Maine Development Commission, Inc.**                      **ONTP**

<u>Sponsor(s)</u> KIEFFER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1177 proposed to substantially amend the charter of the Northern Maine Development Commission, Inc. by establishing the General Assembly as the governing body of the commission. The bill would also provide that future revisions or amendments to the charter or a repeal of the charter may be accomplished by majority vote of the General Assembly if two thirds of the General Assembly had voted to submit proposed charter changes to a written ballot. This bill was withdrawn by the sponsor as Private & Special Law 1997, chapter 13 repealed Private & Special Law 1989, chapter 89, which this bill proposed to amend.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL BENNETT	OTP-AM	H-625

LD 1197 proposed to require a recreational vehicle franchiser to reimburse a franchisee at the retail rate customarily charged for any parts provided by a franchisee to satisfy a warranty and to reimburse a franchisee for any labor performed by the franchisee to satisfy a warranty.

**Committee Amendment "A" (H-625)** replaced the bill and proposed to regulate the business practices between recreational vehicle manufacturers and dealers. A recreation vehicle included, but was not limited to, a camping trailer, fifth-wheel trailer, travel trailer and truck camper.

The amendment provided essentially the same protections for recreational vehicle dealers that Maine laws extends to motor vehicle dealers. Some of the protections included:

1. Manufacturer warranty work provided by a dealer must be reimbursed by the manufacturer at the retail rate customarily charged by the dealer for the same labor when not performed for warranty work. Reimbursement to a dealer for parts to satisfy warranty work would be calculated on the dealer cost of the parts plus a 20% mark-up.
2. A dealership could not be terminated without proper notice, as described under the Maine Revised Statutes, Title 10, chapter 214-A, good faith and good cause for termination.
3. A manufacturer could not coerce a dealer to accept recreational vehicles, parts or accessories that the dealer had not ordered.
4. Affected dealers could appeal and stop with "good cause" a manufacturer's decision to establish a new dealership in another dealer's relevant market area.

#### ***Enacted law summary***

Public Law 1997, chapter 427 regulates the business practices between recreational vehicle manufacturers and dealers. A recreation vehicle includes, but is not limited to, a camping trailer, fifth-wheel trailer, travel trailer and truck camper.

Public Law 1997, chapter 427 provides essentially the same protections for recreational vehicle dealers that Maine laws extend to motor vehicle dealers. Some of these protections are as follows.

1. Manufacturer warranty work provided by a dealer must be reimbursed by the manufacturer at the retail rate customarily charged by the dealer for the same labor when not performed for warranty work. Reimbursement to a dealer for parts to satisfy warranty work will be calculated on the dealer cost of the parts plus a 20% mark-up.

2. A dealership may not be terminated without proper notice, as described under the Maine Revised Statutes, Title 10, chapter 214-A, good faith and good cause for termination.
3. A manufacturer may not coerce a dealer to accept recreational vehicles, parts or accessories that the dealer has not ordered.
4. Affected dealers may appeal and stop with "good cause" a manufacturer's decision to establish a new dealership in another dealer's relevant market area.

**LD 1214**

**An Act to Provide a Warranty for Assistive Devices for Persons with Disabilities**

**PUBLIC 235**

Sponsor(s)  
FULLER

Committee Report  
OTP-AM

Amendments Adopted  
H-290

LD 1214 proposed to provide a trial period and warranty for assistive devices for persons with disabilities. It would require that all assistive devices be sold subject to a 30-day trial, during which period a consumer may return the assistive device for a full refund if the assistive device had not been damaged, abused or altered by the consumer. The refund would have to be returned to the funding source if the device was purchased with insurance or public funds. The bill also proposed to require a manufacturer who sells or leases assistive devices to guarantee expressly that the assistive device is free from any condition or defect that substantially impairs its value. In the case of a sale, the warranty must be in effect at least one year after first delivery. A warranty must be in effect for the duration of a lease. The bill would require that a nonconformity reported during the warranty period be repaired at no charge to the consumer and that a comparable assistive device be loaned if the repair requires more than three days. If a reasonable attempt to repair the assistive device had been made without success, the manufacturer must accept return of the assistive device and either refund the purchase price or replace the assistive device. LD 1214 would further require that a manufacturer of an assistive device that is returned provide a clear written disclosure and description of the nonconformity to any subsequent purchaser. The bill would allow a consumer to bring an action to recover for damages caused by a violation and to collect twice the amount of a pecuniary loss, plus reasonable costs and attorney's fees. Under this bill, any waiver of rights by a consumer would be void.

**Committee Amendment "A" (H-290)** proposed to clarify that a warranty for an assistive device must be in effect as long as the device is used within manufacturer specifications. This amendment proposed to exempt hearing aids from the definition of assistive device as hearing aids are currently regulated by the Board of Hearing Aid Dealers and Fitters. The 30-day trial period would be amended to apply to situations in which the assistive device is not specifically fit for the consumer's particular needs. Language would be added to protect the dealer of assistive devices in situations when, upon the sale of the device, the dealer had no reasonable way of knowing the consumer would use the device as an assistive device. Additional word changes were made to clarify the intent of the bill.

***Enacted law summary***

Public Law 1997, chapter 235 provides a trial period and warranty for assistive devices for persons with disabilities. It requires that all assistive devices be sold subject to a 30-day trial, during which period a consumer may return the assistive device for a full refund if the assistive device has not been damaged, abused or altered by the consumer. The 30-day trial period applies to situations in which the assistive device is not specifically fit for the consumer's particular needs. A warranty for an assistive device must be in effect as long as the device is used

within manufacturer specifications. The refund must be returned to the funding source if the device was purchased with insurance or public funds. Hearing aids are exempt from the definition of assistive device as hearing aids are currently regulated by the Board of Hearing Aid Dealers and Fitters.

Public Law 1997, chapter 235 also requires a manufacturer who sells or leases assistive devices to guarantee expressly that the assistive device is free from any condition or defect that substantially impairs its value. In the case of a sale, the warranty must be in effect at least one year after first delivery. A warranty must be in effect for the duration of a lease. Chapter 235 requires that a nonconformity reported during the warranty period be repaired at no charge to the consumer and that a comparable assistive device be loaned if the repair requires more than three days. If a reasonable attempt to repair the assistive device has been made without success, the manufacturer must accept return of the assistive device and either refund the purchase price or replace the assistive device.

Chapter 235 further requires that a manufacturer of an assistive device that is returned provide a clear written disclosure and description of the nonconformity to any subsequent purchaser. It allows a consumer to bring an action to recover for damages caused by a violation of the chapter and to collect twice the amount of a pecuniary loss, plus reasonable costs and attorney's fees. Any waiver of rights by a consumer is void under this chapter. A dealer of assistive devices is protected if the dealer had no reasonable way of knowing the consumer was to use the device as an assistive device.

**LD 1251**                      **An Act to Preserve Consumer Privacy**                      **ONTP**

<u>Sponsor(s)</u> VEDRAL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1251 proposed to prohibit businesses from maintaining or transferring information about the purchases or habits of any individual without receiving written permission from the individual. The bill would allow the Attorney General to bring actions against violators on behalf of consumers to enjoin future violations or to recover damages. The bill would further authorize the court to impose treble damages for willful and knowing violations. Aggrieved individuals would be given a private right of action to recover damages and any other relief the court considers necessary and proper.

**LD 1258**                      **An Act Regarding People Giving Canadian Money as Change in Business Transactions**                      **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1258 proposed to limit the dispensing of Canadian currency as change to instances when a payment has first been made in Canadian currency as part of a financial or business transaction.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VIGUE CAREY	OTP-AM	H-503 H-628 VIGUE H-655 VIGUE H-705 VIGUE

LD 1327 proposed to amend the definition of a motor vehicle in the Maine Revised Statutes, Title 10 to include recreational vehicles. This change would allow for recreational vehicles to be included in the provisions that regulate franchise practices. The bill also included specific limitations on establishing or relocating dealerships to include recreational vehicle dealers and other motor vehicle dealers. This bill proposed to amend Title 29-A to include recreational vehicles in the definition of a vehicle and makes a recreational vehicle dealer subject to the requirements for dealer licensure.

**Committee Amendment "A" (H-503)** replaced the bill and proposed to regulate the business practices between personal sports mobile manufacturers and dealers. A personal sports mobile includes a snowmobile, ATV or personal watercraft. The intent of the amendment was to provide essentially the same protections for personal sports mobile dealers that Maine law extends to motor vehicle dealers. Some of these protections included:

1. Manufacturer warranty work and parts provided by a dealer must be reimbursed by the manufacturer at the retail rate charged to nonwarranty customers;
2. A dealership can not be terminated without proper notice, as described under the Maine Revised Statutes, Title 10, chapter 206-B, good faith and good cause;
3. A manufacturer may not coerce a dealer to accept personal sports mobiles, parts or accessories that the dealer has not ordered; and
4. Affected dealers may appeal and stop with "good cause" a manufacturer's decision to establish a new dealership in another dealer's relevant market area.

**House Amendment "A" to Committee Amendment "A" (H-628)** proposed to add an emergency preamble and emergency clause to the amendment.

**House Amendment "B" to Committee Amendment "A" (H-655)** proposed to transfer motorcycles from the automobile dealer franchise laws to the personal sports mobile franchise laws established by the committee amendment in recognition of the fact that personal sports mobile dealers typically sell motorcycles.

**House Amendment "C" to Committee Amendment "A" (H-705)** proposed to make technical changes to Committee Amendment "A."

#### *Enacted law summary*

Public Law 1997, chapter 473 regulates the business practices between personal sports mobile manufacturers and dealers. A personal sports mobile is a snowmobile, ATV, motorcycle or personal watercraft. The intent of the



amendment is to provide essentially the same protections for personal sports mobile dealers that Maine law extends to motor vehicle dealers. Some of these protections are that:

1. Manufacturer warranty work and parts provided by a dealer must be reimbursed by the manufacturer at the retail rate charged to nonwarranty customers;
2. A dealership can not be terminated without proper notice, as described under the Maine Revised Statutes, Title 10, chapter 206-B, good faith and good cause;
3. A manufacturer may not coerce a dealer to accept personal sports mobiles, parts or accessories that the dealer has not ordered; and
4. Affected dealers may appeal and stop with "good cause" a manufacturer's decision to establish a new dealership in another dealer's relevant market area.

**LD 1335**

**An Act Requiring Disclosures by Payroll Processing Companies**

**ONTP**

<u>Sponsor(s)</u> HARRIMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1335 proposed to require payroll processing companies with a net worth of \$500,000 or less to make certain disclosures to employers who seek to use the company to process payrolls. These disclosures would include a statement indicating whether the company is bonded for fraudulent acts, audited financial statements, the net worth of the company, the functions that may be subcontracted to others and how long the company had been engaged in payroll processing. The bill would provide that a violation of the Maine Revised Statutes, Title 10, chapter 222 is a violation of the Unfair Trade Practices Act and would also constitute a civil violation. See LD 1878, An Act to Provide Regulation for Payroll Processing Companies, a committee bill, which was enacted as Public Law 1997, chapter 495.

**LD 1343**

**Resolve, Establishing a Blue Ribbon Commission to Study the Effect of Government Regulation on Small Businesses in Maine**

**FAILED  
EMERGENCY  
ENACTMENT**

<u>Sponsor(s)</u> MACKINNON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 1343 proposed to establish the Blue Ribbon Commission to Study the Effect of Government Regulation on Small Business in Maine.

**Committee Amendment "A" (S-183)** This amendment proposed to amend the resolve to revise the commission membership to include four members to be appointed by the President of the Senate and four members to be appointed by the Speaker of the House. Members to be appointed must represent the House of Representatives, the Senate, the public sector, the private sector, businesses with fewer than 50 employees and members of the Joint Standing Committee on Business and Economic Development. The amendment also included language that entitled

legislative members of the commission to legislative per diem and expenses. This amendment also added a section to the resolve that allowed the commission to seek outside sources of funding for commission-related expenses.

This bill failed emergency enactment, but a similar resolve, LD 1905, Resolve, Establishing a Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine, was enacted.

**LD 1345**

**An Act to Amend the Public Accountancy Laws**

**PUBLIC 265**

<u>Sponsor(s)</u> HARRIMAN CIANCHETTE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-194
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LD 1345 proposed to amend the public accounting laws in the following ways:

1. Amended and enacted definitions in the law.
2. Beginning in 2002, the educational requirements to sit for the certified public accountancy examination would be raised to include at least 150 semester hours to include basic courses in accounting and auditing.
3. The examination content would be clarified to include testing the applicant's knowledge of accounting, auditing and other related subjects that the Board of Accountancy may set by rule. The bill allowed the board to use all or any part of the Uniform Certified Public Accountant Examination.
4. Beginning in 2002, the experience requirements for licensure for all applicants, including those applicants possessing a masters degree, would be amended to include the use of accounting or auditing skills for two years under the direction of a licensee.
5. Requirements for the issuance of a certificate to practice to an individual holding credentials from a foreign designation would be established.
6. The renewal date for permits and certificates to practice for individuals and firms would be staggered.
7. The board's authority to conduct a quality review as a condition of a firm's permit renewal would be established.
8. Provisions that govern privacy of contract would be established.

**Committee Amendment "A" (S-194)** replaces all but section 1 of the bill. This amendment amends the public accountancy laws in the following ways.

1. Beginning in 2002, the educational requirements to sit for the certified public accountancy examination are raised to at least 150 semester hours to include basic courses in accounting and auditing.
2. The examination content is clarified to include testing the applicant's knowledge of accounting, auditing and other related subjects that the Board of Accountancy may set by rule. The amendment allows the board to use all or any part of the Uniform Certified Public Accountant Examination.

3. Examination standards for passing are outlined for certification as a public accountant.
4. Beginning in 2002, the experience requirements for licensure for all applicants, including those applicants possessing a masters degree, are amended to include the use of accounting or auditing skills for two years under the direction of a licensee.

***Enacted law summary***

Public Law 1997, chapter 265 amends the public accountancy laws in the following ways.

1. Beginning in 2002, the educational requirements to sit for the certified public accountancy examination are raised to at least 150 semester hours to include basic courses in accounting and auditing.
2. The examination content is clarified to include testing the applicant’s knowledge of accounting, auditing and other related subjects that the Board of Accountancy may set by rule. It allows the board to use all or any part of the Uniform Certified Public Accountant Examination.
3. Examination standards for passing are outlined for certification as a certified public accountant.
4. Beginning in 2002, the experience requirements for licensure for all applicants, including those applicants possessing a masters degree, are amended to include the use of accounting or auditing skills for two years under the direction of a licensee.

**LD 1405**                      **An Act to License Timber Harvesters and Deter Timber Trespassing**                      **CARRIED OVER**

<u>Sponsor(s)</u> DESMOND	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1405 proposes requiring timber harvesters to obtain a license from the Department of Conservation, Bureau of Forestry. It provides for the revocation of a license and makes a person ineligible for a license for a period of three years if that person unlawfully cuts trees on another person's land.

**LD 1427**                      **An Act to Create Quality Employment and Business Ownership Opportunities for Social Assistance Recipients**                      **PUBLIC 484 EMERGENCY**

<u>Sponsor(s)</u> PINGREE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-342
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LD 1427 proposed to establish the Quality Employment Opportunities and Business Ownership Opportunities program, a demonstration project of the Department of Human Services and the Department of Economic and Community Development. Grants would be made by the departments to eligible organizations under the program.

**Committee Amendment "A" (S-342)** proposed to establish the Quality Employment and Business Ownership Opportunities program. The amendment would add an emergency preamble and emergency clause and restrict eligible participants to persons receiving TANF. It would add the Department of Labor to the cooperating departments and reduce the time for the demonstration project to 2 years. It would require the departments and grantees to provide a progress report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Business and Economic Development by March 15, 1998 and a final report, including recommendations on continuation of the program, by January 15, 2000. It would add a fiscal note and provide funding of \$300,000 per year for the grant program. The law takes effect June 11, 1997.

***Enacted law summary***

Public Law 1997, chapter 484 comprises the provisions of the bill and the committee amendment. It establishes a 2-year pilot project, the Quality Employment and Business Ownership Opportunities program to aid persons receiving TANF assistance in obtaining employment. It requires an interim report by 3/15/98 and a final report by 1/1/2000.

**LD 1430                      An Act to Regulate Professional Loggers                      CARRIED OVER**

<u>Sponsor(s)</u> KILKELLY	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1430 proposes establishing the Maine State Board of Licensure for Professional Loggers as the regulatory body for the profession. The bill proposes qualifications for licensure including a two-year internship under the guidance of a licensed logger unless the person has graduated from an approved two-year curriculum and has completed at least two years of experience in logging work. Applicants would also have to pass a written examination approved by the board. The annual licensing fee would be determined by the board, but could not exceed \$55 annually.

Pursuant to the Maine Revised Statutes, Title 5, section 12015, subsection 3, an evaluation of the need for regulation of loggers must be completed prior to enactment of this bill.

**LD 1431                      Resolve, to Establish the Sister State Program                      RESOLVE 25**

<u>Sponsor(s)</u> JENKINS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1431 proposed to direct the Maine State Cultural Affairs Council to identify other states and countries with similar cultural or business interests with which a reciprocal "sister state" agreement would benefit the State. The Council would report its findings and recommendations to the Legislature by March 1, 1998.

***Enacted law summary***

Resolve 1997, chapter 25 directs the Maine State Cultural Affairs Council to identify other states and countries with similar cultural or business interests with which a reciprocal "sister state" agreement would benefit the State. The Council must report its findings and recommendations to the Legislature by March 1, 1998.

**LD 1437                      Resolve, to Study the State's Regional Service Center Communities                      RESOLVE 78**

<u>Sponsor(s)</u> JENKINS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-159
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LD 1437 proposed to establish the Task Force on Regional Service Centers to study the feasibility of and mechanisms for establishing regional service centers throughout the State to encourage political subdivisions of the State to cooperate in business, economy, law enforcement, education and other areas. The task force would seek advice from interested officials and parties and report back to the Legislature by January 1, 1998.

**Committee Amendment "A" (S-159)** proposed to replace the resolve and establish the Task Force on Regional Service Center Communities to recommend ways to strengthen the State's principal service center communities, including their roles as job creators and regional service providers, and to study the feasibility of and mechanisms to encourage these communities and other political subdivisions of the State to cooperate in business, economy, law enforcement, education and other areas. The task force is directed to submit its findings and recommendations to the Legislature by January 1, 1998.

***Enacted law summary***

Resolves 1997, chapter 78 establishes the Task Force on Regional Service Center Communities to recommend ways to strengthen the State's principal service center communities, including their roles as job creators and regional service providers, and to study the feasibility of and mechanisms to encourage these communities and other political subdivisions of the State to cooperate in business, economy, law enforcement, education and other areas. The task force is directed to submit its findings and recommendations to the Legislature by January 1, 1998.

**LD 1452                      An Act to Establish the Task Force to Study Equal Economic Opportunity for All Regions of the State                      P & S 51**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-504 S-400 MICHAUD
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LD 1452 proposed to impose a moratorium on construction and development in southern Maine counties for two years, or for a lesser period of time if laws are enacted before then to provide for equal economic development opportunity for all of Maine. The bill proposed to create the Board for Equal Economic Development Opportunity to recommend laws to provide for equal economic opportunity and to study the feasibility of creating two states out of the current Maine territory.

**Committee Amendment "A" (H-504)** replaced the bill and proposed to establish the Task Force to Study Equal Economic Opportunity for all Regions of the State. The purpose of the task force would be to evaluate the causes of unequal economic development and recommend strategies to overcome the barriers. The task force would be required to provide an interim report by February 15, 1997 to the Joint Standing Committee on Business and Economic Development and a final report to the Governor, the Legislative Council and the Joint Standing Committee on Business and Economic Development to the First Regular Session of the 119th Legislature by November 15, 1998.

**Senate Amendment "A" to Committee Amendment "A" (S-400)** proposed to specify that only legislative members receive per diem and reimbursement for expenses, change the reporting date for the report, specify the number of authorized meetings and revise the appropriation section.

*Enacted law summary*

Private & Special Law 1997, chapter 51 establishes the Task Force to Study Equal Economic Opportunity for all Regions of the State. The purpose of the task force is to evaluate the causes of unequal economic development and recommend strategies to overcome the barriers. The task force is required to provide a final report to the Governor, the Legislative Council and the Joint Standing Committee on Business and Economic Development to the Second Regular Session of the 118th Legislature by January 1, 1998.

**LD 1468**

**An Act to Amend the Maine Veterinary Practice Act of 1975**

**PUBLIC 246**

<u>Sponsor(s)</u> SHANNON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-322
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LD 1468 proposed to amend the Maine Veterinary Practice Act of 1975 to modernize and clarify definitions and other provisions, to make the language gender neutral and to revise the qualifications for reciprocal licensure to enhance the mobility of practitioners between Maine and other states with equivalent requirements for licensure.

**Committee Amendment "A" (H-322)** proposed to further amend the Maine Veterinary Practice Act of 1975 to include as recognized veterinary medicine specialties those alternative medical practices approved by the American Veterinary Medical Association. This amendment also proposed to allow animal health assistants to read certain laboratory tests designated by the Maine State Board of Veterinary Medicine and permit animal health assistants to perform animal health care duties when the supervising licensed veterinarian or registered veterinary technician was either on the premises or quickly and easily available.

*Enacted law summary*

Public Law 1997, chapter 246 amends the Maine Veterinary Practice Act of 1975 to modernize and clarify definitions and other provisions and revise the qualifications for reciprocal licensure to enhance the mobility of practitioners between Maine and other states with equivalent requirements for licensure. The law further amends the Maine Veterinary Practice Act of 1975 to include as recognized veterinary medicine specialties those alternative medical practices approved by the American Veterinary Medical Association. Animal health assistants are given the authority to read certain laboratory tests designated by the Maine State Board of Veterinary Medicine and to

perform animal health care duties when the supervising licensed veterinarian or registered veterinary technician is either on the premises or quickly and easily available.

**LD 1483                      An Act to License Interpreters for the Deaf and Hard-of-hearing                      CARRIED OVER**

<u>Sponsor(s)</u> TREAT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1483 is being carried over to the Second Regular Session of the 118th Legislature. The bill proposes to establish the Board of Licensure of American Sign Language, English Interpreting and Transliterating Professionals. Under the bill, to qualify for general licensure, a person must have at least three years of documented paid interpreting or transliteration experience with a minimum of 300 hours per year during the five years preceding the date of application and have at least 15 continuing education units approved by the board or college credit in interpreter education. Five years after the effective date of this chapter, for interpreters not previously licensed under this chapter, the requirement for licensure will be a minimum of an associates degree in interpreter education or the equivalent approved by the board.

This bill is subject to the requirement of Maine Revised Statutes, Title 5, section 12015, subsection 3 that requires any joint standing committee of the Legislature that recommends to the Legislature the regulation of an occupational profession not previously regulated must include an evaluation of the need for regulation.

**LD 1506                      An Act to Provide Dealership Protection to Forestry, Construction and Utility Contracts                      ONTP**

<u>Sponsor(s)</u> JONES K		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1506 proposed to add dealers in forestry, construction or utility goods to the franchise laws for power equipment, machinery and appliances.

**LD 1512                      An Act Pertaining to the Real Estate Consumer's Right to Seller Disclosure Information                      ONTP**

<u>Sponsor(s)</u> CAMPBELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1512 proposed to require the owner of real property to make disclosures to prospective buyers of the property, similar to what is currently required of a real estate broker for the seller. The bill would have required the disclosure of any material defects in the property, the type of water and waste systems used, the type of insulation and whether there are or were any hazardous materials in or on the property. If an owner failed to make the required disclosures, the buyer of the property could, at the buyer's discretion, rescind the sales contract.

**LD 1525**

**An Act to License Massage Therapists under the Board of  
Complementary Health Care Providers**

**CARRIED OVER**

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

LD 1525 is being carried over to the Second Regular Session of the 118th Legislature. The bill proposes to repeal the two-tier certification or registration structure for massage therapists and expand the authority of the Board of Complementary Health Care Providers to include regulation of massage therapists. Under the bill, to qualify for licensure, a person must have passed the National Certification Examination for Therapeutic Massage and Bodywork or have a diploma from a school of massage therapy that is accredited by the Commission on Massage Training Accreditation/Approval or its successor organization. Provisions are outlined for existing massage practitioners to obtain licensure.

This bill is subject to the requirements of Maine Revised Statutes, Title 5, section 12015, subsection 3 which require any joint standing committee of the Legislature that recommends to the Legislature the regulation of an occupational profession not previously regulated must include an evaluation of the need for regulation.

**LD 1528**

**An Act to Create the Community Business Bonds for Maine  
Program**

**ONTP**

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

LD 1528 proposed to establish the Community Business Bonds Fund and the Community Business Bonds for Maine Program. This program would be administered by the Finance Authority of Maine and available to small businesses that meet eligibility criteria determined by the authority. Applications would be reviewed by an investment committee and the final funding decision will be at the discretion of the authority. Investment loans under the Community Business Bonds for Maine Program would be available in an amount no greater than \$25,000 to small businesses for any appropriate business purpose including working capital. The funding for the program would be available primarily from citizen investment in the Community Business Bonds Fund. Participating banks and credit unions would make available investment certificates in the amount of \$25 for citizen purchase that would mature in five years. Citizen purchase of investment certificates would be tax-exempt. The authority would be authorized to establish the rules necessary to carry out the purposes of this chapter.

**LD 1562**

**An Act to Amend Professional Licensing Boards Laws**

**PUBLIC 210**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JENKINS	OTP-AM	S-158



LD 1562 proposed to allow the Office of Licensing and Registration to study jurisdictional overlap between boards and commissions and other state agencies. It clarified the authority of bureaus, boards and commissions to refuse to renew a license based on a violation of orders or consent agreements with licensees. It also repealed a duplicative reporting provision in the manufactured housing laws and made the following changes in the Maine Revised Statutes, Title 32 with respect to various professional licensing boards.

1. It increased the fee cap for the Electricians' Examining Board's examination so that the fee reflects the actual cost of the national exam.
2. It amended the State Board of Funeral Service laws to remove a restriction on inactive licensees practicing in another state.
3. It added and amended definitions in the Arborist Examining Board laws and removed language that allowed for unlicensed employees to work without direct supervision.

The bill updated and corrected an error with respect to the State Board of Alcohol and Drug Counselors and their "registered" counselor category. It also defined the appropriate use of initials for respiratory care technicians, respiratory therapists and individuals who hold valid temporary licenses. The bill added "naturopath" to the list of terms used by naturopathic doctors.

The bill proposed to amend the Board of Barbering and Cosmetology laws to: eliminate references to the Commissioner of Education; add an exemption from licensure for persons practicing the funeral service profession on human remains in a licensed funeral establishment; repeal language that referenced the board holding examinations, as that function is now performed by a contractor; and extend the permissible length of a temporary permit to accommodate the new exam schedule.

The bill also changed terminology used in the State Board of Funeral Service laws from "dead human body" to "human remains."

**Committee Amendment "A" (S-158)** proposed to reduce the increased fee cap of \$100 for the Electricians' Examining Board's examination to \$80.

#### ***Enacted law summary***

Public Law 1997, chapter 210 amends the Maine Revised Statutes, Title 10 to allow the Office of Licensing and Registration to study jurisdictional overlap between boards and commissions and other state agencies. It clarifies the authority of bureaus, boards and commissions to refuse to renew a license based on a violation of orders or consent agreements with licensees. It also repeals a duplicative reporting provision in the manufactured housing laws.

Public Law 1997, chapter 210 makes the following changes in the Maine Revised Statutes, Title 32 with respect to various professional licensing boards.

1. It increases the fee cap for the Electricians' Examining Board's examination to \$80 so that the fee reflects the actual cost of the national exam.
2. It amends the State Board of Funeral Service laws to remove a restriction on inactive licensees practicing in another state.

3. It adds and amends definitions in the Arborist Examining Board laws and removes language that allows for unlicensed employees to work without direct supervision.
4. It updates and corrects an error with respect to the State Board of Alcohol and Drug Counselors and their "registered" counselor category.
5. It also defines the appropriate use of initials for respiratory care technicians, respiratory therapists and individuals who hold valid temporary licenses.
6. It adds "naturopath" to the list of terms used by naturopathic doctors.
7. It amends the Board of Barbering and Cosmetology laws to: eliminate references to the Commissioner of Education; add an exemption from licensure for persons practicing the funeral service profession on human remains in a licensed funeral establishment; repeal language that references the board holding examinations, as that function is now performed by a contractor; and extends the permissible length of a temporary permit to accommodate the new exam schedule.
8. It changes terminology used in the State Board of Funeral Service laws from "dead human body" to "human remains."

**LD 1580                      An Act to Improve Allopathic and Osteopathic Physician Oversight    CARRIED OVER**

<u>Sponsor(s)</u> BUCK RAND	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1580 is being carried over to the Second Regular Session of the 118th Legislature. The bill proposes to increase oversight of osteopathic and allopathic doctors licensed to practice in this State. The bill increases consumer representation from three to five on the Board of Osteopathic Licensure and from three to six on the Board of Licensure in Medicine. To strengthen physician oversight, the bill creates a position of ombudsman to serve as an advocate for consumers of medical care who have filed complaints against physicians. The ombudsman will assist consumers in making and pursuing their complaints, in educating them about the purpose of the board and in ensuring that consumers get fair treatment before the board.

The committee has asked the Commissioner of Professional and Financial Regulation to convene a group of interested parties to study this issue and bring back recommendations to the Second Regular Session of the 118th Legislature.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	H-357 S-387 MICHAUD

LD 1589 proposed to direct the Maine Science and Technology Foundation to establish a clearinghouse for information regarding state information and information technology that would assist local governments, schools, libraries and institutions of higher education in accessing public information residing on computerized data bases of state agencies. The clearinghouse would develop standards for state agency data bases that would allow increased access to public information and listings of available information. The bill also proposed to amend the composition of the Information Services Policy Board by adding representatives of the University of Maine System and the Maine Technical College System as advisory members. Addition of these members would ensure that the computer information needs of state institutions of higher education are known and would encourage the sharing of computerized information and information technologies between educational institutions and agencies of State Government.

**Committee Amendment "A" (H-357)** proposed to strike the establishment of a clearinghouse for state information and technology and establish a task force to look at information technology in the public sector. The purpose of the task force was to study the ways in which information regarding the State and its agencies was being accessed and to ensure that maximum access was achievable by utilizing compatible technologies. The task force would report its findings and recommendations to the Governor, the Executive Director of the Legislative Council and the Chief Justice of the Supreme Judicial Court by November 15, 1998.

**Senate Amendment "A" to Committee Amendment "A" (S-387)** proposed to change the reporting date and strike the fiscal year 1998-99 appropriation.

***Enacted law summary***

Public Law 1997, chapter 554 amends the composition of the Information Services Policy Board by adding representatives of the University of Maine System and the Maine Technical College System as advisory members. The addition of these members is to ensure that the computer information needs of state institutions of higher education are known and to encourage the sharing of computerized information and information technologies between educational institutions and agencies of State Government. Public Law 1997, chapter 554 establishes a task force to look at information technology in the public sector. The purpose of the task force is to study the ways in which information regarding the State and its agencies is being accessed and to ensure that maximum access is achievable by utilizing compatible technologies. The task force is to report its findings and recommendations to the Governor, the Executive Director of the Legislative Council and the Chief Justice of the Supreme Judicial Court by January 1, 1998.

**LD 1595**

**An Act to License Home Building Contractors**

**ONTP**

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

LD 1595 proposed 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 included appropriate information from the contractors' application forms.

**LD 1596**

**An Act Concerning Requirements for Payroll Processing Companies**

**ONTP**

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

LD 1596 proposed to require that a payroll processing company file a fidelity bond with the Secretary of State in an amount equal to the net worth of the company. This bill also required that the payroll processing company disclose audited financial statements. The payroll processing company must file proof of a fidelity bond with its annual report. See LD 1878, An Act to Provide Regulation for Payroll Processing Companies, a committee bill, which was enacted as Public Law 1997, chapter 495.

**LD 1603**

**Resolve, to Foster Economic Growth through the Recognition and Development of Maine's Franco-American Resource**

**RESOLVE 83  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS DONNELLY	OTP-AM	S-275 S-283 MURRAY S-405 MICHAUD

LD 1603 proposed to establish the Commission to Study the Development of Maine's Franco-American Resource, which would analyze the Franco-American community for demographic trends, employment patterns and interrelationships among cultural, civic, business and community organizations throughout the State. Opportunities for international trade and ways to improve markets would also be studied.

**Committee Amendment "A" (S-275)** proposed to allow the Commissioner of Economic and Community Development to appoint a designee to serve on the Commission to Study the Development of Maine's Franco-American Resource and also provided that the Maine Franco-American Center at the University of Maine and the Legislative Council staff would provide staffing jointly to the commission.

**Senate Amendment "A" to Committee Amendment "A" (S-283)** was presented on behalf of the Committee on Bills in the Second Reading to make a technical correction.

**Senate Amendment "D" to Committee Amendment "A" (S-405)** proposed to specify that the Maine Franco-American Center at the University of Maine would provide staff assistance for the study, clarified the number of authorized meetings and revised the appropriation section.

***Enacted law summary***

Resolve 1997, chapter 83 establishes the Commission to Study the Development of Maine's Franco-American Resource, which will analyze the Franco-American community for demographic trends, employment patterns and interrelationships among cultural, civic, business and community organizations throughout the State. It also will study opportunities with international trade and ways to improve markets. The Maine Franco-American Center at the University of Maine will provide staff assistance for the study and the Commission will report its findings and recommendations by December 1, 1997.

This resolve was enacted as an emergency measure effective June 12, 1997.

**LD 1609                      An Act Regarding Information Provided to Pharmaceutical Companies                      ONTP**

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

LD 1609 proposed to prohibit pharmacists, health maintenance organizations, insurance companies or pharmaceutical wholesalers from giving information used for marketing purposes to drug companies about the prescribing practices of physicians and others who can lawfully prescribe drugs.

**LD 1616                      An Act to Amend the Laws Regulating Occupational Therapy Practice                      PUBLIC 294**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM	H-282

LD 1616 proposed to incorporate the change of name of the national agency that certifies and tests occupational therapists and occupational therapy assistants; incorporate the name change of the agency that accredits occupational therapy educational programs and change related information, including definitions; correct minor language inconsistencies to improve clarity; clarify the law as it relates to temporary licensees; remove obsolete information regarding examination of occupational therapists; clarify the requirements for foreign-trained therapists to become licensed; and incorporate minor technical changes affected by changes to the national agency for certification of therapists.

**Committee Amendment "A" (H-282)** proposed to replace the definitions of certified occupational therapy assistant and occupational therapist in the bill. The new definitions removed the requirement that an individual be

in "good standing" with the National Board of Certification in Occupational Therapy. This amendment also allowed the board to renew a temporary license one time for a person who had failed the examination.

***Enacted law summary***

Public Law 1997, chapter 294 amends the laws regulating occupational therapy practice in the following ways:

1. Incorporates the change of name of the national agency that certifies and tests occupational therapists and occupational therapy assistants;
2. Incorporates the name change of the agency that accredits occupational therapy educational programs and changes related information, including definitions. The definitions of certified occupational therapy assistant and occupational therapist do not require that an individual be in "good standing" with the National Board of Certification in Occupational Therapy;
3. Clarifies the law as it relates to temporary licensees and allows the board to renew a temporary license one time for a person who has failed the examination;
4. Removes obsolete information regarding examination of occupational therapists; and
5. Clarifies the requirements for foreign-trained therapists to become licensed.

**LD 1645                      An Act to Establish the Maine Franco-American Center in Bangor                      ONTP**

<u>Sponsor(s)</u> BROOKS PARADIS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1645 proposed to establish the Maine Franco-American Center in Bangor to increase the State's trade with French-speaking countries.

**LD 1648                      An Act to Increase Home Ownership                      PUBLIC 491  
EMERGENCY**

<u>Sponsor(s)</u> MITCHELL E AMERO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-281
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LD 1648 proposed to increase the amount of bonds that the Maine State Housing Authority may issue that are enhanced by the State's moral obligation. These bonds are primarily used for the authority's first time home buyer program and secured by first mortgages. The State's moral obligation is not a legal debt of the State, but there is an expectation that the State would cure a default and that expectation results in reduced interest rates.

**Committee Amendment "A" (H-281)** proposed to add an emergency preamble, an emergency clause and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 491 increases the amount of bonds that the Maine State Housing Authority may issue that are enhanced by the State's moral obligation. These bonds are primarily used for the authority's first time home buyer program and secured by first mortgages. The State's moral obligation is not a legal debt of the State, but there is an expectation that the State would cure a default and that expectation results in reduced interest rates.

Chapter 491 was enacted as an emergency measure effective June 11, 1997.

**LD 1657                      An Act to Establish the Interstate Economic Development                      PUBLIC 254**  
**Commission for the Northern New England States**

<u>Sponsor(s)</u> LAWRENCE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1657 proposed to establish the framework for creation of a commission of members from Maine, New Hampshire and Vermont to investigate the opportunities to enhance economic development and tourism among these states. The commission would become active when similar legislation is enacted in New Hampshire and Vermont.

***Enacted law summary***

Public Law 1997, chapter 254 establishes the framework for creation of a commission of members from Maine, New Hampshire and Vermont to investigate the opportunities to enhance economic development and tourism among these states. The commission becomes active when similar legislation is enacted in New Hampshire and Vermont.

**LD 1672                      An Act to Ensure Proper Training for Conducting Forensic                      PUBLIC 333**  
**Examinations of Victims of Sexual Assault                      EMERGENCY**

<u>Sponsor(s)</u> LINDAHL PARADIS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-505
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LD 1672 proposed to provide for the licensing of sexual assault nurse examiners and to require that the State Board of Nursing establish requirements, procedures and guidelines for licensing sexual assault nurse examiners.

**Committee Amendment "A" (H-505)** proposed to strike the licensing provisions for sexual assault nurse examiners and required that any health care professional, other than a physician, who conducted a sexual assault examination be trained in the proper procedures for the collection of evidence. Language was added to ensure that, regardless of training in evidence collection, the evidence collection results could not be excluded as evidence in any case before a court in this state.

***Enacted law summary***

Public Law 1997, chapter 333 requires that any health care professional, other than a physician, conducting a sexual assault examination be trained in the proper procedures for the collection of evidence. Regardless of training in evidence collection, the evidence collection results may not be excluded as evidence in any case before a court in this state.

The Business and Economic Development Committee has worked with the State Board of Nursing on issuing an advisory opinion regarding the scope of nursing practice to include the ability for a registered professional nurse (RN) to perform vaginal speculum exams and collection of specimens for cytology and/or culture. The advisory opinion to be issued by the Board of Nursing is a crucial step in the process of establishing sexual assault nurse examiner programs as RNs do not currently perform the vaginal examinations and collection of all evidence in a sexual assault examination.

Chapter 333 was enacted as an emergency measure effective May 30, 1997.

**LD 1680**                      **An Act to Amend the Real Estate Brokerage Laws**                      **ONTP**

<u>Sponsor(s)</u> BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1680 proposed to allow a subagent to work on the behalf of a broker who was not the designated broker for that broker as long as the subagent had obtained the approval of his or her designated broker.

**LD 1697**                      **An Act to Encourage Employee Stock Ownership**                      **PUBLIC 217**

<u>Sponsor(s)</u> BRENNAN RAND		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1697 proposed to create a program whereby the Finance Authority of Maine would reserve \$1,000,000 of its moral obligation authority to insure up to 90% of payments with respect to loans to employees to purchase an ownership interest in the business by which they are employed.

***Enacted law summary***

Public Law 1997, chapter 217 requires the Finance Authority of Maine to reserve \$1,000,000 of its moral obligation authority to insure up to 90% of payments with respect to loans to employees to purchase an ownership interest in the business by which they are employed.



**LD 1710**

**An Act to Provide for the 1997 and 1998 Allocations of the State Ceiling on Private Activity Bonds**

**P & S 33  
EMERGENCY**

Sponsor(s)  
MITCHELL E  
JENKINS

Committee Report  
OTP

Amendments Adopted

LD 1710 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 1997 and 1998. Under federal law, a maximum of \$150,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State each year. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds.

***Enacted law summary***

P & S Law 1997, chapter 33 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 1997 and 1998. Under federal law, a maximum of \$150,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State each year. P & S Law chapter 33 allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Chapter 33 was enacted as an emergency measure effective May 22, 1997.

**LD 1723**

**An Act to Require Full Disclosure of Purpose of Data Collected through the Use of Promotional Products**

**ONTP**

Sponsor(s)  
KILKELLY  
TOWNSEND

Committee Report  
ONTP

Amendments Adopted

LD 1723 proposed to prohibit a person, organization, business, corporation, association or other entity from collecting, selling, sharing or using internally data or information about consumer spending habits to solicit business unless the consumer provided authorization for the use of the information. A card used to collect consumer spending habits information electronically could not be activated absent an explanation to the consumer about how the information collected would be used. The bill required that any significant change in the use of the information be communicated in writing to every cardholder and that a written annual report of the use of the consumer spending habits data be sent to every cardholder.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE VIGUE	OTP-AM	H-730 VIGUE S-330

LD 1747 proposed to amend several provisions of the motor vehicle dealer franchise laws to address the changing business environment among motor vehicle dealers, distributors and manufacturers.

The bill proposed to do the following:

1. It clarified several definitions;
2. It precluded a manufacturer from using a factory finance branch to engage in conduct that would otherwise be illegal;
3. It licensed manufacturers, established registration and fee requirements and authorized rules by the Secretary of State;
4. It clarified provisions concerning damages and remedies;
5. It encouraged nonbinding arbitration and mediation and confirmed the right of a dealer to bring an action in Superior Court;
6. It clarified that a franchised dealer was entitled to receive all makes and models of vehicles that the manufacturer produces for that particular franchise;
7. It included a provision that to cancel or to modify or replace a franchise agreement with a succeeding franchise agreement is unfair or coercive conduct;
8. It prohibited discriminatory conduct or threats to terminate a franchise based solely on the results of manufacturer surveys;
9. It amended the prohibition against mandatory participation in manufacturer advertisement schemes to include associations of dealers;
10. It established the standards that apply when a manufacturer exercises a right of first refusal in the transfer of a franchise to ensure that the actual agreement being assumed in the right of first refusal is the identical underlying agreement that had been made with a proposed transferee. It also provided basic protections for the proposed transferee;
11. It clarified that a manufacturer shall distribute or make available its vehicles only through dealers who have a franchise with that manufacturer;
12. It protected the rights of dealers to dual franchises and establishes criteria if a manufacturer imposes exclusive facilities requirements on a franchisee;
13. It established that it is not good cause for termination to rely exclusively on manufacturer surveys;

14. It clarified that a dealer must disclose in the course of selling a vehicle that that vehicle had been operated for demonstration purposes;
15. It included long-standing dealership general managers in survivorship rights in transfer of a dealership to a successor in interest;
16. It amended the warranty reimbursement provisions of the franchise laws. The bill clarified the standards and applied a clear formula as one method of calculating appropriate reimbursement rates. The bill also established that warranty repair may be conducted only by franchised dealers;
17. It established standards to be applied in manufacturer audits; and
18. It clarified that the public policy of the State is the protection of the transportation system, the public safety and the financial interests of the citizens in relation to the automobile industry. The bill also provided direction to the Judiciary in response to the comments of the First Circuit in Acadia Motors, Inc. v. Ford Motor Credit Company, 44 F.3d 1050 C.A. 1st, 1995, that the legislative purpose behind the elements of the law was unclear.

**Committee Amendment "A" (S-330)** replaced the bill. In addition to provisions of the original bill that remain, the amendment proposed to do the following.

1. It authorized the Secretary of State to conduct hearings and impose civil penalties in appropriate circumstances. The civil penalty section clarified that violations involving similar transactions that occur on a repeating basis within a 60-day period constitute a single violation. License fees authorized in the bill would be deposited in the Highway Fund.
2. It authorized mandatory nonbinding mediation as an initial step in dispute resolution.
3. It confirmed the right of a dealer to bring an action in Superior Court.
4. It clarified that a manufacturer must establish a just and equitable system for allocation of its vehicles and that that system must consider the rural environment of this State and the needs of rural dealers in this State.
5. It clarified that for a new vehicle the manufacturer may require a dealer to obtain certain tools, parts and inventory, among other things, and that any materials required to be purchased by the manufacturer may be returned by the dealer for a full refund if these materials have not been used within a two-year period.
6. It provided a process for a dealer to provide notice and to appeal the proposed modification or replacement of a franchise agreement when a manufacturer modified or replaced the franchise agreement. The manufacturer has the burden of proving that it had good cause for the modification or replacement.
7. It allowed sales or recognition program that is not tied to vehicle allocation systems or the cost of vehicles, parts or accessories.
8. It established that if a dealer is involuntarily terminated, canceled or not renewed, then the manufacturer would pay a sum equivalent to the rent for the unexpired term of the lease or for one year, whichever is less. If the dealer had more than one franchise at the dealership, the manufacturer would pay a prorated amount of rent or rental value based on the volume of sales of each franchise in that dealership.

9. It clarified that new vehicles may be distributed only to franchised new car dealers and may be sold to the public only by franchised new car dealers.
10. It required disclosure of certain damages to a new motor vehicle when that damage exceeds five percent of the manufacturer's suggested retail price.
11. It included general managers and long-standing employees with significant experience in survivorship rights in the transfer of a dealership to a successor in interest.
12. It established an 18-month time limitation on audits.
13. It specifically did not address warranty reimbursement of parts and labor in the Maine Revised Statutes, Title 10, section 1176. The Legislature is aware of the case of Acadia Motors, Inc. v. Ford Motor Credit Company, 44 F.3rd 1050 (1st Cir. 1995) and other cases currently pending in the United States District Court for the District of Maine, the Maine Superior Court and the Maine District Court. The Legislature refrained from addressing warranty reimbursement provisions and warranty audit provisions of Title 10, section 1176 in light of this pending litigation. No inference should be drawn from this inaction, and this enactment should not be construed as expressing any view of the statutory language of Title 10, section 1176 or any decisions issued by courts in this State or federal courts on Title 10, section 1176. Title 10, section 1176 was amended to clarify that manufacturers may not establish warranty repair centers in this State except in certain limited situations.
14. It clarified that the public policy of this State is the protection of the transportation system, the public safety and the financial interests of its citizens in relation to the automobile industry. The Legislature does not intend that the Maine Revised Statutes, Title 10, section 1182 be utilized by the federal court or courts of this State in construing legislative intent with regard to the currently pending litigation regarding Title 10, section 1176.

**House Amendment "B" to Committee Amendment "A" (H-730)** corrected a typographical error and clarified that a manufacturer may not exercise a right of first refusal as a way to influence the underlying transaction subject to the right of first refusal.

#### ***Enacted law summary***

Public Law 1997, chapter 521 amends several provisions of the motor vehicle dealer franchise laws to address the changing business environment among motor vehicle dealers, distributors and manufacturers. Public Law 1997, chapter 521 does the following.

1. It enacts a new definition of the term "broker" and clarifies several definitions.
2. It precludes a manufacturer from using a factory finance branch or other corporate affiliate to engage in conduct that would otherwise be illegal.
3. It licenses manufacturers, establishes registration and fee requirements, authorizes rulemaking by the Secretary of State and authorizes the Secretary of State to conduct hearings and impose civil penalties in appropriate circumstances. The civil penalty section clarifies that violations involving similar transactions that occur on a repeating basis within a 60-day period constitute a single violation. License fees collected will be deposited in the Highway Fund. Manufacturer licenses issued under the Maine Revised Statutes, Title 10, section 1171-B are subject to that section and rules adopted pursuant to that section in effect throughout the term of the license.

4. It clarifies provisions concerning damages and remedies.
5. It authorizes mandatory nonbinding mediation as an initial step in dispute resolution.
6. It confirms the right of a dealer to bring an action in Superior Court.
7. It clarifies that a manufacturer must establish a just and equitable system for allocation of its vehicles and that that system must consider the rural environment of this State and the needs of rural dealers in this State.
8. It clarifies that a franchised dealer is entitled to receive all makes and models of vehicles that the manufacturer produces for that particular franchise, that for a new vehicle the manufacturer may require a dealer to obtain certain tools, parts and inventory, among other things, and that any materials required to be purchased by the manufacturer may be returned by the dealer for a full refund if these materials have not been used within a two-year period.
9. It provides a process for a dealer to provide notice and to appeal the proposed modification or replacement of a franchise agreement when a manufacturer modifies or replaces the franchise agreement. The manufacturer has the burden of proving that it had good cause for the modification or replacement.
10. It prohibits discriminatory conduct or threats to terminate a franchise based solely on the results of manufacturer surveys. A sales or recognition program that is not tied to vehicle allocation systems or the cost of vehicles, parts or accessories is allowed. It establishes that it is not good cause for termination for a manufacturer to rely exclusively on manufacturer surveys. A survey may be used to ensure the performance of a dealer.
11. It amends the prohibition against mandatory participation in manufacturer advertisement schemes to include associations of dealers.
12. It establishes the standards that apply when a manufacturer exercises a right of first refusal in the transfer of a franchise to ensure that the actual agreement being assumed in the right of first refusal is the identical underlying agreement that had been made with a proposed transferee. It also provides basic protections for the proposed transferee.
13. It protects the rights of dealers to dual franchises and establishes criteria if a manufacturer imposes exclusive facility requirements on a franchisee.
14. It establishes that if a dealer is involuntarily terminated, canceled or not renewed, then the manufacturer shall pay a sum equivalent to the rent for the unexpired term of the lease or for one year, whichever is less. If the dealer has more than one franchise at the dealership, the manufacturer shall pay a prorated amount of rent or rental value based on the volume of sales of each franchise in that dealership.
15. It clarifies that new vehicles may be distributed only to franchised new car dealers and may be sold to the public only by franchised new car dealers.
16. It clarifies that a dealer must disclose in the course of selling a vehicle that the vehicle has been operated for demonstrator purposes and requires disclosure of certain damages to a new motor vehicle when that damage exceeds five percent of the manufacturer's suggested retail price.

17. It includes general managers and long-standing employees with significant experience in survivorship rights in the transfer of a dealership to a successor in interest.
18. It establishes an 18-month time limitation on audits.
19. It specifically does not address warranty reimbursement of parts and labor in the Maine Revised Statutes, Title 10, section 1176. The Legislature is aware of the case of Acadia Motors, Inc. v. Ford Motor Credit Company, 44 F.3rd 1050 (1st Cir. 1995) and other cases currently pending in the United States District Court for the District of Maine, the Maine Superior Court and the Maine District Court. The Legislature has refrained from addressing warranty reimbursement provisions and warranty audit provisions of Title 10, section 1176 in light of this pending litigation. No inference should be drawn from this inaction, and this enactment should not be construed as expressing any view of the statutory language of Title 10, section 1176 or any decisions issued by courts in this State or federal courts on Title 10, section 1176. Title 10, section 1176 is amended to clarify that manufacturers may not establish warranty repair centers in this State except in certain limited situations.
20. It clarifies that the public policy of this State is the protection of the transportation system, the public safety and the financial interests of its citizens in relation to the automobile industry. The Legislature does not intend that the Maine Revised Statutes, Title 10, section 1182 be utilized by the federal court or courts of this State in construing legislative intent with regard to the currently pending litigation regarding Title 10, section 1176.

**LD 1751**

**An Act to Amend the Licensure Act for Speech Pathologists and Audiologists**

**PUBLIC 379**

<u>Sponsor(s)</u> FARNSWORTH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-506
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LD 1751 proposed to change all references from "speech" to "speech-language" in the Maine Revised Statutes, Title 32, chapter 77. It created the definition for "speech-language pathology assistant," and the necessary qualifications that allow a person to practice as a speech-language pathologist and audiologist, which included a two-year associates degree. It required that a person holding this credential work under the direct supervision of a licensee and register with the board. It terminated the "speech-language pathology aide" credential by 2005. It clarified the qualifications and scope of practice for speech-language pathologists and audiologists. It also established the Board of Examiners on Speech-language Pathology and Audiology's authority to adopt rules to refine these scopes of practice within the parameters of statutory provisions.

**Committee Amendment "A" (H-506)** proposed to strike the provision that a person may not apply for the credential of "speech-language pathology aide" after December 31, 1997. The amendment required that a person applying for that credential after October 1, 1997 must demonstrate two years of post-secondary education and submit a training plan endorsed by a licensed speech-language pathologist. The amendment also added language that required all speech-language pathology aides to meet the eligibility requirements for a speech-language pathology assistant by January 1, 2005 in order to continue their practice of speech-language pathology. The amendment also changed the rules that pertain to the speech-language pathology assistant credential from major substantive rules to routine technical rules.

***Enacted law summary***

Public Law 1997, chapter 379 amends the statutes regulating speech pathologists and audiologists in the following ways:

1. Changes all references from "speech" to "speech-language" in the Maine Revised Statutes, Title 32, chapter 77.
2. Creates the definition for "speech-language pathology assistant," and the necessary qualifications that allow a person to practice as a speech-language pathologist and audiologist, which includes a two-year associates degree. It requires that a person holding this credential work under the direct supervision of a licensee and register with the board.
3. Requires that a person applying for the credential of "speech-language pathology aide" after October 1,1997 must demonstrate two years of post-secondary education and submit a training plan endorsed by a licensed speech-language pathologist.
4. Requires all speech-language pathology aides to meet the eligibility requirements for a speech-language pathology assistant by January 1, 2005 in order to continue their practice of speech-language pathology.
5. Clarifies the qualifications and scopes of practice for speech-language pathologists and audiologists.
6. Establishes the Board of Examiners on Speech-language Pathology and Audiology's authority to adopt rules to refine these scopes of practice within the parameters of statutory provisions.

**LD 1780**

**An Act to Amend the Finance Authority of Maine Act and the Adaptive Equipment Loan Program**

**PUBLIC 489**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JENKINS VIGUE	OTP-AM	S-247

LD 1780 proposed to make changes to the laws governing the Adaptive Equipment Loan Program Fund Board and the Finance Authority of Maine. It proposed to repeal an ambiguous provision requiring that 75% of the loans made from the Adaptive Equipment Loan Program Fund be made to individuals and further requiring that all for-profit entities receiving a loan obtain at least 50% of the total project costs from sources other than the fund, and proposed to replace the provision with a directive that the board adopt rules setting forth a preference for individuals with disabilities to receive loans and requiring that for-profit loan recipients provide a portion of project costs from sources other than the Adaptive Equipment Loan Program Fund. It would have updated the list of education loan programs the authority administers. It restated the existing provisions with regard to the amount of bonds supported by the moral obligation of the State that the authority may issue to include up to \$264,000,000 for electric rate stabilization projects, \$120,000,000 for major business expansion projects, \$57,000,000 for workers' compensation residual market mechanism projects and up to \$150,000,000 minus the aggregate outstanding amount of mortgage loans secured by capital reserve funds pursuant to the Maine Revised Statutes, Title 10, section 1032 for all other projects. It was not intended that this bill have any effect on any revenue obligation securities issued at any time pursuant to Title 10, section 1053, subsection 5.

**Committee Amendment "A" (S-247)** proposed to change the membership requirements of the Adaptive Equipment Loan Program Fund Board to include a designee of the Bureau of Rehabilitation Services instead of a designee of the Department of Education since the bureau was transferred to the Department of Labor.

The amendment further clarified that all business entities are eligible for adaptive equipment loans. It included a requirement that the board adopt rules setting forth a preference for individuals with disabilities to receive loans for personal purposes. This amendment also allowed a subcommittee of the Adaptive Equipment Loan Program Fund Board to approve applications for loans of \$2,500 or less and emergency applications. Outside contractors under contract with the board could also approve loans of less than \$2,500.

The amendment changes the definition of veteran to include any individual who has served in the United States Armed Forces and included a separate definition of a wartime veteran under Finance Authority of Maine law.

The amendment expanded the Finance Authority of Maine's ability to insure loans to veterans by allowing the authority to insure 100% for a loan of up to \$75,000 for any person who has served in the United States Armed Forces or up to \$125,000 for wartime veterans.

The amendment further clarified that the authority may charge interest on Teachers for Maine loans that are not forgiven by return service.

The amendment deleted sections of the bill that had been enacted by Public Law 1997, chapter 97, sections 1 to 4.

#### ***Enacted law summary***

Public Law 1997, chapter 489 makes changes to the laws governing the Adaptive Equipment Loan Program Fund Board and the Finance Authority of Maine.

It repeals an ambiguous provision requiring that 75% of the loans made from the Adaptive Equipment Loan Program Fund be made to individuals and further requiring that all for-profit entities receiving a loan obtain at least 50% of the total project costs from sources other than the fund, and replaces the provision with a directive that the board adopt rules setting forth a preference for individuals with disabilities to receive loans and requiring that for-profit loan recipients provide a portion of project costs from sources other than the Adaptive Equipment Loan Program Fund.

It changes the membership requirements of the Adaptive Equipment Loan Program Fund Board to include a designee of the Bureau of Rehabilitation Services instead of a designee of the Department of Education since the bureau was transferred to the Department of Labor.

It clarifies that all business entities are eligible for adaptive equipment loans. It includes a requirement that the board adopt rules setting forth a preference for individuals with disabilities to receive loans for personal purposes. This amendment also allows a subcommittee of the Adaptive Equipment Loan Program Fund Board to approve applications for loans of \$2,500 or less and emergency applications. Outside contractors under contract with the board may also approve loans of less than \$2,500.

It amends the Finance Authority of Maine Act to change the definition of veteran to include any individual who has served in the United States Armed Forces and include a separate definition of a wartime veteran. It expands the



Finance Authority of Maine's ability to insure loans to veterans by allowing the authority to insure 100% for a loan of up to \$75,000 for any person who has served in the United States Armed Forces or up to \$125,000 for wartime veterans.

It clarifies that the authority may charge interest on Teachers for Maine loans that are not forgiven by return service.

It restates the existing provisions with regard to the amount of bonds supported by the moral obligation of the State that the authority may issue to include up to \$264,000,000 for electric rate stabilization projects, \$120,000,000 for major business expansion projects, \$57,000,000 for workers' compensation residual market mechanism projects and up to \$150,000,000 minus the aggregate outstanding amount of mortgage loans secured by capital reserve funds pursuant to the Maine Revised Statutes, Title 10, section 1032 for all other projects. It is not intended that this bill have any effect on any revenue obligation securities issued at any time pursuant to Title 10, section 1053, subsection 5.

**LD 1796**

**An Act to Provide Licensing for Micropigmentation Practitioners**

**PUBLIC 383**

Sponsor(s)  
TUTTLE

Committee Report  
OTP-AM

Amendments Adopted  
H-507

LD 1796 proposed to repeal current law regulating tattooing and to provide a licensing framework within the Department of Human Services for micropigmentation practice, which included the art of tattooing.

**Committee Amendment "A" (H-507)** proposed to retain the chapter regulating tattoo artists and established a separate licensing structure for those engaging in the practice of micropigmentation.

The Department of Human Services would be granted rulemaking authority to govern the practice of micropigmentation and given a deadline of November 1, 1997 for establishing licensing rules, including standards of practice, education and training requirements.

The amendment would require that licenses must be renewed every two years. The licensing fee, not to exceed \$50, would include a biennial inspection of the micropigmentation facility by the Department of Human Services. Individuals engaged in the practice of micropigmentation in the State would be required to comply with the rules of the Department by January 1, 1998.

***Enacted law summary***

Public Law 1997, chapter 383 establishes a separate licensing structure for those engaging in the practice of micropigmentation. The Department of Human Services is given rulemaking authority to govern the practice of micropigmentation and must establish licensing rules by November 1, 1997, including standards of practice, education and training requirements. Public Law 1997, chapter 383 requires that licenses for the practice of micropigmentation must be renewed every two years. The licensing fee, not to exceed \$50, includes a biennial inspection of the micropigmentation facility by the Department of Human Services. Individuals engaging in the practice of micropigmentation in the State must comply with the rules of the Department by January 1, 1998.

<u>Sponsor(s)</u> CIANCHETTE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1831 proposed to amend the laws governing debt collection activities by prohibiting a debt collector from contacting a debtor under the following circumstances:

1. When the debtor was represented by an attorney;
2. By using forms that give the appearance of judicial process;
3. By indicating that an obligation may be increased by attorney's fees;
4. By collecting interest unless approved by a court order;
5. By indicating that nonpayment of the debt will result in arrest; and
6. By attempting to collect the debt by abusive collection techniques.

The bill also specified the days a debt collector may call a consumer; calls on Sundays would have been prohibited.

<u>Sponsor(s)</u> DAVIDSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-437
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LD 1844 proposed to provide that for purposes of the Professional Service Corporation Act, optometrists licensed under the Maine Revised Statutes, Title 32, chapter 34-A and ophthalmologists licensed under Title 32, chapter 48 would be considered to render the same professional service in order to allow those professionals to be shareholders of the same professional corporation.

**Committee Amendment "A" (H-437)** accomplished the same goal of allowing optometrists and ophthalmologists to practice together in a professional corporation without defining their services to be the same. A technical reference was corrected in the amendment as an ophthalmologist may be licensed under the Board of Licensure in Medicine, Title 32, chapter 48, or under the Board of Osteopathic Licensure, Title 32, chapter 36.

#### *Enacted law summary*

Public Law 1997, chapter 313 provides that for the purposes of the Professional Services Corporation Act, optometrists and ophthalmologists may organize and become the sole shareholders of the same professional corporation in order to provide their respective complementary professional services.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM MAJ ONTP MIN	S-326 S-417 MICHAUD

LD 1854 proposed to establish the Maine Economic Improvement Fund to provide funding for applied research and development in five target areas and to provide funding to match funds and grants from private and federal sources.

The source of the funding would be an annual General Fund appropriation not to exceed \$20,000,000. This amount would be obtained through a decrease in transfers of the unappropriated surplus of the General Fund to the Maine Rainy Day Fund and the Retirement Allowance Fund to 40% and 20%, respectively. The Maine Economic Improvement Fund, under this bill, must receive 20% of the unappropriated surplus. The bill also proposed to establish the Maine Economic Improvement Task Force to review policies and programs in support of applied research and development in the five target areas and to create a plan to be submitted to the Legislature for the coordination and maximization of these policies and programs. The five target areas are aquaculture and marine sciences and technology, biotechnology, composite materials engineering, environmental sciences and technology and information sciences and technology.

The purpose of this investment is to spur economic growth through the development and support of new technologies and related businesses.

**Committee Amendment "A" (S-326)** proposed to add an additional member to the Maine Economic Improvement Task Force representing the Maine Maritime Academy. The amendment also would amend the compensation for participation on the task force to include legislative members as entitled to legislative per diem and expenses.

**Senate Amendment "B" (S-417)** This amendment proposed to strike the provision in the bill that provided as one funding mechanism for the Maine Economic Improvement Fund, annual transfers from the unappropriated surplus of the General Fund and also to remove language requiring General Fund appropriations to the fund.

#### *Enacted law summary*

Public Law 1997, chapter 556 establishes the Maine Economic Improvement Fund to provide funding for applied research and development in five target areas and to provide funding to match funds and grants from private and federal sources. The source of funding for the Maine Economic Improvement Fund is not specified.

The five target areas are aquaculture and marine sciences and technology, biotechnology, composite materials engineering, environmental sciences and technology and information sciences and technology. The purpose of this investment is to spur economic growth through the development and support of new technologies and related businesses.

Chapter 556 also establishes the Maine Economic Improvement Task Force to review policies and programs in support of applied research and development in the five target areas mentioned previously. A plan is to be submitted by the task force by January 1, 1998 that coordinates and maximizes the utility of these programs and policies. See SPO669 which proposed a similar study of the issue..

**LD 1872**

**An Act to Make Changes to the Maine Economic Growth Council**

**PUBLIC 425**

Sponsor(s)  
PINGREE

Committee Report  
OTP

Amendments Adopted

LD 1872 proposed to remove obsolete references to initial appointments to the Maine Economic Growth Council and to remove the restriction on members serving for more than one three-year term.

***Enacted law summary***

Public Law 1997, chapter 425 removes obsolete references to initial appointments to the Maine Economic Growth Council and removes the restriction on members serving for more than one three-year term.

**LD 1878**

**An Act to Provide Regulation of Payroll Processing Companies**

**PUBLIC 495**

Sponsor(s)

Committee Report

Amendments Adopted

LD 1878 was a committee bill reported pursuant to joint order. The bill proposed to require that all payroll processing companies that conduct business in the State register on an annual basis with the State Tax Assessor by January 30th. This bill also required payroll processing companies that handle client funds to make certain disclosures to each employer for which it provides payroll processing services. The disclosures are to be made at the time of contracting and then by September 1st of each even-numbered year. Penalties were established for failure to register and failure to provide disclosure. Failure to register with the State Tax Assessor would be a civil violation for which a penalty of not less than \$500 nor more than \$2,500 may be assessed. Failure to provide disclosures to employers would be a civil violation for which a forfeiture of not less than \$50 nor more than \$250 may be assessed. Criminal penalties for misuse of entrusted property by payroll processing companies were increased.

The bill proposed to authorize the State Tax Assessor to perform audits of payroll processing companies and their clients. The assessor was also given authority to apply for an injunction from doing business for any payroll processing company that fails to account for, pay over or make returns of tax required by the Maine Revised Statutes, Title 36, chapter 827.

***Enacted law summary***

Public Law 1997, chapter 495 requires that all payroll processing companies that conduct business in the State register on an annual basis with the State Tax Assessor by January 30th. This bill also requires payroll processing companies that handle client funds to make certain disclosures to each employer for which it provides payroll processing services. The disclosures are to be made at the time of contracting and then by September 1st of each even-numbered year. Penalties are established for failure to register and failure to provide disclosure. Failure to register with the State Tax Assessor is a civil violation for which a penalty of not less than \$500 nor more than \$2,500 may be assessed. Failure to provide disclosures to employers is a civil violation for which a forfeiture of not less than \$50 nor more than \$250 may be assessed. Criminal penalties for misuse of entrusted property by payroll processing companies are increased.

Public Law 495 authorizes the State Tax Assessor to perform audits of payroll processing companies and their clients. The assessor is also given authority to apply for an injunction from doing business for any payroll processing company that fails to account for, pay over or make returns of tax required by the Maine Revised Statutes, Title 36, chapter 827.

**LD 1889**                      **An Act to Provide Warranty Reimbursement Protection for Retailers**                      **PUBLIC 497**

Sponsor(s)                      |                      Committee Report                      |                      Amendments Adopted

LD 1889 was a committee bill reported pursuant to joint order. The bill proposed to amend the Uniform Commercial Code to ensure that a retail seller of consumer goods and services would be eligible for reimbursement from the prior seller or manufacturer of the consumer good or service should the retail seller provide a consumer reimbursement or return to honor an implied warranty of merchantability. The bill specified that a violation under this legislation is not a violation of the Maine Unfair Trade Practices Act. The bill was a committee bill reported by the committee pursuant to joint order.

*Enacted law summary*

Public Law 1997, chapter 497 amends the Uniform Commercial Code to ensure that a retail seller of consumer goods and services be eligible for reimbursement from the prior seller or manufacturer of the consumer good or service should the retail seller provide a consumer reimbursement or return to honor an implied warranty of merchantability. Public Law 497 specifies that a violation under this legislation is not a violation of the Maine Unfair Trade Practices Act.

**LD 1900**                      **Resolve, Appropriating Funds to the Maine Franco-American Center**                      **INDEF PP**

Sponsor(s)  
MICHAUD                      |                      Committee Report                      |                      Amendments Adopted

LD 1900 proposed to repeal the Commission to Study the Development of Maine’s Franco-American Resource. (See LD 1603) It instead would have provided funds to support the Maine Franco-American Center at the University of Maine. This resolve, which was introduced without reference to committee, was indefinitely postponed in both houses.

**LD 1905**                      **Resolve, Establishing a Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine**                      **RESOLVE 85**

Sponsor(s)  
MACKINNON                      |                      Committee Report                      |                      Amendments Adopted  
H-777 VIGUE

LD 1905 proposed to establish the Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses. This resolve was introduced without reference to committee.

*Enacted law summary*

Resolve 1997, chapter 85 establishes the Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses.

# Joint Standing Committee on Business and Economic Development

## SUBJECT INDEX

### *Business Regulation*

#### Enacted

LD 165	An Act to Clarify the Right of Campground Owners To Evict or Deny Accommodations to Problem Guests	PUBLIC 59 EMERGENCY	Page 105
LD 170	An Act to Allow Members of Cooperatives to Vote by Proxy	PUBLIC 7	Page 106
LD 184	An Act to Decrease the Time Period Allowed for the Rescission of a Time-share Contract	PUBLIC 83	Page 106
LD 217	An Act to Amend the Optometry Licensing Laws and to Allow Maine Citizens to Fill Contact Lens Prescriptions through the Mail	PUBLIC 117	Page 107
LD 768	An Act to Clarify the Right of a Real Estate Broker to a Lien on Land, Improvements or Structures	PUBLIC 264	Page 119
LD 1171	An Act to Better Inform Car Repair Customers	PUBLIC 221	Page 125
LD 1214	An Act to Provide a Warranty for Assistive Devices for Persons with Disabilities	PUBLIC 235	Page 364
LD 1844	An Act to Amend the Professional Service Corporation Act As It Relates to Eye Care Providers	PUBLIC 313	Page 156
LD 1878	An Act to Provide Regulation of Payroll Processing Companies	PUBLIC 495	Page 157
LD 1889	An Act to Provide Warranty Reimbursement Protection for Retailers	PUBLIC 497	Page 158

#### Not Enacted

LD 114	An Act to Amend the Unclaimed Property Act	ONTP	Page 104
LD 550	An Act to Ensure Fairness to Merchants under an Implied Warranty of Merchantability	VETO SUSTAINED	Page 113

<b>LD 686</b>	<b>An Act to Streamline the Registration Process for Drug Outlets, Manufacturers and Wholesalers</b>	<b>ONTP</b>	<b>Page 116</b>
<b>LD 687</b>	<b>An Act to Require Notification of Changes in Product Lines from Beverage Distributors to Redemption Centers and to Clarify Beverage Distributors' Obligation to Pick Up Containers</b>	<b>ONTP</b>	<b>Page 116</b>
<b>LD 690</b>	<b>An Act to Require That Safety Features Be Added to Hot Water Heaters and Furnaces Powered by Natural Gas</b>	<b>ONTP</b>	<b>Page 116</b>
<b>LD 1251</b>	<b>An Act to Preserve Consumer Privacy</b>	<b>ONTP</b>	<b>Page 129</b>
<b>LD 1335</b>	<b>An Act Requiring Disclosures by Payroll Processing Companies</b>	<b>ONTP</b>	<b>Page 130</b>
<b>LD 1512</b>	<b>An Act Pertaining to the Real Estate Consumer's Right to Seller Disclosure Information</b>	<b>ONTP</b>	<b>Page 137</b>
<b>LD 1596</b>	<b>An Act Concerning Requirements for Payroll Processing Companies</b>	<b>ONTP</b>	<b>Page 141</b>
<b>LD 1609</b>	<b>An Act Regarding Information Provided to Pharmaceutical Companies</b>	<b>ONTP</b>	<b>Page 142</b>
<b>LD 1723</b>	<b>An Act to Require Full Disclosure of Purpose of Data Collected through the Use of Promotional Products</b>	<b>ONTP</b>	<b>Page 147</b>

### ***Business Regulation - Franchise Laws***

#### **Enacted**

<b>LD 1197</b>	<b>An Act to Regulate Recreational Vehicle Manufacturers, Distributors and Dealers</b>	<b>PUBLIC 427</b>	<b>Page 126</b>
<b>LD 1327</b>	<b>An Act to Regulate Personal Sports Mobile Franchises</b>	<b>PUBLIC 473</b>	<b>Page 366</b>
<b>LD 1747</b>	<b>An Act to Improve Transportation in Maine</b>	<b>PUBLIC 521</b>	<b>Page 147</b>

#### **Not Enacted**

<b>LD 1506</b>	<b>An Act to Provide Dealership Protection to Forestry, Construction and Utility Contracts</b>	<b>ONTP</b>	<b>Page 137</b>
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## *Economic Development - Job Creation*

### Enacted

LD 1427	An Act to Create Quality Employment and Business Ownership Opportunities for Social Assistance Recipients	PUBLIC 484 EMERGENCY	Page 133 369
LD 1437	Resolve, to Study the State's Regional Service Center Communities	RESOLVE 78	Page 134

### Not Enacted

LD 567	An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to the Livable Wage in Business Assistance Subsidies	ONTP	Page 114
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## *Business Development - Business Assistance*

### Enacted

LD 330	Resolve, to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Microenterprise Needs	RESOLVE 23	Page 109
LD 736	An Act to Abolish the Economic Development and Business Assistance Coordinating Council	PUBLIC 48	Page 118
LD 1905	Resolve, Establishing a Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine	RESOLVE 85	Page 159

### Not Enacted

LD 567	An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to the Livable Wage in Business Assistance Subsidies	ONTP	Page 114
LD 1343	Resolve, Establishing a Blue Ribbon Commission to Study the Effect of Government Regulation on Small Businesses in Maine	FAILED EMERGENCY ENACTMENT	Page 131
LD 1528	An Act to Create the Community Business Bonds for Maine Program	ONTP	Page 138

## *Economic Development - Planning Initiatives*

### Enacted

<b>LD 330</b>	<b>Resolve, to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Microenterprise Needs</b>	<b>RESOLVE 23</b>	<b>Page 109</b>
<b>LD 736</b>	<b>An Act to Abolish the Economic Development and Business Assistance Coordinating Council</b>	<b>PUBLIC 48</b>	<b>Page 118</b>
<b>LD 1055</b>	<b>Resolve, Directing the Office of Tourism and Community Development and the Maine Tourism Commission to Include Lewiston as Part of Southern or South-central Maine and Directing the Maine Turnpike Authority to Change Turnpike Signs to Accurately Reflect Access to the Sunday River Ski Area by Way of Exits 11 and 12</b>	<b>RESOLVE 21</b>	<b>Page 124</b>
<b>LD 1427</b>	<b>An Act to Create Quality Employment and Business Ownership Opportunities for Social Assistance Recipients</b>	<b>PUBLIC 484</b> <b>EMERGENCY</b>	<b>Page 133</b> <b>369</b>
<b>LD 1431</b>	<b>Resolve, to Establish the Sister State Program</b>	<b>RESOLVE 25</b>	<b>Page 134</b>
<b>LD 1437</b>	<b>Resolve, to Study the State's Regional Service Center Communities</b>	<b>RESOLVE 78</b>	<b>Page 134</b>
<b>LD 1452</b>	<b>An Act to Establish the Task Force to Study Equal Economic Opportunity for All Regions of the State</b>	<b>P &amp; S 51</b>	<b>Page 135</b>
<b>LD 1603</b>	<b>Resolve, to Foster Economic Growth through the Recognition and Development of Maine's Franco-American Resource</b>	<b>RESOLVE 83</b> <b>EMERGENCY</b>	<b>Page 142</b>
<b>LD 1657</b>	<b>An Act to Establish the Interstate Economic Development Commission for the Northern New England States</b>	<b>PUBLIC 254</b>	<b>Page 144</b>
<b>LD 1854</b>	<b>An Act to Establish the Maine Economic Improvement Fund</b>	<b>PUBLIC 556</b>	<b>Page 156</b>

### Not Enacted

<b>LD 891</b>	<b>Resolve, to Authorize and Fund an Independent Study of the Economic Impacts of Increased Natural Gas Availability and Use in the State</b>	<b>ONTP</b>	<b>Page 121</b>
<b>LD 1343</b>	<b>Resolve, Establishing a Blue Ribbon Commission to Study the Effect of Government Regulation on Small Businesses in Maine</b>	<b>FAILED EMERGENCY ENACTMENT</b>	<b>Page 131</b>
<b>LD 1645</b>	<b>An Act to Establish the Maine Franco-American Center in Bangor</b>	<b>ONTP</b>	<b>Page 143</b>
<b>LD 1900</b>	<b>Resolve, Appropriating Funds to the Maine Franco-American Center</b>	<b>INDEF PP</b>	<b>Page 159</b>

***Economic Development - Other***

**Enacted**

<b>LD 285</b>	<b>An Act to Repeal the Task Force on Defense Realignment and the Economy</b>	<b>PUBLIC 15</b>	<b>Page 108</b>
<b>LD 1055</b>	<b>Resolve, Directing the Office of Tourism and Community Development and the Maine Tourism Commission to Include Lewiston as Part of Southern or South-central Maine and Directing the Maine Turnpike Authority to Change Turnpike Signs to Accurately Reflect Access to the Sunday River Ski Area by Way of Exits 11 and 12</b>	<b>RESOLVE 21</b>	<b>Page 124</b>
<b>LD 1431</b>	<b>Resolve, to Establish the Sister State Program</b>	<b>RESOLVE 25</b>	<b>Page 134</b>
<b>LD 1589</b>	<b>An Act to Amend the Composition of the Information Services Policy Board and Establish a Task Force on Information Technology in the Public Sector</b>	<b>PUBLIC 554</b>	<b>Page 140</b>
<b>LD 1648</b>	<b>An Act to Increase Home Ownership</b>	<b>PUBLIC 491 EMERGENCY</b>	<b>Page 144</b>
<b>LD 1697</b>	<b>An Act to Encourage Employee Stock Ownership</b>	<b>PUBLIC 217</b>	<b>Page 146</b>
<b>LD 1872</b>	<b>An Act to Make Changes to the Maine Economic Growth Council</b>	<b>PUBLIC 425</b>	<b>Page 157</b>

**Not Enacted**

LD 1177

An Act to Amend the Charter of the Northern Maine  
Development Commission, Inc.

ONTP Page 126

*Occupational and Professional Regulation*

Enacted

LD 32	An Act to Grandfather Ambulance Attendants from Additional Rulemaking	PUBLIC 26	Page 104
LD 204	Resolve, to Authorize the Electricians' Examining Board to Study the Need for Continuing Education Among Helper Electricians	RESOLVE 16	Page 106
LD 426	An Act to Amend the Employee Leasing Company Registration Process	PUBLIC 29	Page 110
LD 481	An Act to Regulate Body Piercing	PUBLIC 206	Page 110
LD 508	An Act to Increase the Certification Fee Cap for the Board of Geologists and Soil Scientists	PUBLIC 141	Page 111
LD 539	An Act to Clarify the Laws Regarding the Board of Licensure in Medicine and Ensure That Physician Discipline Is Reported to the Appropriate Licensing Board	PUBLIC 271	Page 111
LD 541	An Act to Amend the Laws Regarding the Licensure of Hearing Aid Dealers and Fitters	PUBLIC 156	Page 113
LD 678	An Act to Amend the Laws Relating to Auctioneers	PUBLIC 183	Page 115
LD 709	An Act to Define the Term "Occupational Therapy Practitioner" in the Laws Regulating Professions and Occupations	PUBLIC 212	Page 117
LD 729	An Act to Amend the Maine Pharmacy Act	PUBLIC 245	Page 117
LD 737	An Act to Create a Helper Registration Category, to Exempt Certain Persons from Licensure under the Propane and Natural Gas Act and to Eliminate the Tagging Requirement	PUBLIC 270	Page 118
LD 768	An Act to Clarify the Right of a Real Estate Broker to a Lien on Land, Improvements or Structures	PUBLIC 264	Page 119

<b>LD 841</b>	<b>An Act to Amend the Dental Licensure Laws to Authorize Special Permits for Instruction in Dentistry and to Identify and Rehabilitate Impaired Dentists</b>	<b>PUBLIC 107</b>	<b>Page 119</b>
<b>LD 842</b>	<b>An Act to Amend the Osteopathic Licensure Laws to Clarify the Appropriate Degree Required for Licensure</b>	<b>PUBLIC 50</b>	<b>Page 120</b>
<b>LD 1025</b>	<b>An Act Concerning Licensing and Recertification of Licensed Counseling Professionals</b>	<b>PUBLIC 128</b>	<b>Page 122</b>
<b>LD 1049</b>	<b>An Act to Amend the Real Estate Brokerage Laws</b>	<b>PUBLIC 209</b>	<b>Page 123</b>
<b>LD 1118</b>	<b>An Act to Amend the Oil and Solid Fuel Board Laws</b>	<b>PUBLIC 82</b>	<b>Page 124</b>
<b>LD 1345</b>	<b>An Act to Amend the Public Accountancy Laws</b>	<b>PUBLIC 265</b>	<b>Page 131</b>
<b>LD 1468</b>	<b>An Act to Amend the Maine Veterinary Practice Act of 1975</b>	<b>PUBLIC 246</b>	<b>Page 136</b>
<b>LD 1562</b>	<b>An Act to Amend Professional Licensing Boards Laws</b>	<b>PUBLIC 210</b>	<b>Page 138</b>
<b>LD 1616</b>	<b>An Act to Amend the Laws Regulating Occupational Therapy Practice</b>	<b>PUBLIC 294</b>	<b>Page 143</b>
<b>LD 1672</b>	<b>An Act to Ensure Proper Training for Conducting Forensic Examinations of Victims of Sexual Assault</b>	<b>PUBLIC 333</b> <b>EMERGENCY</b>	<b>Page 145</b>
<b>LD 1751</b>	<b>An Act to Amend the Licensure Act for Speech Pathologists and Audiologists</b>	<b>PUBLIC 379</b>	<b>Page 152</b>
<b>LD 1796</b>	<b>An Act to Provide Licensing for Micropigmentation Practitioners</b>	<b>PUBLIC 383</b>	<b>Page 154</b>
<b><u>Not Enacted</u></b>			
<b>LD 421</b>	<b>An Act to Grandfather Certain Practicing Naturopathic Doctors</b>	<b>ONTP</b>	<b>Page 109</b>
<b>LD 584</b>	<b>An Act to Repeal the Laws Regulating Naturopathic Practitioners</b>	<b>ONTP</b>	<b>Page 114</b>
<b>LD 597</b>	<b>An Act to Amend the Statutes Pertaining to Emergency Medical Services</b>	<b>CARRIED OVER</b>	<b>Page 114</b>
<b>LD 604</b>	<b>An Act to Amend the Maine Veterinary Practice Act of 1975</b>	<b>ONTP</b>	<b>Page 115</b>

<b>LD 690</b>	<b>An Act to Require That Safety Features Be Added to Hot Water Heaters and Furnaces Powered by Natural Gas</b>	<b>ONTP</b>	<b>Page 116</b>
<b>LD 1005</b>	<b>An Act to Provide for the Licensing of Building Contractors</b>	<b>ONTP</b>	<b>Page 122</b>
<b>LD 1142</b>	<b>An Act to Require That Only Licensed Substance Abuse Counselors Treat Substance Abuse Problems</b>	<b>ONTP</b>	<b>Page 125</b>
<b>LD 1405</b>	<b>An Act to License Timber Harvesters and Deter Timber Trespassing</b>	<b>CARRIED OVER</b>	<b>Page 20 133</b>
<b>LD 1430</b>	<b>An Act to Regulate Professional Loggers</b>	<b>CARRIED OVER</b>	<b>Page 21 134</b>
<b>LD 1483</b>	<b>An Act to License Interpreters for the Deaf and Hard-of-hearing</b>	<b>CARRIED OVER</b>	<b>Page 136</b>
<b>LD 1512</b>	<b>An Act Pertaining to the Real Estate Consumer's Right to Seller Disclosure Information</b>	<b>ONTP</b>	<b>Page 137</b>
<b>LD 1525</b>	<b>An Act to License Massage Therapists under the Board of Complementary Health Care Providers</b>	<b>CARRIED OVER</b>	<b>Page 137</b>
<b>LD 1580</b>	<b>An Act to Improve Allopathic and Osteopathic Physician Oversight</b>	<b>CARRIED OVER</b>	<b>Page 140</b>
<b>LD 1595</b>	<b>An Act to License Home Building Contractors</b>	<b>ONTP</b>	<b>Page 141</b>
<b>LD 1680</b>	<b>An Act to Amend the Real Estate Brokerage Laws</b>	<b>ONTP</b>	<b>Page 145</b>

***Health Related***

**Enacted**

<b>LD 217</b>	<b>An Act to Amend the Optometry Licensing Laws and to Allow Maine Citizens to Fill Contact Lens Prescriptions through the Mail</b>	<b>PUBLIC 117</b>	<b>Page 107</b>
<b>LD 481</b>	<b>An Act to Regulate Body Piercing</b>	<b>PUBLIC 206</b>	<b>Page 110</b>
<b>LD 539</b>	<b>An Act to Clarify the Laws Regarding the Board of Licensure in Medicine and Ensure That Physician Discipline Is Reported to the Appropriate Licensing Board</b>	<b>PUBLIC 271</b>	<b>Page 111</b>

<b>LD 709</b>	<b>An Act to Define the Term "Occupational Therapy Practitioner" in the Laws Regulating Professions and Occupations</b>	<b>PUBLIC 212</b>	<b>Page 117</b>
<b>LD 729</b>	<b>An Act to Amend the Maine Pharmacy Act</b>	<b>PUBLIC 245</b>	<b>Page 117</b>
<b>LD 842</b>	<b>An Act to Amend the Osteopathic Licensure Laws to Clarify the Appropriate Degree Required for Licensure</b>	<b>PUBLIC 50</b>	<b>Page 120</b>
<b>LD 1616</b>	<b>An Act to Amend the Laws Regulating Occupational Therapy Practice</b>	<b>PUBLIC 294</b>	<b>Page 143</b>
<b>LD 1672</b>	<b>An Act to Ensure Proper Training for Conducting Forensic Examinations of Victims of Sexual Assault</b>	<b>PUBLIC 333 EMERGENCY</b>	<b>Page 145</b>
<b>LD 1796</b>	<b>An Act to Provide Licensing for Micropigmentation Practitioners</b>	<b>PUBLIC 383</b>	<b>Page 154</b>

**Not Enacted**

<b>LD 686</b>	<b>An Act to Streamline the Registration Process for Drug Outlets, Manufacturers and Wholesalers</b>	<b>ONTP</b>	<b>Page 116</b>
<b>LD 1580</b>	<b>An Act to Improve Allopathic and Osteopathic Physician Oversight</b>	<b>CARRIED OVER</b>	<b>Page 140</b>
<b>LD 1609</b>	<b>An Act Regarding Information Provided to Pharmaceutical Companies</b>	<b>ONTP</b>	<b>Page 142</b>

***Housing***

**Enacted**

<b>LD 266</b>	<b>An Act to Conform State Laws Regarding Fair Housing for Older Persons with Federal Laws</b>	<b>PUBLIC 85</b>	<b>Page 108</b>
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**Not Enacted**

<b>LD 390</b>	<b>An Act Requiring Masonry Work to Comply with State and Local Building and Fire Codes</b>	<b>ONTP</b>	<b>Page 109</b>
<b>LD 1009</b>	<b>An Act to Equalize the Energy Efficiency Standards for Multifamily Residential Structures Funded by Public Funds</b>	<b>ONTP</b>	<b>Page 122</b>

**LD 1512**                    **An Act Pertaining to the Real Estate Consumer's  
Right to Seller Disclosure Information**                    **ONTP**    **Page 137**

***Data Collection - Privacy Issues***

**Enacted**

None

**Not Enacted**

**LD 1251**                    **An Act to Preserve Consumer Privacy**                    **ONTP**    **Page 129**

**LD 1609**                    **An Act Regarding Information Provided to  
Pharmaceutical Companies**                    **ONTP**    **Page 142**

**LD 1723**                    **An Act to Require Full Disclosure of Purpose of Data  
Collected through the Use of Promotional Products**                    **ONTP**    **Page 147**

***Construction***

**Enacted**

None

**Not Enacted**

**LD 390**                    **An Act Requiring Masonry Work to Comply with  
State and Local Building and Fire Codes**                    **ONTP**    **Page 109**

**LD 1005**                    **An Act to Provide for the Licensing of Building  
Contractors**                    **ONTP**    **Page 122**

**LD 1595**                    **An Act to License Home Building Contractors**                    **ONTP**    **Page 141**

***Debt Collection***

**Enacted**

None



Not Enacted

<b>LD 573</b>	<b>An Act to Conform the Maine Fair Debt Collection Practices Act to Federal Law</b>	<b>ONTP</b>	<b>Page 114</b>
<b>LD 994</b>	<b>An Act to Conform the Maine Fair Debt Collection Practices Act to Federal Laws</b>	<b>ONTP</b>	<b>Page 121</b>
<b>LD 1831</b>	<b>An Act to Amend the Laws Governing Debt Collection Activities</b>	<b>ONTP</b>	<b>Page 155</b>

*Miscellaneous*

Enacted

<b>LD 426</b>	<b>An Act to Amend the Employee Leasing Company Registration Process</b>	<b>PUBLIC 29</b>	<b>Page 110</b>
<b>LD 904</b>	<b>An Act to Clarify the Audit Requirement of the Maine State Housing Authority</b>	<b>PUBLIC 125 EMERGENCY</b>	<b>Page 121</b>
<b>LD 1589</b>	<b>An Act to Amend the Composition of the Information Services Policy Board and Establish a Task Force on Information Technology in the Public Sector</b>	<b>PUBLIC 554</b>	<b>Page 140</b>
<b>LD 1710</b>	<b>An Act to Provide for the 1997 and 1998 Allocations of the State Ceiling on Private Activity Bonds</b>	<b>P &amp; S 33 EMERGENCY</b>	<b>Page 146</b>
<b>LD 1780</b>	<b>An Act to Amend the Finance Authority of Maine Act and the Adaptive Equipment Loan Program</b>	<b>PUBLIC 489</b>	<b>Page 153</b>

Not Enacted

<b>LD 713</b>	<b>An Act to Change the Composition of the Loring Development Authority Board of Trustees</b>	<b>ONTP</b>	<b>Page 117</b>
<b>LD 1151</b>	<b>An Act to Require the Use of Safety Bars on Chairlifts</b>	<b>ONTP</b>	<b>Page 125</b>
<b>LD 1258</b>	<b>An Act Regarding People Giving Canadian Money as Change in Business Transactions</b>	<b>ONTP</b>	<b>Page 129</b>



## Joint Standing Committee on Criminal Justice

**LD 9**                      **An Act to Amend the Criminal Code Concerning the Crime of Assault on an Officer**                      **PUBLIC 67**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 9 proposed to eliminate the requirement that a criminal complaint for the crime of assault on a law enforcement officer be initiated by the chief administrative officer of the law enforcement agency or facility in which the officer against whom the assault was allegedly committed is a member or is assigned. This bill was proposed by the Criminal Law Advisory Commission.

### *Enacted law summary*

Public Law 1997, chapter 67 eliminates the requirement that a criminal complaint for the crime of assault on a law enforcement officer be initiated by the chief administrative officer of the law enforcement agency or facility in which the officer against whom the assault was allegedly committed is a member or is assigned.

**LD 36**                      **An Act to Criminalize Certain Photographing of Children**                      **OTP-ND-NT**

<u>Sponsor(s)</u> SMALL PEAVEY		<u>Committee Report</u> OTP-ND-NT		<u>Amendments Adopted</u>
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LD 36 proposed to establish the Class D crime of visual exploitation of a child. A person would have been guilty of visual exploitation of a child if that person photographed or video recorded a minor for the purpose of arousing or gratifying that person's sexual desire.

See LD 1892, An Act to Criminalize Certain Photographing of Children Under the Clothing of a Person in a Public Place by Mechanical or Electronic Equipment, which is LD 36 passed in a new draft.

**LD 47**                      **An Act Concerning the Responsibility of Prisoners for Family Support**                      **PUBLIC 41**

<u>Sponsor(s)</u> WHEELER E FERGUSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-18
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LD 47 proposed to require an offender incarcerated in a state correctional facility to pay up to 25% of the money in the offender's account with the facility, or that could be in the account by virtue of the offender's working, in order to provide any court-ordered support or alimony, including that of a spouse or former spouse, regardless of whether that spouse had custody of any of the person's children. The bill proposed to require the offender to maintain at least 25% of the offender's income in the offender's account in order to meet the support obligations. Shifting money out of the offender's account in order to escape these provisions would have constituted the Class D crime of fraudulent conveyance.

**Committee Amendment "A" (H-18)** proposed several changes to the bill, including eliminating the following:

1. The Class D crime of defrauding a creditor;
2. The requirement that a court order for support exist;
3. The requirement that the Commissioner of Corrections keep the courts informed as to a prisoner's work history and performance; and
4. The requirement that spousal support be paid.

The amendment also proposed to require a prisoner to consent to pay at least 25% of the prisoner's earnings toward child support before the prisoner could participate in a program through which the prisoner would be able to generate money. The amendment proposed to permit a parent, legal guardian or legal custodian of the child to request payments from the facility housing the prisoner.

The amendment proposed to apply these provisions to both state and county facilities and to exclude prisoners already making child support payments pursuant to an order issued by a court or by the Department of Human Services.

***Enacted law summary***

Public Law 1997, chapter 41 requires a prisoner in a state or county facility to consent to pay at least 25% of the prisoner's earnings toward child support before that prisoner may participate in a program in which the prisoner can earn money. A parent or guardian of a child may request to receive child support payments directly from the prisoner's facility. The law does not apply to prisoners who make child support payments pursuant to a Department of Human Services order.

**LD 56**

**An Act to Increase the Fee That May Be Assessed against a Prisoner to Help Defray the Costs of Incarceration**

**PUBLIC 88**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY FERGUSON	OTP-AM	H-102

LD 56 proposed to increase from \$20 to \$60 per day the fee that could be assessed against a prisoner in a county jail to help defray the costs of incarceration.

**Committee Amendment "A" (H-102)** proposed to increase the maximum assessment for the cost of incarceration of a prisoner in a county jail to \$80 per day to help defray the costs of incarceration. The amendment also proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 88 helps defray the costs of incarceration by increasing from \$20 to \$80 the maximum daily assessment for the cost of incarceration of a prisoner in a county jail.

**LD 64                      An Act to Provide Reimbursement to Counties for Persons Jailed on Probation Revocations                      PUBLIC 533**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E FERGUSON	OTP-AM	H-380 S-395 MICHAUD

LD 64 proposed to require the Department of Corrections to reimburse counties for persons sentenced to county jails for probation revocations.

**Committee Amendment "A" (H-380)** proposed to remove the emergency preamble and the emergency clause from the bill. The amendment also proposed to remove section 1 of the bill, which would have been necessary only if the bill were enacted as an emergency.

**Senate Amendment "A" (S-395)** to Committee Amendment "A" proposed to clarify that the Department of Corrections' reimbursement obligation to counties for persons sentenced to county jail pursuant to a probation revocation proceeding was limited to persons originally sentenced for Class A, B or C crimes.

*Enacted law summary*

Public Law 1997, chapter 533 requires the Department of Corrections to reimburse counties for persons sentenced to county jails for probation revocations if the persons were originally sentenced for Class A, B or C crimes.

**LD 65                      An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections                      CARRIED OVER**

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

LD 65 prohibits the Department of Corrections from subtracting jail revenues raised by a county from a jail's expenditures. Currently, pursuant to the Department of Corrections Uniform Accounting Report Forms, jail revenues are subtracted from the jail's total expenditures for the purpose of reducing the Department of Corrections reimbursement rate to the county for housing state prisoners.

LD 65 was carried over to the Second Regular Session of the 118th Legislature.

**LD 69**                      **An Act to Prohibit a Juvenile from Pleading to a Reduced Juvenile Crime**                      **ONTP**

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

LD 69 proposed to prevent a prosecuting attorney from charging a juvenile with a reduced crime. The bill would have prohibited plea bargains and required that juveniles be charged with the crime actually committed.

**LD 74**                      **An Act to Increase the Period of Probation for Sex Offenders**                      **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON PARADIS	OTP-AM	H-517

LD 74 proposed to double the otherwise allowable period of probation for a person convicted of an offense under the Maine Revised Statutes, Title 17-A, chapter 11.

**Committee Amendment "A" (H-517)** replaced the bill and proposed to allow a court to impose a period of probation of up to 10 years for a Class A crime, up to 6 years for a Class B or Class C crime and up to 2 years for a Class D or Class E crime if the person were convicted of a sexual assault or of indecent conduct, excluding a conviction for engaging in a sexual act in a public place, and the court found that additional probationary time was needed to either provide sex offender treatment to the offender or to protect the public from an offender determined to be high-risk.

See **Committee Amendment "A" (H-750)** to LD 1138, An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1997, June 30, 1998 and June 30, 1999, Part M, enacted as Public Law 1997, chapter 395, which incorporated Criminal Justice Committee Amendment "A" (H-517) minus the fiscal note.

**LD 95**                      **An Act Concerning Prisoner Participation in Public Works Projects**                      **PUBLIC 54**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO SMALL	OTP-AM	H-47

LD 95 proposed to allow a person committed to a county jail for nonpayment of a fine to participate in a public works project or improvement of property owned by a charitable organization with the permission of the court and the sheriff of the county jail at the time of sentencing. Persons participating in such projects would have had their sentences reduced at the rate of one day for every hour of participation in the project.

**Committee Amendment "A" (H-47)** proposed that prisoners participating in public works projects for nonpayment of fines could reduce a fine by \$5 for every hour worked. The amendment also proposed that a sentence imposed for nonpayment of fines would run consecutively with any other sentence.

***Enacted law summary***

Public Law 1997, chapter 54 allows a person committed to a county jail for nonpayment of a fine to participate in a public works project or improvement of property owned by a charitable organization with the permission of the court and the sheriff of the county jail at the time of sentencing. Persons participating in such projects for nonpayment of fines may reduce the fine by \$5 for every hour worked. Public Law 1997, chapter 54 also specifies that a sentence imposed for nonpayment of fines runs consecutively with any other sentence.

**LD 104                      An Act Concerning Threatening the Use of Deadly Force Against a Law Enforcement Officer Engaged in Carrying out Public Duty                      PUBLIC 289**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLUKEY	OTP-AM    MAJ ONTP        MIN	H-407

LD 104 proposed to bar a private citizen, who otherwise would have the legal right to do so, from threatening the use of deadly force against a person the private citizen knew or should have known was a law enforcement officer, unless the private citizen knew that that law enforcement officer was not at that time engaged in the performance of official duties or unless the private citizen was justified in actually using deadly force against that officer.

**Committee Amendment "A" (H-407)** was the majority report of the Joint Standing Committee on Criminal Justice and proposed that a person otherwise justified in threatening to use deadly force against a law enforcement officer would not be justified in doing so with a firearm or other dangerous weapon. The amendment also proposed to preclude a law enforcement officer from making a nonconsensual warrantless entry into a dwelling place solely in response to a threat not justified by the Maine Revised Statutes, Title 17-A, section 110.

***Enacted law summary***

Public Law 1997, chapter 289 specifies that a person, otherwise justified in threatening to use deadly force against another person, is not justified in doing so with a firearm or other dangerous weapon if that person knows or should know that the other person is a law enforcement officer, unless the person knows that the law enforcement officer is not at that time engaged in the performance of official duties or unless the private citizen is justified under the Maine Revised Statutes, Title 17-A, chapter 5 in actually using deadly force against that officer. Public Law 1997, chapter 289 also precludes a law enforcement officer from making a nonconsensual warrantless entry into a dwelling place solely in response to a threat not justified by the Maine Revised Statutes, Title 17-A, section 110.

Although broader in scope, Public Law 1997, chapter 289 intends to overrule the result in *State v. Clisham*, 614 A.2d 1297 (Me. 1992) that allows a private citizen to threaten a law enforcement officer, acting under color of authority, with death or serious bodily injury under circumstances in which the private citizen is legally justified in using only nondeadly force. In *State v. Clisham* the Law Court equated threatening deadly force with the actual use of nondeadly force. *Id.* at 1298. See also *State v. Lord*, 617 A.2d 536 (Me. 1992). This legal parallel drawn by the

Law Court when a law enforcement officer is involved is rejected because of the substantial and unwarranted risk of death or serious bodily injury posed to the private citizen and to the law enforcement officer.

**LD 145**                      **An Act to Allow Independent Investigation of a Complaint against a Law Enforcement or Corrections Officer upon Request**                      **PUBLIC 42**

<u>Sponsor(s)</u> BUNKER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-20
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LD 145 proposed to authorize a law enforcement or corrections officer or the chief administrative officer of the agency employing the officer to petition the complaint review board of the Board of Trustees of the Maine Criminal Justice Academy for an independent investigation of alleged conduct of an officer in cases in which the investigation ordinarily would have been performed by the chief administrative officer.

**Committee Amendment "A" (H-20)** proposed to mandate that an agency conducting an independent investigation of a complaint against a law enforcement officer be approved by the Board of Trustees of the Maine Criminal Justice Academy. The amendment also proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 42 authorizes a law enforcement or corrections officer or the chief administrative officer of the agency employing the officer to petition the complaint review board of the Board of Trustees of the Maine Criminal Justice Academy for an independent investigation of alleged conduct of an officer. Public Law 1997, chapter 42 requires that an agency conducting an independent investigation of a complaint against a law enforcement or corrections officer be approved by the Board of Trustees of the Maine Criminal Justice Academy.

**LD 148**                      **An Act to Appropriate Funds for the Staffing and Operation of the Northern Maine Regional Juvenile Detention Facility**                      **ONTP**

<u>Sponsor(s)</u> BUNKER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 148 proposed to provide funding to the Department of Corrections to open the Northern Maine Regional Juvenile Detention Facility during fiscal year 1997-98.

See Committee Amendment "A" (H-15) to LD 1137, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999, Part JJ, enacted as Public Law 1997, chapter 24, which incorporated LD 148.



**LD 162**

**An Act to Allow Retired Law Enforcement Officials to Obtain a Lifetime Concealed Weapons Permit**

**ONTP**

Sponsor(s)  
LIBBY

Committee Report  
ONTP

Amendments Adopted

LD 162 proposed to allow a retired law enforcement officer to obtain a permit to carry a concealed firearm for life.

**LD 169**

**An Act Concerning Theft of Rental Property**

**PUBLIC 319**

Sponsor(s)  
BUTLAND

Committee Report  
OTP-AM

Amendments Adopted  
S-228

LD 169 proposed that theft of rental property occurs when a person knowingly provides false identification or information to the owner of the property at the time of the rental and that theft of rental property could be presumed when the person fails to return the property within 10 days of receiving a written demand, mailed after the expiration of the rental period. This bill also would have provided an affirmative defense to theft of rental property for persons who gave accurate information at the time of the rental, failed to receive the owner's written demand and returned the property to the owner within 48 hours of the commencement of prosecution.

**Committee Amendment “A” (S-228)** proposed that theft of rental property could be presumed when a person fails to return the property within 5 days of receiving a written demand mailed after the expiration of the rental period. The amendment would have removed language regarding theft of rental property that specified that a person knowingly provided false identification or information to the owner at the time of the rental. The amendment further proposed to remove the affirmative defense to theft of rental property and to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 319 specifies that theft of rental property may be presumed when a person fails to return the property within 5 days of receiving the owner's written demand, mailed by certified or registered mail after the expiration of the rental period.

**LD 231**

**An Act to Classify Vehicular Homicide as a Class A Crime**

**PUBLIC 34**

Sponsor(s)  
POVICH

Committee Report  
OTP

Amendments Adopted

LD 231 proposed to repeal the defense to prosecution of a manslaughter based upon the reckless or criminally negligent operation of a motor vehicle.

*Enacted law summary*

Public Law 1997, chapter 34 repeals Maine Revised Statutes, Title 17-A, section 203, subsection 3, paragraph A, which provides a defense to a prosecution of a manslaughter based upon the reckless or criminally negligent operation of a motor vehicle. This provision reduces manslaughter based upon the criminally negligent operation of a motor vehicle to a Class B crime. The defense is available under current law when the death of the victim resulted from conduct that would otherwise be defined only as a civil violation or civil infraction.

Because of the existence of Title 17-A, section 203, subsection 3, paragraph A, the court in *State v. Berube*, 669 A.2d 170 (Me. 1995) vacated a Class A manslaughter conviction and the 12-year sentence that had been imposed. Public Law 1997, chapter 34 overrules *State v. Berube* to the extent that it makes all vehicular homicides a Class A crime.

**LD 232**                      **An Act to Create the Class A Crime of Theft**                      **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 232 proposed to create the Class A crime of theft of property or services valued in excess of \$50,000.

**LD 245**                      **An Act to Provide a Time Limit Extension for Basic Corrections Training**                      **PUBLIC 14**

<u>Sponsor(s)</u> WHEELER E		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 245 proposed to allow the Board of Trustees of the Maine Criminal Justice Academy to extend by 90 days the period in which a full-time corrections officer must receive basic training.

***Enacted law summary***

Public Law 1997, chapter 14 allows the Board of Trustees of the Maine Criminal Justice Academy to extend by 90 days the period in which a full-time corrections officer must receive basic training. Currently, a full-time corrections officer must complete training within the first 12 months of employment.

**LD 261**                      **An Act to Establish the Crime of Elevated Aggravated Assault**                      **PUBLIC 461**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-101
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LD 261 proposed to establish the Class A crime of elevated aggravated assault. The bill was proposed by the Criminal Law Advisory Commission.

**Committee Amendment "A" (H-101)** proposed to strike redundant language, correct the corresponding verb change and add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 461 establishes the Class A crime of elevated aggravated assault. A person is guilty of elevated aggravated assault if that person uses a dangerous weapon to cause serious bodily injury to another either intentionally or knowingly or with depraved indifference to the value of human life.

**LD 286                      An Act to Meet Federal Requirements Regarding Collection of Bias                      PUBLIC 47**  
**Motivation Data through Uniform Crime Reporting**

<u>Sponsor(s)</u> LINDAHL		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 286 proposed to bring provisions that govern uniform crime reporting data collection by the State Police into compliance with federal law.

***Enacted law summary***

Public Law 1997, chapter 47 was enacted in response to the federal Violent Crime and Law Enforcement Act of 1994, which amended the Hate Crimes Statistics Act to include the collection of data using the Uniform Crime Reporting System about crimes that manifest evidence of prejudice based on disability. Public Law 1997, chapter 47 brings the Maine Revised Statutes, Title 25, section 1544, which governs uniform crime reporting data collection by the State Police, into compliance with the federal requirement.

**LD 291                      An Act Concerning Defendants' Ability to Attack Orders of                      PUBLIC 30**  
**Restitution**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 291 proposed to build upon current case law that allows a court to satisfy itself as to a defendant's ability to pay a specific amount of restitution by relying upon the defendant's consent to pay that amount. The bill was proposed by the Criminal Law Advisory Commission.

***Enacted law summary***

Public Law 1997, chapter 30 builds upon current case law that allows a court to satisfy itself as to a defendant's ability to pay a specific amount of restitution by relying upon the defendant's consent to pay that amount. See generally, *State v. Dragon*, 521 A.2d 704 (Me. 1987); *State v. LaCase*, 512 A.2d 315-316 (Me. 1986). Public Law 1997, chapter 30 precludes a defendant under these circumstances from seeking thereafter to have that restitution order vacated as excessive.

**LD 293**

**An Act to Create a Repeat Offender Provision Addressing Crimes of Violence against Persons**

**PUBLIC 460**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-554

LD 293 proposed to enhance the sentencing class for a Class B, Class C, Class D or Class E crime in the Maine Revised Statutes, Title 17-A, chapters 9, 11, 13 or 27 if the offender within the prior 10 years had 2 or more convictions for violations of these same chapters or essentially similar crimes in other jurisdictions. This bill was proposed by the Criminal Law Advisory Commission.

**Committee Amendment “A” (H-554)** proposed that murder not be included among those crimes for which a sentencing class could be increased. The amendment also proposed to centralize the repeat offender provision for crimes under the Maine Revised Statutes, Title 17-A, chapters 9, 11, 13 and 27 and add a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 460 enhances the sentencing class for Class B, Class C, Class D or Class E crimes in the Maine Revised Statutes, Title 17-A, chapters 9, 11, 13 or 27 if the offender within the prior 10 years has 2 or more convictions for violations of these same chapters or essentially similar crimes in other jurisdictions. For a Class A crime in Title 17-A, chapter 9, 11, 13 or 27, Public Law 1997, chapter 460 requires that the same prior convictions be given serious consideration by a court in exercising its sentencing discretion. Finally, Public Law 1997, chapter 460 clarifies that in order to qualify for an enhanced sentence the prior convictions must have been entered in separate court proceedings on separate dates and the subject crimes must have occurred on separate dates.

**LD 294**

**An Act to Increase the Authorized Period of Probation for a Class D Crime**

**ONTP**

Sponsor(s)

Committee Report  
ONTP

Amendments Adopted

LD 294 proposed to increase the authorized period of probation for a Class D crime from one year to 2 years. This bill was proposed by the Criminal Law Advisory Commission.

**LD 295**

**An Act to Facilitate Payment of Restitution for Thefts by Extending the Period of Probation**

**ONTP**

Sponsor(s)

Committee Report  
ONTP

Amendments Adopted

LD 295 proposed to address an issue raised in the Law Court opinion of *State v. Fournier*, 617 A.2d 998 (Me. 1982) regarding payment of restitution while on probation. LD 295 proposed to allow the court to sentence a person convicted of Class B theft to a period of probation longer than the authorized maximum of 4 years when the value of the property or services stolen is large. The bill proposed to permit the court to extend probation by one

additional year for every \$5,000 above the initial \$10,000 in value of the property or services stolen. This bill was proposed by the Criminal Law Advisory Commission.

**LD 297**                      **An Act to Make Unlawful Possession of Firearms for Nonviolent Juvenile Offenses Either a Crime or a Juvenile Offense Depending upon the Age of the Violator**                      **PUBLIC 462**

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

LD 297 proposed to make unlawful possession of firearms for nonviolent juvenile offenses either a crime or a juvenile offense depending on the age of the offender. This bill was proposed by the Criminal Law Advisory Commission.

**Committee Amendment "A" (H-22)** proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 462 corrects a deficiency in current law. The Maine Revised Statutes, Title 15, section 393, subsection 1-A prohibits certain juveniles or certain persons who have reached the age of 18 years from owning, possessing or controlling a firearm for a specified period. Currently, a violation of the conduct prohibited by subsection 1-A is not a crime if committed by an adult nor a juvenile offense if committed by a juvenile. Public Law 1997, chapter 462 makes such unlawful possession a crime or a juvenile offense.

**LD 305**                      **An Act to Prohibit the Inhaling of Toxic Vapors for Effect**                      **PUBLIC 325**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARVIN MITCHELL B	OTP-AM	H-382 H-546 POVICH

LD 305 proposed to prohibit inhaling toxic vapors for effect. This form of inhalant abuse is also called "huffing" and can cause "sudden sniffing death" at any time.

**Committee Amendment "A" (H-382)** replaced the bill and proposed to do the following:

1. Make the inhalation of toxic vapors a civil violation, rather than a Class E crime. The mandatory forfeitures for the violation would have been \$100 to \$300 for the first offense, \$200 to \$500 for the 2nd offense and \$500 for the 3rd and each subsequent offense;
2. Create the presumption that a person violated the section if there were proof that the person intentionally or knowingly inhaled, ingested, applied or used a substance in a manner contrary to the directions for use, cautions or warnings on the label of the substance container;

3. Create the presumption that the ingredients in a container are those listed on a label on the container or those listed for that substance in databases maintained or relied upon by poison control centers certified by a national association of poison control centers;
4. Permit the judge to require an offender to perform public service or to undergo evaluation, education or treatment with a licensed social worker or a licensed substance abuse counselor; and
5. Add a fiscal note to the bill.

**House Amendment “A” (H-546) to Committee Amendment "A" (H-382)** proposed to allow the court to suspend the forfeiture imposed for unlawfully using or possessing inhalants if the court ordered the person to perform public service work or undergo evaluation, education or treatment.

**House Amendment “B” (H-571) to Committee Amendment "A" (H-382)** proposed to restrict the unlawful use or possession of inhalants to juveniles.

***Enacted law summary***

Public Law 1997, chapter 325 does the following:

1. Makes the prohibition against toxic vapor inhalation a civil violation and sets mandatory forfeitures of \$100 to \$300 for a first offense, \$200 to \$500 for a 2nd offense and \$500 for a 3rd and each subsequent offense;
2. Specifies that a person may not intentionally or knowingly inhale, ingest, apply or smell a toxic substance for the purpose of causing intoxication, euphoria, inebriation, excitement, stupefaction or the dulling of the brain or nervous system and that a person may not intentionally or knowingly possess a toxic substance with the intent to inhale, ingest, apply or smell;
3. Creates the presumption that a person violated the section if there were proof that the person intentionally or knowingly inhaled, ingested, applied or used a substance in a manner contrary to the directions for use, cautions or warnings on the label of the substance container;
4. Creates the presumption that the ingredients in a container are those listed on a label on the container or those listed for that substance in databases maintained or relied upon by poison control centers certified by a national association of poison control centers; and
5. Permits the court to suspend a forfeiture and require an offender to perform public service or to undergo evaluation, education or treatment with a licensed social worker or a licensed substance abuse counselor.

**LD 310**

**An Act to Permit Investigative Officers within the Employ of the Department of Corrections to Exercise the Powers of Law Enforcement Officers**

**PUBLIC 102**

<u>Sponsor(s)</u> MCALEVEY	<u>Committee Report</u> OTP-AM    MAJ ONTP      MIN	<u>Amendments Adopted</u> H-103
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LD 310 proposed to allow employees of the Department of Corrections who are certified as law enforcement officers to exercise the powers of law enforcement officers as part of their employment duties, if authorized to do so by the Commissioner of Corrections.

**Committee Amendment "A" (H-103)** was the majority report of the Joint Standing Committee on Criminal Justice and proposed to limit the authority of investigative officers by stating that they could not exercise law enforcement powers against other employees of the department. The amendment also proposed that internal investigations of department employees would be conducted according to any applicable collective bargaining agreement. The amendment also would have added a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 102 allows Department of Corrections' employees who are certified as law enforcement officers to exercise the powers of law enforcement officers as part of their employment duties. This authority must first be authorized by the Commissioner of Corrections and may not be used against other employees of the department. Public Law 1997, chapter 102 specifies that internal investigations of department employees be conducted according to any applicable collective bargaining agreement.

**LD 328                      An Act to Increase the Penalty for Burglary When the Actor has                      PUBLIC 477**  
**Prior Convictions for Certain Enumerated Crimes**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-384
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LD 328 proposed to enhance the sentencing classification for a burglary from a Class C crime to a Class B crime if the defendant had at least 2 prior convictions for any combination of theft, aggravated forgery, forgery, negotiating a worthless instrument, burglary, robbery or any attempts to commit those crimes. This bill also proposed to provide that a prior conviction for burglary could be considered regardless of what crime the offender intended to commit at the time of the burglary.

**Committee Amendment "A" (H-384)** proposed to limit the types of prior convictions that make burglary a Class B crime. The amendment proposed to specify the technical aspects of defining prior convictions and to add a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 328 enhances the sentencing classification for a burglary from a Class C crime to a Class B crime if the defendant intentionally or recklessly inflicted or attempted to inflict bodily injury on anyone during the commission of the burglary, the defendant was armed with a dangerous weapon other than a firearm, the violation occurred in a dwelling place or at the time of the burglary the defendant had 2 or more prior Class A, B or C convictions for any combination of burglary, robbery, theft, aggravated forgery, forgery, negotiating a worthless instrument or any attempts to commit those crimes.

LD 356

**An Act to Require Fire and Rescue Departments to Reimburse Costs of Training**

ONTP

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

LD 356 proposed to provide for the reimbursement of certain firefighting or rescue training costs for persons who were hired by more than one governmental entity.

LD 359

**Resolve, to Establish a Study Group to Assess the Needs of the Office of the State Fire Marshal and Ensure Prompt, Effective Response to the Public's Fire Safety Needs**

RESOLVE 10

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY AMERO	OTP-AM	H-21

LD 359 proposed to establish a study group to review and consider improvements to the role of the Office of the State Fire Marshal.

**Committee Amendment "A" (H-21)** proposed to change the membership of the study group in 2 ways.

1. It proposed that one member be a certified firefighter, rather than a representative of a professional firefighters' union.
2. It proposed that the representative from the fire insurance industry be appointed by the Governor, rather than by the President of the Senate and the Speaker of the House.

This amendment also proposed to change the date that the study group would have to submit its report to the Joint Standing Committee on Criminal Justice from January 1, 1998 to March 1, 1998.

Finally, this amendment proposed to delete the provision authorizing the study group to seek, accept and expend private or public funds, and it proposed to add a fiscal note to the bill.

***Enacted law summary***

Resolves 1997, chapter 10 establishes a study group to review and consider improvements to the role of the Office of the State Fire Marshal. The study group will look at how that office can become more responsive to and provide better service for the public. The study group shall report its findings to the Joint Standing Committee on Criminal Justice by March 1, 1998.



**LD 384**

**An Act to Amend the Operating Under the Influence Laws to Discern whether an Offender Was Served Alcohol at a Licensed Establishment**

**ONTP**

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

LD 384 proposed to authorize police officers to ask a person arrested for driving under the influence of intoxicants, and the courts to ask persons convicted of driving under the influence of intoxicants, if the person had been served alcohol at a licensed establishment and, if so, the name and location of the establishment. The bill proposed to require officers to include any information that they obtained in their accident reports and to require the courts to forward all information to the Bureau of Liquor Enforcement, the Office of the Attorney General, the district attorney for the district in which the establishment was located and the establishment itself.

**LD 427**

**An Act to Prohibit the Selling of Children**

**ONTP**

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

LD 427 proposed to expand the definition of endangering the welfare of a child to include selling or attempting to sell a child. This bill also proposed to expand the grounds for termination of parental rights to include selling or attempting to sell a child.

**Committee Amendment “A” (S-250)** was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed that a person had to have parental rights and duties with respect to a child in order to be guilty of selling that child. The amendment also proposed that to be guilty of selling a child a person would have to sell the child for the purpose of receiving money or anything else of value. Legally authorized adoptions would have been exempt.

**LD 467**

**An Act to Allow Individuals to Participate in Training at the Criminal Justice Academy**

**ONTP**

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

LD 467 proposed to eliminate the cost to municipal and county law enforcement agencies of sending new officers to the Maine Criminal Justice Academy. The bill would have precluded those agencies from hiring, after January 1, 1998, anyone who had not already attended the academy. The bill also proposed to require persons attending the academy while not on the payroll of a law enforcement agency to pay all costs associated with attending.

**LD 470**

**An Act to Increase Security at the Maine State Prison**

**P & S 1  
EMERGENCY**

Sponsor(s)  
MURRAY  
POVICH

Committee Report

Amendments Adopted  
S-9 MURRAY

LD 470 proposed to make supplemental appropriations from the General Fund to increase security by establishing 9 new guard positions at the Maine State Prison. The bill was not referred to the Joint Standing Committee on Criminal Justice.

**Senate Amendment "A" (S-9)** proposed to clarify that the funds be appropriated from the General Fund.

*Enacted law summary*

Private and Special Law 1997, chapter 1 makes supplemental appropriations from the General Fund to increase security by establishing 9 new guard positions at the Maine State Prison. Private and Special Law 1997, chapter 1 was enacted as an emergency measure effective on February 10, 1997.

**LD 504**

**An Act to Amend Certain Provisions Dealing with Juvenile  
Summonses**

**PUBLIC 350**

Sponsor(s)  
BENOIT  
BUNKER

Committee Report  
OTP-AM

Amendments Adopted  
S-249

LD 504 proposed to amend the Maine Juvenile Code in the following manner:

1. Lower the age below which a person is considered a juvenile from 18 to 17 years of age;
2. Amend the bind-over process to allow a juvenile to be bound over to the Superior Court at the request of a prosecutor. The juvenile could request a hearing on that request of the prosecutor;
3. Remove from the definition of "juvenile crime" those offenses involving marijuana and intoxicating liquor;
4. Repeal the prohibition on the questioning of juveniles by law enforcement officers without the presence, consent or notification of a legal custodian;
5. Amend the procedure for service of summons; and
6. Permit hearings and records involving a juvenile who was at least 16 years of age at the time of the crime to be open to the public.

**Committee Amendment "A" (S-249)** replaced the bill. The amendment proposed to require a juvenile caseworker to issue and would allow that caseworker to serve a juvenile summons, if the caseworker decided to request that the prosecuting attorney file a petition against a juvenile. The amendment also proposed to add a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 350 requires a juvenile caseworker to issue and would allow that caseworker to serve a juvenile summons, if the caseworker decided to request that the prosecuting attorney file a petition against a juvenile. If the caseworker does not serve the summons, the caseworker must request a law enforcement officer to make service. The summons must include information required in a summons for an adult crime under Title 17-A, section 15-A. Service must be made as required by Rule 4(c)(4) of the Maine Rules of Criminal Procedure.

**LD 515                      An Act to Set a Fixed Rate for Housing of State Prisoners                      CARRIED OVER**

<u>Sponsor(s)</u> BUNKER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 515 fixes the rate of reimbursement to counties for prisoners at \$83.75 per prisoner per day. The bill specifies that a county must petition the Legislature for any desired change in that rate.

The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 521                      An Act to Encourage Collaboration and Cooperation among Agencies in the Interests of Juveniles within the Juvenile Court System                      PUBLIC 278**

<u>Sponsor(s)</u> O'BRIEN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-379
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LD 521 proposed to permit distribution of confidential information regarding juvenile offenders by and to juvenile courts, law enforcement agencies, schools and health and welfare agencies to create an individualized plan for a juvenile's rehabilitation.

**Committee Amendment "A" (H-379)** replaced the bill. The amendment proposed that confidential information regarding a juvenile be distributed only if the juvenile is adjudicated of a juvenile crime. The amendment also proposed that for educational agencies, only the superintendent of the juvenile's school and the superintendent's designees could receive the confidential information.

***Enacted law summary***

Public Law 1997, chapter 278 permits distribution of confidential information regarding juvenile offenders by and to juvenile courts, law enforcement agencies, the superintendent of the juvenile's school and health and welfare agencies to create an individualized plan for a juvenile's rehabilitation. Public Law 1997, chapter 278 also limits the sharing of confidential information regarding juveniles to those cases in which the juvenile has been adjudicated of a juvenile crime.

**LD 522**                      **An Act to Clarify the Need and Time Frame for Presentence Investigations**                      **ONTP**

<u>Sponsor(s)</u> BUNKER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 522 proposed that presentence investigations could be ordered in the court's discretion. The bill also proposed that presentence investigations be completed within 30 days, unless the Division of Probation and Parole demonstrated that more time was needed.

**LD 523**                      **An Act to Require Law Enforcement Officers to Furnish an Affidavit of Probable Cause to Holding Facilities**                      **ONTP**

<u>Sponsor(s)</u> BUNKER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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The Maine Rules of Criminal Procedure require a District Court judge or a justice of the peace to determine, within 48 hours of an arrest, whether there is probable cause to hold the person who has been arrested. LD 523 proposed to require the arresting officer to give the holding facility a written promise that the officer would furnish the facility with a copy of the document endorsed by the District Court judge or justice of the peace with the determination. The bill would have permitted the holding facility to release the person arrested if the officer failed to provide a copy of the document within 24 hours of the determination.

**LD 538**                      **An Act to Increase the County Share and Change the Name of the Government Operations Surcharge Fund**                      **ONTP**

<u>Sponsor(s)</u> ROWE BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 538 proposed to change the name of the Government Operations Surcharge Fund to the Jail Operations Surcharge Fund, as it was named before 1991.

Currently, 2% of the total funds collected through fines and the surcharge are paid out of the fund to the counties each month. This bill proposed to increase the percentage of total collections that was returned to the counties by 1% each year, beginning July 1, 1998, until all the money collected through the surcharge was returned to the counties.

LD 538 proposed to change the method of determining the counties' shares of the fund. Currently, 1991 is used as the base year and each county receives the same percentage of the fund as it received in 1991. This bill would have based the distribution of current funds on the percentage of court collections received by each county in the previous year.

**An Act to Make Appeals to the Law Court From Revocation of Probation Proceedings Conditional and to Clarify the Matter of Bail Pending Final Disposition of a Motion for Revocation of Probation**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-377
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LD 542 proposed to amend current law to provide guidance to the court in exercising its discretion to set bail or revoke bail in the context of a probation revocation proceeding.

The bill also proposed to amend current law to allow the Supreme Judicial Court by rule to condition an appeal to the Law Court upon the granting of a certificate of probable cause when the appeal is either by a person whose probation was revoked in the Superior Court or by a person whose probation was revoked in the District Court and who was unsuccessful before the Superior Court sitting as an intermediate appellate court. This bill was proposed by the Criminal Law Advisory Committee.

**Committee Amendment "A" (H-377)** proposed to specify that, when making decisions about bail in probation revocation proceedings, the court would have to be guided by the Maine Bail Code standards in the Maine Revised Statutes, Title 15, section 1051, subsections 2 and 3. The amendment also proposed to apply certain other provisions of the Maine Bail Code to probation revocation proceedings.

***Enacted law summary***

Public Law 1997, chapter 273 specifies that when making decisions about bail in probation revocation proceedings, the court must be guided by the Maine Bail Code standards in the Maine Revised Statutes, Title 15, section 1051, subsections 2 and 3. Public Law 1997, chapter 273 also amends current law to allow the Supreme Judicial Court by rule to condition an appeal to the Law Court upon the granting of a certificate of probable cause when the appeal is either by a person whose probation is revoked in the Superior Court or by a person whose probation is revoked in the District Court and who has been unsuccessful before the Superior Court sitting as an intermediate appellate court.

Public Law 1997, chapter 273 also applies the following provisions of the Maine Bail Code to probation revocation proceedings:

1. Title 15, chapter 105-A, subchapter IV regarding sureties and other forms of bail;
2. Title 15, chapter 105-A, subchapter V, articles 1 and 3 regarding enforcement; and
3. Title 15, section 1051, subsections 5 and 6 and section 1099-A, subsection 2 regarding appeals.

**An Act to Increase the Authorized Period of Probation**

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 543 proposed to increase the authorized periods of probation for Class A, B, C, D and E crimes as follows: For a Class A crime from 6 to 10 years, for a Class B or C crime from 4 to 6 years and for a Class D or E crime from one to 2 years.

**LD 545**                      **An Act to Enhance the Penalty for Operating a Motor Vehicle after Habitual Offender Revocation When the Actor Has Had a Prior Conviction for Operating after Revocation or Operating under the Influence within the Previous 10 Years**                      **PUBLIC 476**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-199
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LD 545 proposed to change the sentencing classification from a Class D to a Class C crime for operating a motor vehicle after habitual offender revocation if the offender were convicted of one or more habitual offender offenses or operating-under-the-influence or OUI offenses within the previous 10 years instead of the current 5-year time frame.

**Committee Amendment "A" (H-199)** proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 476 changes the sentencing classification from a Class D crime to a Class C crime for operating a motor vehicle after habitual offender revocation if the offender were convicted of one or more habitual offender offenses or operating-under-the-influence or OUI offenses within the previous 10 years instead of the current 5-year time frame. This change makes the habitual offender law consistent with the criminal OUI law that extended the time period for previous OUI offenses from 6 years to 10 years.

**LD 590**                      **An Act to Require Consecutive Sentences to Be Imposed on Habitual Offenders**                      **ONTP**

<u>Sponsor(s)</u> BOUFFARD CLEVELAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 590 proposed to provide that a person who drives after that person's license has been revoked as an habitual offender and who also committed other motor vehicle violations while driving after revocation would have to be given consecutive sentences. This bill also proposed to allow the court to impose the appropriate sentence for both the operating after revocation and the other offenses, but required the driver to serve the operating after revocation sentence separately.

Sponsor(s)  
KONTOS

Committee Report  
OTP-AM

Amendments Adopted  
H-553

LD 593 proposed to establish the crime of resisting arrest. The bill would have made it a Class C crime if the arresting party were injured during the arrest or attempted arrest and a Class E crime if the arresting party were not injured. The bill proposed to establish a minimum fine of \$500 and a minimum term of 2 days imprisonment for both classifications of the crime. The bill also proposed to require the guilty party to pay the medical bills and lost wages suffered by the arresting party.

**Committee Amendment "A" (H-553)** replaced the bill. The amendment proposed to do the following:

1. Specify that a person would be guilty of the Class D crime of resisting an arrest or detention if that person intended to hinder, delay or prevent the arrest and either used physical force against the officer or created a substantial risk of bodily injury to the officer;
2. Clarify that a person would not be justified in using physical force to resist an arrest or detention, regardless of whether the arrest or detention was legal, as long as the law enforcement officer used reasonable nondeadly force to effect the arrest or detention;
3. Specify that a person would be justified in using reasonable nondeadly force against an officer who unlawfully used nondeadly force;
4. Provide a defense for a person who reasonably believed that the person making the arrest was not an officer or who was aware that the officer knew the arrest was illegal; and
5. Add a fiscal note.

#### ***Enacted law summary***

Public Law 1997, chapter 351 codifies the holding in *State v. Austin*, 381 A.2d 652 (Me. 1978), by stating that a person is not justified in using physical force to resist an arrest or detention, regardless of whether the arrest or detention is legal, as long as the law enforcement officer uses reasonable nondeadly force to effect the arrest or detention. A person is justified in using reasonable nondeadly force against an officer who unlawfully uses nondeadly force.

Public Law 1997, chapter 351 states that a person is guilty of the Class D crime of resisting an arrest or detention if the person intends to hinder, delay or prevent the arrest and either uses physical force against the officer or creates a substantial risk of bodily injury to the officer. Public Law 1997, chapter 351 does not address the situation in which a person at least recklessly causes an offensive physical contact or bodily injury to an officer, because that is adequately addressed in the Maine Revised Statutes, Title 17-A, sections 207, 208 and 752-A. Similarly, it does not address the situation in which a person threatens to use physical force against an officer, because that is addressed in Title 17-A, sections 209 and 210.

Public Law 1997, chapter 351 also provides a defense for a person who reasonably believed that the person making the arrest was not an officer or who was aware that the officer knew the arrest was illegal.

**LD 598**

**An Act to Create the Crime of Sexual Misconduct with a Child under 14 Years of Age**

**PUBLIC 143**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-156

LD 598 proposed to criminalize the use of any sexually explicit materials to encourage a child under 14 years of age to participate in or submit to a sexual act or sexual contact. This bill was proposed by the Criminal Law Advisory Commission.

**Committee Amendment "A" (H-156)** proposed to specify that a person could only be guilty of sexual misconduct with a child under 14 years of age if that person were at least 18 years of age. The amendment also proposed to correct a reference and add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 143 establishes the Class D crime of sexual misconduct with a child under 14 years of age. A person is guilty of sexual misconduct with a child under 14 years of age if that person is at least 18 years of age and knowingly displays sexually explicit materials to the child in order to encourage the child to participate in or submit to a sexual act or sexual contact.

**LD 608**

**An Act to Remove the State Prisoner Population Limit for Knox County**

**PUBLIC 28**

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

LD 608 proposed to remove the population cap of 800 prisoners for state correctional facilities in Knox County.

***Enacted law summary***

Public Law 1997, chapter 28 removes the population cap of 800 prisoners for state correctional facilities in Knox County.

**LD 616**

**An Act to Provide Protection from Assault for Emergency Medical Care Providers**

**PUBLIC 470**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL O'GARA	OTP-AM	H-376

LD 616 proposed to provide protection from assault for persons who provide emergency medical care.



**Committee Amendment "A" (H-376)** proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 470 establishes the Class C crime of assault on an emergency medical care provider. A person is guilty of assault on an emergency medical care provider if that person intentionally, knowingly or recklessly causes bodily injury to an emergency medical care provider while that provider is providing emergency medical care.

**LD 635**

**An Act to Amend the Sexual Abuse of Minors Laws**

**ONTP**

<u>Sponsor(s)</u> AHEARNE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Under current law, a person is guilty of sexual abuse of a minor if, having attained the age of 19, the person engages in a sexual act with another person who is between the ages of 14 and 16, as long as the actor is at least 5 years older than the other person. LD 635 proposed to reduce the age difference between the 2 people from 5 to 4 years.

**LD 647**

**An Act to Create an Elder Abuse and Fraud Unit in the Department of the Attorney General**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u> MCALEVEY PINGREE		<u>Committee Report</u> ONTP MAJ OTP MIN OTP-AM MIN		<u>Amendments Adopted</u>
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This bill proposed to establish the Elder Abuse and Fraud Division within the Department of the Attorney General. It would have provided funding for one Assistant Attorney General position and one Special Investigator position to investigate and prosecute elder abuse and fraud.

The bill was referred to the Joint Standing Committee on Appropriations and Financial Affairs, but it is related to LD 1714, An Act to Implement the Recommendations of the Department of Human Services Study Group on Prosecution of Crimes Against the Elderly.

**Committee Amendment "A" (H-248)** was the minority report of the Joint Standing Committee on Appropriations and Financial Affairs. The amendment would have funded 2 new positions for an Elder Abuse and Fraud Unit in the Department of the Attorney General by eliminating 2 new assistant district attorney positions established in Public Law 1997, chapter 24, Part Y, section 1.

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

**Conference Committee Amendment "A" (H-662)** was the unanimous report of the committee of conference. It proposed to amend the bill by establishing the Elder Abuse and Fraud Unit within the Department of the Attorney General with one Special Investigator position.

**LD 651**                      **An Act to Expand the Definition of "Aggravated Criminal Mischief" to Make It a Class C Crime to Damage Property by Fire**                      **PUBLIC 482**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-383
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LD 651 proposed to expand the definition of the crime of aggravated criminal mischief to make it a Class C crime to intentionally, knowingly or recklessly damage or destroy the property of another by fire or explosion, regardless of the value of the property damaged or destroyed.

**Committee Amendment "A" (H-383)** proposed to change the title and to specify that, in the expanded definition of aggravated criminal mischief, property damaged or destroyed would not include a dwelling or structure. The amendment also proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 482 expands the definition of the crime of aggravated criminal mischief to make it a Class C crime to intentionally, knowingly or recklessly damage or destroy the property of another by fire, if the property damaged or destroyed is neither a dwelling place nor a structure. This expanded definition may be used to prosecute offenders for conduct that is more serious than that warranting prosecution for the Class D crime of criminal mischief, but not serious enough to warrant prosecution for the Class A crime of arson. Public Law 1997, chapter 482 may also be used to prosecute offenders who set fires to wild land in the sparsely populated sections of the State.

**LD 652**                      **An Act to Create a Repeat Offender Provision Addressing Crimes of Violence against People**                      **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Current law raises the classification of a Class D crime to a Class C crime if that crime is committed against a member of the actor's family and the actor has 2 or more prior convictions of an offense against a person within the previous 5 years. LD 652 proposed to repeal that provision. LD 652 proposed to enhance the sentencing class for all Class B, C, D and E crimes in chapters 9, 11, 13 and 27 of the Maine Criminal Code, regardless of who the victim was, if the offender, within the prior 10 years, had 2 or more convictions for violation of those same chapters or for essentially similar crimes in other jurisdictions. For a Class A crime in those chapters, this bill would have required that the same prior convictions be given serious consideration by a court in exercising its sentencing discretion. The prior convictions could have occurred on the same date in the same court. The date of the commission of the offense would have been presumed to be the date alleged in the charging instrument.

**LD 725**

**An Act Requiring State Reimbursement for Certain Services  
Provided by Counties**

**ONTP**

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

LD 725 proposed to require the Department of Corrections to reimburse counties for certain transportation costs. The bill also proposed to require the Department of Corrections to provide full reimbursement under the Community Corrections Act for fiscal years 1993-94, 1994-95, 1995-96 and 1996-97.

**Committee Amendment "A" (H-556)** was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to delete language that would have required counties to use in a specified manner funds received as reimbursement for housing state prisoners. That language was enacted to respond to a one-time distribution of money and was meant to be only temporary.

**LD 753**

**An Act to Allow Police to Take Intoxicated Persons into Custody** **CARRIED OVER**

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

LD 753 permits law enforcement officers to take intoxicated persons into protective custody by placing them in a municipal or county jail or lock-up. The bill specifies that protective custody is not an arrest, that the person may not be charged with a crime and that the custody may not extend beyond 12 hours. The bill also exempts law enforcement officers from criminal and civil liability for imposing protective custody, unless the officer acts willfully and maliciously.

LD 753 was carried over to the Second Regular Session of the 118th Legislature.

**LD 760**

**An Act to Increase Penalties for Subsequent Violations of the Laws  
Prohibiting Indecent Conduct** **PUBLIC 256**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E	OTP-AM	H-341

LD 760 proposed to create 3 different classes for the offense of indecent conduct. If a person had 2 or more prior indecent conduct convictions, it would have been a Class C crime. If a person had been previously convicted of violating this section or section Title 17-A, section 256, it would have been a Class D crime. Any other charge of indecent conduct would have remained a Class E crime.

**Committee Amendment "A" (H-341)** proposed to increase the sentencing class for indecent conduct from Class E to Class D if the defendant had 2 or more prior convictions for indecent conduct or visual sexual aggression against

a child. The amendment also proposed that the probationary period for a defendant with 2 or more prior convictions could be doubled.

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

***Enacted law summary***

Public Law 1997, chapter 256 increases the sentencing class for indecent conduct from Class E to Class D if the defendant has 2 or more prior convictions for indecent conduct or visual sexual aggression against a child. Public Law 1997, chapter 256 also allows the court to increase from one year to 2 years the probationary period for a defendant with 2 or more prior convictions for violation of Title 17-A, sections 256 or 854.

**LD 803                      An Act to Protect the Rights of Children Who Have Been Victims of                      PUBLIC 548  
Sexual Abuse by a Juvenile**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO MUSE	OTP-AM	S-207 S-382 MICHAUD

LD 803 proposed to require the Department of Corrections to notify day-care facility operators and other local authorities or entities involved in the care of children when a juvenile adjudicated of having committed gross sexual assault resides, works or attends school in the area of the facility involving the care of children.

The bill also proposed to direct the Department of Human Services and the Department of the Attorney General to convene a work group to examine the legal rights of children who are alleged victims of sexual abuse and to review current investigative and courtroom procedures for child sexual abuse cases.

**Committee Amendment "A" (S-207)** proposed that notice of a judgment against a juvenile sex offender would have to be given to licensed and registered day-care facility operators and, upon request, to entities that provide care to children and are located in the municipality in which the juvenile lives, works or attends school.

The amendment would have clarified who would be participating in the work group studying the rights of children who are the alleged victims of sexual abuse and would have changed the work group's reporting date from January 15, 1999 to November 15, 1998. The amendment also proposed to add a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-537)** proposed to provide for staffing the work group and to clarify the provision of per diem for legislative members. The amendment also would have added an appropriation section to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-382)** would have changed the work group's reporting date to on or before January 1, 1998 and removed the appropriation in fiscal year 1998-99.

***Enacted law summary***

Public Law 1997, chapter 548 requires the Department of Corrections to give notice of a judgment against a juvenile sex offender to licensed and registered day-care facility operators and, upon request, to entities that provide care to children and are located in the municipality in which the juvenile lives, works or attends school.

Public Law 1997, chapter 548 directs the Department Of Human Services and the Department of the Attorney General to convene a work group to examine the legal rights of children who testify in cases in which they have been the alleged victims of sexual abuse. The work group shall review the State's current investigative and courtroom procedures and make recommendations to improve quality and modify procedures that are stressful to children. The work group shall submit its recommendations and any necessary implementing legislation to the 118th Legislature by January 1, 1998.

**LD 804                      Resolve, to Create the Juvenile Crime Task Force to Develop a Continuum of Services for Juveniles                      CARRIED OVER**

<u>Sponsor(s)</u> TREAT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 804 creates the Juvenile Crime Task Force to evaluate the current state of community-based juvenile corrections services and to recommend steps for implementing an improved system focusing on community-based interventions. LD 804 was carried over to the Second Regular Session of the 118th Legislature.

**LD 816                      An Act to Repeal the Prohibition of the Failure to Use a Seat Belt as Evidence                      ONTP**

<u>Sponsor(s)</u> PINGREE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 816 proposed to allow the nonuse of seat belts by the operator or passengers or the failure to secure a child to be admissible in evidence in a civil or criminal trial.

**LD 862                      Resolve, to Establish a Commission to Examine the Laws Pertaining to Juvenile Offenders                      CARRIED OVER**

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 862 establishes the Commission to Examine the Laws Pertaining to Juvenile Offenders to make recommendations for habitual juvenile offenders and for juvenile offenders whose acts the citizens of the State find unconscionable. LD 862 was carried over to the Second Regular Session of the 118th Legislature.

LD 874

**An Act to Clarify the Public Safety Laws Concerning Visual Smoke Detectors**

**PUBLIC 95**

Sponsor(s)  
TREAT  
KERR

Committee Report  
OTP-AM

Amendments Adopted  
S-72

LD 874 proposed to amend the law governing the installation of smoke detectors in dwelling units to ensure that the smoke detectors relied upon by occupants are appropriate to warn the occupants.

If the owner failed to provide a smoke detector that was suitable to warn the occupant of a dwelling unit, the occupant could have obtained one and could have deducted the reasonable costs of doing so from the rent.

**Committee Amendment "A" (S-72)** proposed that a visual smoke detector would have to be approved by the State Fire Marshal. The amendment also specified that, if a landlord did not provide a suitable smoke alarm for a deaf or hard-of-hearing tenant, the tenant could obtain, install and maintain a suitable smoke detector and deduct the actual costs of doing so from the rent. This amendment also proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 95 amends the law governing the installation of smoke detectors in dwelling units to ensure that the smoke detector relied upon by the occupant is appropriate to warn the occupant.

If the owner does not provide a smoke detector that is suitable to warn the occupant of the dwelling unit, the occupant may do so and deduct the actual costs from the rent. The occupant may not be subjected to any repercussions for not paying that portion of the rent.

LD 882

**An Act to Require Defendants to Pay Restitution, Monetarily or Through Work Restitution**

**PUBLIC 413**

Sponsor(s)  
BENOIT  
WATERHOUSE

Committee Report  
OTP-AM

Amendments Adopted  
S-305

LD 882 proposed to provide the court with a wider definition of the ability to pay restitution. This bill would have authorized a court to order offenders to work in the public interest to repay their victims. The bill also would have postponed appellate review of restitution orders until offenders were found to have inexcusably violated probation or court payment schedules. LD 882 would have required all offenders to pay restitution either by monetary compensation or through work.

**Committee Amendment "A" (S-305)** replaced the bill. The amendment proposed to require the court to consider an offender's present and future ability to pay when imposing restitution and to specify that the burden lies on the offender to prove an incapacity to pay restitution.

The amendment would have placed an affirmative duty on the offender to seek from the court a modification of the time or method of payment or service before a default occurred. It proposed to allow a court to modify its prior

order by reducing the amount of each installment or by allowing more time for the convicted person to make payments or perform services.

The amendment also proposed to establish an enforcement mechanism by requiring a person who defaulted on payment of restitution to return to court.

The amendment would have allowed that execution be levied and other measures authorized for the collection of unpaid civil judgments be taken to collect defaulted restitution. The amendment proposed that persons authorized to disburse an organization's assets could be personally liable for failing to pay the organization's restitution.

The amendment also proposed to add a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 413 requires the court to consider an offender's present and future ability to pay when imposing restitution and specifies that the burden lies on the offender to prove an incapacity to pay restitution.

Public Law 1997, chapter 413 places an affirmative duty on the offender to seek from the court a modification of the time or method of payment or service before a default occurs. It allows a court to modify its prior order by reducing the amount of each installment or by allowing more time for the convicted person to make payments or perform services. The option of allowing the court to revoke the unpaid portion of the restitution in whole or in part has been removed as an apparent unconstitutional intrusion into the Governor's exclusive postconviction pardon power. See *State v. Hunter*, 447 A.2d 797 (Me. 1982).

Public Law 1997, chapter 413 also establishes an enforcement mechanism by requiring a person who defaults on payment of restitution to return to court. The attorney for the State or the court may initiate a motion to enforce payment of restitution. The court must find an offender's default unexcused, unless the offender shows by a preponderance of the evidence that the offender did not intentionally or knowingly refuse to obey the court order or fail to make a good-faith effort to obtain the funds required to make payment. An offender whose default is unexcused may be incarcerated for 6 months or for one day for every \$5 of unpaid restitution, whichever is shorter.

Execution may be levied and other measures authorized for the collection of unpaid civil judgments may be taken to collect defaulted restitution. Finally, persons authorized to disburse an organization's assets may be personally liable for failing to pay the organization's restitution.

**LD 910**

**An Act to Authorize Court-ordered Supervision of Juveniles**

**ONTP**

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

LD 910 proposed to amend the Maine Revised Statutes, Title 15, chapter 505, relating to the detention of juveniles, to provide that in situations when the juvenile was involved in criminal activity, the court could order supplemental supervision. Juveniles found to be in violation of the court order could be taken into custody pending a court hearing and further disposition. Parents who did not comply could be fined up to \$100 per each day of noncompliance.

Sponsor(s)  
BUNKER

Committee Report

Amendments Adopted

LD 915 makes the following changes to the laws governing criminal procedure as it relates to juveniles.

1. It establishes, as a purpose of the Maine Juvenile Code, the provision of consequences, including those of a punitive nature, for repeated criminal behavior.
2. Current law defines a juvenile as one who has not yet attained 18 years of age. This bill changes the definition of juvenile to one who has not yet attained 17 years of age.
3. It eliminates the need for a bind-over hearing unless the defendant requests one.
4. It amends the definition of "juvenile crime."
5. It requires immediate notification of the juvenile caseworker if the law enforcement officer believes immediate secure detention is required.
6. Current law limits the questioning of an arrested juvenile by a law enforcement officer. This bill removes those limitations.
7. It requires a juvenile caseworker to issue a summons to the juvenile to appear in court at the time the caseworker requests that a petition be filed.
8. It authorizes the prosecuting attorney to file a petition at any time more than 30 days after the juvenile caseworker has been given notice.
9. It amends the provisions governing issuance, contents and service of summonses.
10. It provides that the general public may not be excluded from any proceeding regarding a juvenile who at the time of the commission of the juvenile crime was 16 years of age or older.
11. It allows distribution of information contained in juvenile records by one criminal justice agency to another if the person concerned is least 16 years of age at the time the crime is committed.
12. It increases from 30 to 90 days the length of time the court may commit a juvenile to the Maine Youth Center.

LD 915 was carried over to the Second Regular Session of the 118th Legislature.



**LD 918**

**An Act to Increase the Penalties for Criminal OUI for Persons  
Previously Convicted of Vehicular Manslaughter**

**ONTP**

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

LD 918 proposed to increase the range of sentences a judge could give for criminal OUI when sentencing a person who was previously convicted of manslaughter involving the operation of a motor vehicle. A person who committed the offense of criminal OUI after a prior manslaughter conviction involving the use of a motor vehicle would have been subject to the same range of penalties as persons with 3 or more prior OUI offenses in a 10-year period.

**LD 920**

**An Act Criminalizing the Failure of One Parent to Report a Sexual  
Assault or Exploitation of a Child by Another Parent**

**ONTP**

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

LD 920 proposed to make it a Class D crime for a parent or surrogate parent to fail to report or cause a report to be made to the Department of Human Services if that parent knew of, or had reasonable cause to suspect, sexual assault or exploitation of a child by another parent or surrogate parent.

**LD 996**

**An Act to Amend the Definition of a Juvenile**

**ONTP**

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

LD 996 proposed to amend the Juvenile Code and the Maine Criminal Code by reducing to 17 years of age from 18 years of age the age at which a person is considered a juvenile.

**LD 1026**

**An Act to Reduce the Presumptive Amount for Trafficking in  
Marijuana from 2 Pounds to One Pound**

**PUBLIC 481**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E HALL	OTP-AM	H-422

LD 1026 proposed to reduce the amount of marijuana required to constitute the Class C crime of unlawful trafficking from 2 pounds to 453 grams and to reduce the presumptive amount of marijuana for unlawful trafficking from 2 pounds to 453 grams.

**Committee Amendment "A" (H-422)** proposed to correct the Maine Revised Statutes, section 1101, subsection 17, paragraph D by making it clear when a person is guilty of trafficking in marijuana.

The amendment proposed to round off the amount of marijuana required to constitute the Class C crime of trafficking from 453 grams to one pound and to round off the presumptive amount of marijuana to constitute unlawful trafficking from 453 grams to one pound. The amendment also proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 481 reduces the amount of marijuana required to constitute the Class C crime of trafficking to one pound and reduces the presumptive amount of marijuana to constitute unlawful trafficking to one pound.

**LD 1033                      An Act to Provide Conflict Resolution Education for Juvenile Offenders                      ONTP**

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

LD 1033 proposed to require the Department of Education to provide academic and social programs to juvenile offenders to give them the opportunity to discuss methods of crime prevention and conflict resolution with community members and school personnel.

**LD 1065                      An Act to Require Law Enforcement Officers to Inform a Person Who Fails to Submit to a Test about the Informed Consent Law                      PUBLIC 357**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP	H-600 POVICH S-232 MILLS

LD 1065 proposed to clarify that law enforcement officers are not required to advise drivers who submit to chemical testing of what might have happened if the driver had refused to submit to testing.

**Senate Amendment "A" (S-232)** proposed to prohibit the use of a refusal or failure to submit to a test as evidence against that person or to be considered an aggravating factor in sentencing unless the person had been told of the specific consequences of that refusal or failure.

**House Amendment "A" to Senate Amendment "A" (H-527)** proposed to clarify that the refusal to submit applied to tests other than just a blood test.

**House Amendment "B" to Senate Amendment "A" (H-600)** proposed to change the title of the bill and to provide that a refusal to submit to any test could not be used against a person, unless the person had first been told that the refusal or failure would result in certain consequences.

***Enacted law summary***

Public Law 1997, chapter 357 was enacted in response to State v. Harold Stade (Law Docket No. PIS 95-564) in which the law court held that a police officer's imprecise recitation of the consequences of refusal required exclusion of chemical test results at the OUI trial even though the driver had not refused.

Public Law 1997, chapter 357 clarifies that law enforcement officers are not required to advise drivers who do submit to chemical testing of what might have happened if the driver refused to submit to testing. Public Law 1997, chapter 357 also prohibits the use of a refusal or failure to submit to a test as evidence against that person or as an aggravating factor in sentencing unless the person has been told of the specific consequences of that refusal or failure.

Public Law 1997, chapter 357 also specifies that a refusal to submit to any test may not be used against a person, unless that person has first been told that the refusal or failure will result in certain consequences.

**LD 1069                      An Act to Require Prisoners to Pay Court Fines and Family Support                      PUBLIC 358 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAILHOT	OTP-AM	H-378 H-476 POVICH

LD 1069 proposed to require a prisoner in a work program to pay 25% of that prisoner's gross weekly wages to pay court ordered fines. The chief administrative officer of the correctional facility would have had to collect court ordered fines after the prisoner had paid in full any victim restitution.

**Committee Amendment "A" (H-378)** proposed to do the following:

1. Add an emergency preamble and a mandate preamble to the bill and change the title;
2. Eliminate references to a prisoner's "income" and reinstate the original language, which refers to a prisoner's "money;"
3. Prohibit a prisoner from participating in a work program unless the prisoner agreed to pay at least 25% of that prisoner's money for the support of any dependent children;
4. Repeal Public Law 1997, chapter 41 and reenact Maine Revised Statutes, Title 30-A, section 1607 and Title 34-A, section 3039-A, so that a mandate preamble and emergency preamble could be added to them; and
5. Add a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-476)** proposed to make technical changes to clarify that family support paid by a prisoner under these sections was to be used for all of the prisoner's dependent children.

***Enacted law summary***

Public Law 1997, chapter 358 prohibits a prisoner from participating in a work program unless the prisoner agrees to pay 25% of that prisoner's money for court ordered fines and restitution and at least 25% of that prisoner's money for the support of any dependent children. The chief administrative officer of the correctional facility where the prisoner is incarcerated must collect the prisoner's money for fines, restitution and child support and disburse the money to the court, victims and the parent of the dependent child, respectively.

Public Law 1997, chapter 358 was enacted as an emergency measure effective on May 31, 1997.

**LD 1071                      An Act to Ensure That Crime Victims Are Informed of Their Rights                      PUBLIC 286**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP-AM	H-381

LD 1071 proposed to require district attorneys and other attorneys representing the State in criminal proceedings to provide victims of crime with informational pamphlets in every day language outlining the laws on victims' rights, the Victims' Compensation Fund, negotiated pleas and victim involvement in criminal proceedings.

**Committee Amendment "A" (H-381)** proposed to allow district attorneys and other attorneys representing the State to satisfy the notice requirements to victims by providing victims with pamphlets produced either by the attorney's office or by the Department of Corrections. The amendment also proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 286 requires district attorneys and other attorneys representing the State in criminal proceedings to provide victims of crime with informational pamphlets, produced either by the attorney's office or by the Department of Corrections, outlining the laws on victims' rights, the Victims' Compensation Fund, negotiated pleas and victim involvement in criminal proceedings.

**LD 1096                      An Act to Make It a Crime to Solicit a Child by Means of Computer to Commit an Unlawful Sex Act                      ONTP**

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

LD 1096 proposed to establish the crime of solicitation of a child by a computer. A person would have been guilty of this crime if that person were 16 years of age or older and knowingly, with the intent to commit an unlawful sex act, enticed, advised, coerced, ordered or commanded, by means of a computer, a child who was less than 16 years

of age and at least 3 years younger than the defendant, to meet with the defendant or any other person for the purpose of committing an unlawful sex act. Solicitation of a child by a computer would have been the same class of crime as the crime solicited.

**Committee Amendment "A" (H-620)** was the minority report of the Joint Standing Committee on Criminal Justice and would have replaced the bill. The amendment proposed to make it a crime for a person who was at least 18 years of age to knowingly entice, advise, coerce, order or command a child under 14 years of age to allow the person to engage in conduct with the child that would be a sexual offense. The class of the crime would have been one class less than the class for the conduct that would constitute the sexual offense. The amendment also would have added a fiscal note to the bill.

**LD 1179                      An Act to Require the State to Take Responsibility for Detention of                      ONTP**  
**Certain Juveniles by September 1, 1997**

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

LD 1179 proposed to require the State to assume responsibility for detained and committed juveniles by September 1, 1997, regardless of whether the Northern Maine Regional Juvenile Detention Facility were operational.

**LD 1184                      An Act Regarding Firearms Proficiency Testing for Private                      PUBLIC 360**  
**Investigators**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP-AM    MAJ ONTP        MIN	H-511

LD 1184 proposed that a private investigator's certificate of firearms proficiency would be valid for at least 2 years and that a private investigator could not be required to undergo more than one proficiency examination during a 2-year period.

**Committee Amendment "A" (H-511)** replaced the bill. The amendment proposed to require a private investigator to pass a written examination prescribed by the Commissioner of Public Safety and be issued a concealed weapons permit by the Chief of the State Police in order to carry a firearm while performing the duties of a private investigator. The amendment also proposed to add a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 360 requires a private investigator to pass a written examination prescribed by the Commissioner of Public Safety and be issued a concealed weapons permit by the Chief of the State Police in order to carry a firearm while performing the duties of a private investigator.

**LD 1194**

**An Act Concerning Consecutive Sentencing**

**ONTP**

Sponsor(s)  
OTT

Committee Report  
ONTP

Amendments Adopted

LD 1194 proposed to amend the Maine Criminal Code so that multiple sentences for murder and Class A, B and C crimes would be imposed consecutively absent a reason stated on the record. The bill also would have required the sentencing court to state its reasons on the record for imposing a concurrent sentence.

**LD 1196**

**An Act to Amend the Victims' Rights Laws**

**INDEF PP**

Sponsor(s)  
MCALEVEY

Committee Report  
OTP-AM

Amendments Adopted  
H-691

LD 1196 proposed to amend the victims' rights laws to provide additional rights to the victim of a crime. It would have provided the victim the opportunity to participate at a hearing on a motion to revoke the defendant's probation and upon request at the sentencing hearing when the defendant had been convicted of a subsequent offense.

The bill would have required the attorney for the State to provide the victim with a pamphlet developed by the Office of the Attorney General explaining a victim's rights. The bill also would have required law enforcement officers to inform the victim of these rights.

The bill further proposed to require a judicial officer who set bail or released a defendant to notify the victim of a Class A, B, C or D crime involving a sexual act or contact, stalking or domestic violence unless the victim had requested not to be notified.

**Committee Amendment "A" (H-691)** proposed to eliminate from the bill the requirements that a law enforcement officer inform a victim of the victim's rights and that the prosecuting attorney distribute a pamphlet to the victim. The amendment also would have deleted the provision that authorized a victim to participate in sentencing proceedings when the same defendant was convicted of a subsequent offense.

The amendment proposed that, if a victim requested notification, a county jail would have to notify the victim when the defendant was released on preconviction or postconviction bail or any other pretrial release. The amendment also would have required that by January 1, 1998, all summonses include language informing the victim, if any, of the victim's right under the Maine Revised Statutes, section 1175 to receive notification of the defendant's release. The law enforcement agency issuing the summons would have had to provide the victim with a copy of the summons when it was practicable to do so. Finally, the amendment would have added a mandate preamble, an appropriation and a fiscal note to the bill.

Sponsor(s)  
JONES SL

Committee Report  
OTP-AM

Amendments Adopted  
H-342

LD 1205 proposed to change the law regarding negotiating a worthless instrument by creating the presumption that if an account were closed, the drawer intended to negotiate the worthless instrument. The bill also would have simplified the procedure by which the drawee could certify lack of funds or account of an instrument by signing a statement.

**Committee Amendment "A" (H-342)** proposed to change the law regarding the crime of negotiating a worthless instrument by creating a presumption that the content of the stamp or writing of the drawee on or accompanying a negotiable instrument is accurate. The amendment also would have made the stamp or writing of the drawee evidence admissible in any court in the State, unless the defendant requested at least 10 days before trial that the prosecution provide a qualified witness to testify as to why the instrument was not honored.

*Enacted law summary*

Public Law 1997, chapter 253 amends the law regarding negotiating a worthless instrument by creating a presumption that the content of the stamp or writing of the drawee on or accompanying a negotiable instrument is accurate. In other words, if the stamp states that the instrument was not honored because there were insufficient funds, then it is presumed that there were insufficient funds. Public Law 1997, chapter 253 is modeled after language in the civil evidentiary provisions regarding negotiable instruments in the Maine Revised Statutes, Title 11, section 3-1505.

Public Law 1997, chapter 253 also states that the stamp or writing of the drawee is evidence admissible in any court in the State, unless the defendant requests at least 10 days before trial that the prosecution provide a qualified witness to testify as to why the instrument was not honored.

Sponsor(s)  
KILKELLY  
PEAVEY

Committee Report  
OTP-AM

Amendments Adopted  
S-185

LD 1218 proposed to prohibit an adult person in the custody or under the supervision of the Department of Corrections from harassing another person after having been forbidden to do so by the Commissioner of Corrections or the chief administrative officer of the facility housing the adult person or a sheriff, deputy sheriff, constable, police officer, justice of the peace or a court.

**Committee Amendment "A" (S-185)** proposed to eliminate the need for 2 new subsections and simply added to the list of persons in the Maine Revised Statutes, Title 17-A, section 506-A, subsection 1 who could forbid a person to engage in harassment. The amendment also proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 267 prohibits an adult person in the custody or under the supervision of the Department of Corrections from harassing another person after having been forbidden to do so by the Commissioner of Corrections, the chief administrative officer of the facility or the regional correctional administrator.

**LD 1223                      An Act to Expand the Monitoring of the Conversations of Prisoners                      PUBLIC 361**

<u>Sponsor(s)</u> MURRAY POVICH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-277
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LD 1223 proposed to allow the Department of Corrections to monitor the conversations of prisoners without requiring the department to have probable cause to believe that a party to a specific conversation was involved in a criminal offense.

**Committee Amendment "A" (S-277)** proposed to allow the counties, as well as the State, authority to monitor inmate conversations. The amendment proposed to require 3 types of notification to be used to inform inmates and recipients of telephone calls from inmates that their conversations are subject to monitoring.

***Enacted law summary***

Public Law 1997, chapter 361 allows counties and the State to monitor inmate conversations. County jails and state prisons must provide inmates with a written notification statement, a posted written notification next to every telephone and a recorded warning before every call that informs inmates and recipients of telephone calls from inmates that their conversations are subject to monitoring. Monitoring of all conversations of prisoners, except those involving attorney-client privilege, is permitted as in other jurisdictions in the United States.

**LD 1250                      An Act to Protect Private Communication                      ONTP**

<u>Sponsor(s)</u> VEDRAL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1250 proposed to expand the privacy laws by specifying that a person is guilty of violation of privacy if that person intentionally and without the consent of the person entitled to privacy in the communications listens to or records communications taking place over an electronic link. A violation of privacy would not occur if the person conducting the surveillance were doing so in the execution of a public duty in accordance with law.



**LD 1256**

**An Act to Permit Disclosure of the Identity of Certain Juvenile Offenders**

**ONTP**

Sponsor(s)  
BROOKS  
PARADIS

Committee Report  
ONTP

Amendments Adopted

LD 1256 proposed that a juvenile must be tried as an adult if the juvenile previously had been adjudicated twice as having committed any juvenile crime as defined by the Maine Revised Statutes, Title 15, section 3103. If a juvenile previously had been adjudicated twice as having committed a juvenile crime, the bill would have allowed law enforcement officers, officers of the court and juvenile caseworkers to release the juvenile's identity before a petition was filed charging the juvenile with a juvenile crime. The bill also proposed to give the judge discretion to disclose a juvenile's identity regardless of whether the juvenile previously had been adjudicated.

**LD 1285**

**An Act to Define the Permissible Duties of Part-time and Full-time Law Enforcement Officers**

**INDEF PP**

Sponsor(s)  
BUNKER

Committee Report  
OTP-AM

Amendments Adopted  
H-623

LD 1285 proposed to require the Board of Trustees of the Maine Criminal Justice Academy to design and implement by rule an intermediate law enforcement officer training course and recertification program.

The bill proposed to require the board to define the permissible duties of the 3 levels of law enforcement officers governed by Title 25, sections 2804-B, 2804-C and 2804-H and to submit these definitions to the Joint Standing Committee on Criminal Justice, along with the necessary implementing legislation. LD 1285 also proposed to require the board to review the certification of all law enforcement and corrections officers and to suspend the right to enforce the criminal laws of the State or to act as a corrections officer of any person found in violation of the training and recertification requirements found in Title 25, section 2804-B, 2804-C, 2804-D, 2804-E or 2804-H.

LD 1285 would have amended the Government Operations Surcharge Fund provisions by adding 2% to the 10% surcharge scheduled to go into effect January 1, 2001, with that 2% to be paid to the Maine Criminal Justice Academy to fund training and recertification programs.

**Committee Amendment "A" (H-623)** would have required the Board of Trustees of the Maine Criminal Justice Academy to define the term "part-time law enforcement officer" and adopt rules identifying the permissible duties of those officers no later than March 1, 1998. The rules would have had to be implemented no later than December 31, 1998.

This amendment further proposed to amend the Maine Revised Statutes, Title 25, section 2804-B to require a person covered by that section to complete specified recertification training annually. An officer who had completed the basic course described in Title 25, section 2804-C would have had to complete board-specified recertification training each year.

This amendment also proposed to require the board to review the certification of all law enforcement and corrections officers on March 1st of every year, beginning in 1999. The board would have had to decertify those individuals who, upon review, did not meet certification or recertification requirements.

The amendment would have specified that the provision regarding the additional percentage of the Government Operations Surcharge Fund to be paid to the Maine Criminal Justice Academy would take effect January 1, 2001, or when the funding for the operation of the Judicial Department's computer system lapsed, whichever occurred first.

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

See Committee Amendment "A" (H-750) to LD 1138, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1997, June 30, 1998 and June 30, 1999," Part O, enacted as Public Law 1997, chapter 395, which adopted an amended version of the Criminal Justice Committee Amendment "A"(H-623). The changes that were incorporated into Committee Amendment "A" (H-750) to LD 1138 delay the duties of the board to coincide with the receipt of anticipated funds from the additional 2% surcharge on fines, forfeitures and penalties.

**LD 1312                      An Act to Strengthen Parental Responsibility for Juveniles                      ONTP**

<u>Sponsor(s)</u> LINDAHL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1312 proposed to amend the Juvenile Code to allow a juvenile court to order a parent to pay support for a juvenile residing in the Maine Youth Center or a county jail. The bill further proposed to allow the court to order a juvenile found to have committed criminal mischief to write a formal apology to the victim, to write a report concerning the public property damage and to contribute in a variety of ways to the restoration of the property damaged or to restitution to the victim.

LD 1312 further proposed to allow the court to order a parent of a juvenile found to have committed criminal mischief to submit restitution up to \$10,000 to the victim if the juvenile were in the custody of and residing with the parent and if the court found that the criminal mischief were a direct result of the parent's failure to reasonably supervise and control the juvenile's conduct.

The bill proposed that a parent or person who knowingly contributes to the commission of a juvenile crime is guilty of a Class E crime.

**LD 1324                      Resolve, to Establish a Commission to Review Sentencing Guidelines                      ONTP**

<u>Sponsor(s)</u> KONTOS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1324 was a concept draft pursuant to Joint Rule 208. The resolve proposed to establish a commission to evaluate and review sentencing guidelines to ensure that they are fair and reasonable.

**LD 1354**                      **An Act to Transfer the Responsibility for the Certification of Battersers' Intervention Programs to the Department of Corrections**                      **PUBLIC 292**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY KILKELLY	OTP-AM	H-406

LD 1354 proposed to transfer the responsibility for the certification of batterers' intervention programs from the Department of Public Safety to the Department of Corrections.

**Committee Amendment "A" (H-406)** proposed that rules adopted by the Department of Corrections pursuant to the batterers' intervention programs would be major substantive rules and proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 292 transfers the responsibility for the certification of batterers' intervention programs from the Department of Public Safety to the Department of Corrections.

**LD 1396**                      **An Act to Provide for Shock Incarceration of Juveniles**                      **ONTP**

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

LD 1396 proposed to establish the Shock Incarceration Program as a new sentencing alternative for juveniles who are 17 years of age. A person sentenced to the program would have had to complete the incarceration portion of the sentence in a facility providing intensive regimentation and discipline patterned after military basic training.

**LD 1402**                      **An Act to Establish the Civil Violation of Creating a Police Standoff**                      **PUBLIC 426**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMKE	OTP-AM	H-470 H-676 POVICH

LD 1402 proposed to establish the civil offense of creating a police standoff. The bill would have required that restitution be made in an amount equal to the greater of \$500 or the direct costs incurred by the law enforcement agency or agencies that responded to the standoff.

**Committee Amendment "A" (H-470)** replaced the bill. The amendment proposed to create the civil violation of creating a police standoff. The amendment would define "barricaded" for purposes of a standoff and give the court discretion to order a person who creates a police standoff to pay restitution to the responding agencies. The amendment also proposed to add a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-676)** proposed to clarify the definition of "barricaded."

*Enacted law summary*

Public Law 1997, chapter 426 creates the civil violation of creating a police standoff. Public Law 1997, chapter 426 allows the court to order a person who is guilty of creating a standoff to make restitution in an amount equal to the costs incurred by the agencies responding to the standoff or \$500, whichever is greater.

**LD 1407**                      **An Act to Make Habitual Truancy a Crime**                      **ONTP**

<u>Sponsor(s)</u> SAVAGE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1407 proposed to make habitual truancy involving willful and repeated absence from school or repeated violation of school rules and regulations a Class E crime. The bill also would have classified habitual truancy as a juvenile crime under the Maine Juvenile Code.

**LD 1434**                      **An Act to Prohibit a Person Whose License to Operate a Motor Vehicle Has Been Suspended from Operating an All-terrain Vehicle on Roads and Highways**                      **ONTP**

<u>Sponsor(s)</u> BENOIT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1434 proposed to prohibit a person whose license to operate a motor vehicle has been suspended by the Secretary of State or a court from operating an ATV on a controlled access highway or public way. A person who violated this prohibition would have been guilty of a Class E crime.

**LD 1438**                      **An Act to Increase the Penalty for Operating after License Suspension and under the Influence**                      **ONTP**

<u>Sponsor(s)</u> NUTTING MCKEE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1438 proposed to add the penalties of vehicle impoundment and forfeiture to a person who had 2 previous OUI offenses within a 10-year period and the penalty of vehicle forfeiture to a person who had a prior conviction of operating a motor vehicle while that person's license was suspended if that person were convicted again.

**LD 1467**                      **An Act to Amend the Law to Be Consistent with the Organizational Structure of the Department of Corrections and for Other Purposes**                      **PUBLIC 464**

<u>Sponsor(s)</u> POVICH MURRAY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-513
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LD 1467 proposed to do the following:

1. Eliminate remaining references to the director and division of Probation and Parole, pursuant to PL 1995, chapter 502;
2. Eliminate references to the Bureau of Juvenile Corrections, which was reorganized and is headed by the Associate Commissioner of Juvenile Services;
3. Delete all references to "entrustment" of juveniles and uses "aftercare" instead to refer to all services a juvenile receives after leaving the Maine Youth Center;
4. Provide that any challenge to the commissioner's decision to return a juvenile to the Maine Youth Center from aftercare status or an adult to a correctional facility from supervised community confinement is not a proper subject for post conviction review, and instead must go through an 80-C action (M.R. Civ. Pro. 80-C, "Review of Final Agency Action");
5. Make court review of out-of-home placement determination take place every 12 months pursuant to federal law;
6. Amend the Department of Corrections' confidentiality provision to facilitate receipt of federal funds;
7. Add the term "deduction" to prisoner disciplinary statute pursuant to changes in good time; and
8. Clarify that persons transferred to the Department of Corrections from a county jail are transferred to the department and not to a specific facility.

**Committee Amendment "A" (H-513)** proposed to clarify that a juvenile who, prior to sentencing, was detained in any state facility is entitled to receive a day-for-day reduction from the juvenile's total required term of imprisonment. The amendment also proposed to make technical changes and add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 464 does the following:

1. Eliminates all remaining references to the director and division of Probation and Parole;
2. Eliminates references to the Bureau of Juvenile Corrections, which was reorganized and is headed by the Associate Commissioner of Juvenile Services;
3. Deletes all references to "entrustment" of juveniles and uses "aftercare" instead to refer to all services a juvenile receives after leaving the Maine Youth Center;
4. Provides that any challenge to the commissioner's decision to return a juvenile to the Maine Youth Center from aftercare status or an adult to a correctional facility from supervised community confinement is not a proper subject for post conviction review, and instead must go through an 80-C action (M.R. Civ. Pro. 80-C, "Review of Final Agency Action");

5. Makes court review of out-of-home placement determination take place every 12 months pursuant to federal law;
6. Amends the Department of Corrections' confidentiality provision to facilitate receipt of federal funds;
7. Adds the term "deduction" to prisoner disciplinary statute pursuant to changes in good time;
8. Clarifies that persons transferred to the Department of Corrections from a county jail are transferred to the department, instead of to a specific facility; and
9. Clarifies that a juvenile who, prior to sentencing, is detained in any state facility is entitled to receive a day-for-day reduction from the juvenile's total required term of imprisonment. Currently, the law gives such credit to a juvenile who has spent time in a "correctional facility," which includes the Maine Youth Center but does not include the Northern Maine Regional Juvenile Detention Facility.

**LD 1522**

**An Act to Strengthen Juvenile Laws**

**ONTP**

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

LD 1522 proposed to make it possible to charge a juvenile with any adult crime. It would have made the following elements mandatory in every disposition: complete restitution for economic and physical loss, for which the juvenile's parents or legal custodians were jointly and severally liable; community service, overseen by local authorities; placement at the Maine Youth Center; and a letter of public apology. The bill proposed to require the courts to increase a penalty if, at the time of the offense, the juvenile were truant or had been previously adjudicated or convicted of harassment.

**LD 1524**

**An Act to Reinstate the Death Penalty**

**DIED BETWEEN BODIES**

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

LD 1524 proposed to reinstate the death penalty. A sentence of death could have been imposed if the murder caused the death of two or more people or if the victim were less than 14 years of age and had also been sexually assaulted.

**Committee Amendment "A" (S-252)** was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to add an appropriation section and a fiscal note to the bill.

LD 1527

**An Act to Authorize a Police Officer to Impound the Motor Vehicle of a Person Arrested for Operating Under the Influence or Driving with a Suspended or Revoked License**

PUBLIC 417

Sponsor(s)  
BUTLAND

Committee Report  
OTP-AM

Amendments Adopted  
S-304

LD 1527 proposed to allow a law enforcement officer to impound a vehicle operated by a person arrested for driving with a suspended or revoked license. The bill also would have allowed for the sale of an impounded vehicle if the person arrested were an owner of the vehicle, the vehicle was declared a nuisance, the person arrested was convicted of the underlying violation and the person had at least one prior conviction for operating under the influence or driving with a suspended or revoked license.

**Committee Amendment "A" (S-304)** replaced the bill. The amendment proposed to allow a law enforcement officer to impound a vehicle if the vehicle were used by a person arrested for driving with a suspended or revoked license when the suspension or revocation was for OUI or an OUI offense.

*Enacted law summary*

Public Law 1997, chapter 417 allows a law enforcement officer to impound a vehicle if the vehicle was used by a person arrested for driving with a suspended or revoked license when the suspension or revocation was for OUI or an OUI offense. Currently, a vehicle may be impounded if the vehicle was used by a person arrested for OUI.

LD 1533

**An Act to Make Certain Changes to Post-conviction Review**

PUBLIC 399

Sponsor(s)  
POVICH

Committee Report  
OTP-AM

Amendments Adopted  
H-621

LD 1533 proposed to modify statutory post-conviction review in 2 ways. First, the bill would have eliminated the current availability of post-conviction review relative to a present restraint or impediment resulting indirectly from a challenged criminal judgment of the State. Second, this bill would have adopted a filing deadline for initiating a petition seeking relief from a criminal judgment coming within the Maine Revised Statutes, Title 15, section 2124, subsection 1 or 1-A.

**Committee Amendment "A" (H-621)** proposed to adopt a flat one-year filing deadline for initiating a petition seeking relief from a criminal judgment coming within the Maine Revised Statutes, Title 15, section 2124, subsection 3. The limitation period would start to run from the date the sentence was imposed for the new crime.

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

*Enacted law summary*

Public Law 1997, chapter 399 modifies statutory post-conviction review by eliminating the current availability of post-conviction review relative to a present restraint or impediment resulting indirectly from a challenged criminal judgment of the State. Availability of relief is not required by the Constitution of Maine, Article 1, Section 10 as in *YDE v. State*, 376 A.2d 465 (Me. 1977). Public Law 1997, chapter 399 also adopts a filing deadline for initiating

a petition seeking relief from a criminal judgment coming within the Maine Revised Statutes, Title 15, section 2124, subsection 1 or 1-A. That filing deadline is modeled after the federal habeas corpus statute, 28 United States Code, Section 2254. In order to ensure fairness, a grace period of the same length as the new limitation period is provided.

Public Law 1997, chapter 399 also adopts a flat one-year filing deadline for initiating a petition seeking relief from a criminal judgment coming within the Maine Revised Statutes, Title 15, section 2124, subsection 3. The limitation period starts to run from the date the sentence is imposed for the new crime.

**LD 1548**

**An Act to Outlaw the Sale of Code Grabbers in the State**

**PUBLIC 372**

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-552
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LD 1548 proposed to make the sale or possession of code grabbers in the State unlawful. The sale or possession of code grabbers would have been a Class D crime.

**Committee Amendment "A" (H-552)** replaced the bill and proposed to do the following:

1. Prohibit the transfer of burglar's tools, in addition to possession of them;
2. List electronic devices used as code grabbers among the examples of burglar's tools;
3. Specify that possession of burglar's tools is a Class E crime and transfer of burglar's tools is a Class D crime; and
4. Prohibit the possession or transfer of theft devices, in general, rather than simply theft of services devices.

***Enacted law summary***

Public Law 1997, chapter 372 does the following:

1. Makes transferring or possessing with the intent to transfer burglar's tools that the person knows are designed for or are useful for the commission of a crime a Class D crime;
2. Makes possession with the intent to use a burglar's tools to commit a crime a Class E crime;
3. Lists electronic devices used as code grabbers among the examples of burglar's tools; and
4. Prohibits the possession or transfer of theft devices.

**LD 1571**

**An Act to Amend the Maine Bail Code**

**PUBLIC 543**

<u>Sponsor(s)</u> BENOIT WATERHOUSE	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> S-423
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LD 1571 proposed to do the following:

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. Prohibit a judicial officer from ordering 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. Prohibit a judicial officer from ordering 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. It provides that for a defendant in custody, an appeal hearing would have to be scheduled within 96 hours of the filing of the appeal;
7. Change the standards admitting a defendant to post-conviction bail;
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 provides that bail is not available to any person pending the appeal of a revocation of probation pursuant to Title 17-A, section 1207.

**Committee Amendment "A" (S-314)** replaced the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to do the following:

1. Amend the code's statement of purpose to include the fact that, while on bail, a defendant is expected to refrain from engaging in new criminal conduct;
2. Amend the bail definition both in the preconviction and post-conviction context to expressly include refraining from any new criminal conduct and obeying each condition of release imposed by the judicial officer;
3. Define new criminal conduct;
4. Clarify that a judicial officer is authorized to issue a preconviction order releasing a defendant on personal recognizance or execution of an unsecured bond and imposes additional release conditions;
5. Require that every preconviction and post-conviction order of release contain, in addition to a waiver of extradition by the defendant, a condition that the defendant refrain from new criminal conduct and not violate any pending protection from abuse orders;

6. Clarify that a judicial officer is authorized to require a defendant preconviction to execute an agreement to forfeit designated property or execute a bail bond with sureties to ensure the integrity of the judicial process as well as the defendant's appearance;
7. Recognize additional sources of information from which the judicial officer may gather reliable information needed to make the release decision;
8. Add the factor of whether the defendant has previously violated conditions of release, probation or other court orders, including protection from abuse orders to the list of factors to be considered in the preconviction and post-conviction release decision;
9. Clarify that the judicial officer must advise the defendant of the potential penalties as well as the consequences of violating a condition of release;
10. Require, both in the post-conviction context and when the conditional right to have preconviction bail set has been extinguished at a Harnish bail proceeding, that bail be denied in the event a substantial risk exists that the defendant will commit new criminal conduct;
11. Increase from 24 to 48 hours the time within which a confined defendant must be transported to a different county if no Justice of the Superior Court is locally available to make a de novo determination of preconviction bail. It additionally requires the clerk to provide notice to the attorney for the State of the upcoming hearing and to schedule that hearing for a time not less than 24 hours but not more than 48 hours after the attorney for the State has been notified;
12. Make both preconviction and post-conviction sureties responsible for ensuring a defendant's compliance with each condition of release imposed by the judicial officer, including that the defendant refrain from new criminal conduct, in addition to being responsible for ensuring the appearance of the defendant at all times;
13. Prior to undertaking the responsibility of surety for a defendant, a surety must be provided a copy of the defendant's written release order and a written statement containing an explanation of both the general responsibilities of a surety and the potential consequences to a surety if a defendant violates a condition of release and must be verbally advised of each condition in the defendant's written release order as well as the potential consequences to the surety if the defendant fails to abide by each condition of release. It further requires the Supreme Judicial Court to specify by rule who will be responsible for advising the surety and providing to the surety a copy of the written order and the written explanation;
14. Address the consequences to a defendant who fails to refrain from new criminal conduct. If a judge or justice finds probable cause exists to believe that the defendant has committed a new crime following the setting of preconviction bail, the judge or justice must issue an order denying bail unless the court finds that there are conditions of release that will reasonably ensure that the defendant will not continue to commit new crimes while out on bail in which case, the court must issue an order under the Maine Revised Statutes, Title 15, section 1026; and
15. Add a fiscal note.

**Committee Amendment "B" (S-315)** replaced the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to do the same as Committee Amendment "A" (S-314),

except that it would not have made changes to the surety provisions as described in paragraphs 12 and 13 of Committee Amendment "A."

**Committee of Conference Amendment "A" (S-423)** proposed to do the same as Committee Amendment "A" (S-314), except that it would have amended the surety provisions differently by replacing Committee Amendment "A's" paragraph 12 with the following:

12. Make both preconviction and post-conviction sureties responsible for ensuring a defendant's compliance with each condition of release imposed by the judicial officer, including that the defendant refrain from new criminal conduct, in addition to being responsible for ensuring the appearance of the defendant at all times. Notwithstanding this new responsibility of sureties, the amendment also establishes a precondition to forfeiture of cash or other property of a surety if the defendant violates a condition of release. The precondition requires the court to absolve a surety of the responsibility to pay bond and to return deposited cash bail to the surety, unless the surety had on a prior occasion, acted as a surety or deposited cash bail for the defendant's compliance with each condition of release and on that occasion the defendant failed to comply with each condition. This precondition does not apply to a defendant's failure to appear. The attorney for the State shall make a good faith effort to notify the surety of a bail revocation hearing and, if the surety appears at the hearing, the court must explain the consequences of the precondition to the surety. If bail is reset and the surety elects to continue to act as surety, that person will receive notice of surety responsibilities pursuant to the Maine Revised Statutes, Title 15, section 1072-A.

#### ***Enacted law summary***

Public Law 1997, chapter 543 does the following:

1. Amends the code's statement of purpose to include the fact that, while on bail, a defendant is expected to refrain from engaging in new criminal conduct;
2. Amends the bail definition both in the preconviction and post-conviction context to expressly include refraining from any new criminal conduct and obeying each condition of release imposed by the judicial officer;
3. Defines new criminal conduct;
4. Clarifies that a judicial officer is authorized to issue a preconviction order releasing a defendant on personal recognizance or execution of an unsecured bond and imposes additional release conditions;
5. Requires that every preconviction and post-conviction order of release contain, in addition to a waiver of extradition by the defendant, a condition that the defendant refrain from new criminal conduct and not violate any pending protection from abuse orders;
6. Clarifies that a judicial officer is authorized to require a defendant preconviction to execute an agreement to forfeit designated property or execute a bail bond with sureties to ensure the integrity of the judicial process as well as the defendant's appearance;
7. Recognizes additional sources of information from which the judicial officer may gather reliable information needed to make the release decision;

8. Adds the factor of whether the defendant has previously violated conditions of release, probation or other court orders, including protection from abuse orders to the list of factors to be considered in the preconviction and post-conviction release decision;
9. Clarifies that the judicial officer must advise the defendant of the potential penalties as well as the consequences of violating a condition of release;
10. Requires, both in the post-conviction context and when the conditional right to have preconviction bail set has been extinguished at a Harnish bail proceeding, that bail be denied in the event a substantial risk exists that the defendant will commit new criminal conduct;
11. Increases from 24 to 48 hours the time within which a confined defendant must be transported to a different county if no Justice of the Superior Court is locally available to make a de novo determination of preconviction bail. It additionally requires the clerk to provide notice to the attorney for the State of the upcoming hearing and to schedule that hearing for a time not less than 24 hours but not more than 48 hours after the attorney for the State has been notified;
12. Makes both preconviction and post-conviction sureties responsible for ensuring a defendant's compliance with each condition of release imposed by the judicial officer, including that the defendant refrain from new criminal conduct, in addition to being responsible for ensuring the appearance of the defendant at all times. Notwithstanding this new responsibility of sureties, chapter 543 also establishes a precondition to forfeiture of cash or other property of a surety if the defendant violates a condition of release. The precondition requires the court to absolve a surety of the responsibility to pay bond and to return deposited cash bail to the surety, unless the surety had on a prior occasion, acted as a surety or deposited cash bail for the defendant's compliance with each condition of release and on that occasion the defendant failed to comply with each condition. This precondition does not apply to a defendant's failure to appear. The attorney for the State shall make a good faith effort to notify the surety of a bail revocation hearing and, if the surety appears at the hearing, the court must explain the consequences of the precondition to the surety. If bail is reset and the surety elects to continue to act as surety, that person will receive notice of surety responsibilities pursuant to the Maine Revised Statutes, Title 15, section 1072-A.
13. Prior to a person's undertaking the responsibility of surety for a defendant, a surety must be provided a copy of the defendant's written release order and a written statement containing an explanation of both the general responsibilities of a surety and the potential consequences to a surety if a defendant violates a condition of release and must be verbally advised of each condition in the defendant's written release order as well as the potential consequences to the surety if the defendant fails to abide by each condition of release. It further requires the Supreme Judicial Court to specify by rule who will be responsible for advising the surety and providing to the surety a copy of the written order and the written explanation; and
14. Addresses the consequences to a defendant who fails to refrain from new criminal conduct. If a judge or justice finds probable cause exists to believe that the defendant has committed a new crime following the setting of preconviction bail, the judge or justice must issue an order denying bail unless the court finds that there are conditions of release that will reasonably ensure that the defendant will not continue to commit new crimes while out on bail in which case, the court must issue an order under the Maine Revised Statutes, Title 15, section 1026.

**LD 1573**                      **An Act to Establish Penalty for Violation of Compulsory School Attendance**                      **ONTP**

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

LD 1573 proposed to amend the truancy laws. The bill would have repealed the civil enforcement sections and would have specified that an adult commits a Class E crime if the adult had control of and was primarily responsible for a person who is habitually truant.

**LD 1592**                      **An Act to Require Post-release Supervision of Prisoners Who Are Identified as High-risk Offenders**                      **CARRIED OVER**

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

LD 1592 allows the courts to sentence to a period of post-release supervision a person who commits a violent or sexual offense for which the person is sentenced to an unsuspended term of imprisonment of at least one year if the court determines that the person is at high risk of being a repeat offender. The bill also sets out the parameters of the post-release supervision and its termination.

The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1618**                      **An Act to Require That Handguns Sold in the State Be Equipped with Child-proof Trigger Locks**                      **ONTP**

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

LD 1618 proposed to prohibit firearm dealers from selling handguns unless the guns were equipped with trigger locks.

**LD 1629**                      **An Act to Include Possession of a Dangerous Weapon as Grounds for Expulsion of a Student**                      **PUBLIC 298**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM	S-251

LD 1629 proposed to make the manufacture, sale, purchase or possession of throwing stars a Class D crime.

**Committee Amendment "A" (S-251)** replaced the bill. The amendment proposed to allow a school to expel a student who possesses on school property, without the permission of a school official, a dangerous weapon, as defined in the Maine Revised Statutes, Title 17-A, section 2, subsection 9.

***Enacted law summary***

Public Law 1997, chapter 298 allows a school to expel a student who possesses on school property, without permission of a school official, a dangerous weapon, as defined in the Maine Revised Statutes, Title 17-A, section 2, subsection 9. Current law requires expulsion for possession, without the permission of a school official, of a firearm on school property.

**LD 1647**                      **An Act to Allow the Attorney for the State, with the Consent of the Probation Officer, to File a Motion for Revocation of Probation**                      **ONTP**

<u>Sponsor(s)</u> JONES SL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1647 proposed to provide that the attorney for the State, with the consent of the probation officer, may file a motion for revocation of probation with the court.

**LD 1656**                      **An Act to Suspend Certain Licenses of Teenagers Convicted of a Juvenile Crime**                      **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1656 proposed to allow the court to suspend, until 17 years of age or for one year, whichever is later, a person's privilege to operate a motor vehicle and the privilege to hunt or fish if that person were convicted of a juvenile crime.

**LD 1667**                      **An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities**                      **CARRIED OVER**

<u>Sponsor(s)</u> MITCHELL B JONES SL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1667 sets out the criteria and procedures for involuntary medication of mentally ill persons residing in Department of Corrections facilities. The bill conforms with the requirements set out by the United States Supreme Court in *Washington v. Harper*, 494 U.S. 210 (1990).

The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1674**

**An Act Related to Bind-over of Older Juveniles Who Commit Certain Offenses**

**ONTP**

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

LD 1674 proposed to require that, at the request of the prosecuting attorney, a juvenile be bound over for trial as an adult if the juvenile had committed what would be murder, Class A or B manslaughter, aggravated assault, or Class A or B gross sexual assault and was at least 16 years of age at the time, unless the juvenile requested a bind-over hearing. The bill would have placed on the juvenile the burden of showing the inappropriateness of bind-over.

**LD 1679**

**An Act to Assist the Law Enforcement Community in Locating Missing Children**

**PUBLIC 468**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL PEAVEY	OTP-AM	H-707 POVICH S-276

LD 1679 proposed to require a law enforcement agency that received a report of a missing child who was a student at a school in this State to inform an administrator of that school of the missing child report. An administrator of that school would have to identify the file or any other records of the missing child in the custody of the school as pertaining to the missing child. If a request for this file or these records were made, an administrator of that school would have to notify a law enforcement agency of this request immediately. This bill also proposed to require the law enforcement agency to inform the municipal clerk of the municipality in which the child's birth records are kept of the missing child report. The municipal clerk would have to identify the birth records of the missing child. If a request for these records were made, the municipal clerk would have to notify a law enforcement agency of this request immediately.

**Committee Amendment "A" (S-276)** replaced the bill. The amendment proposed that a law enforcement agency must immediately notify a child's school, the municipality in which the child's birth records are kept and the Department of Human Services if a child were considered a victim or possible victim of kidnapping or criminal restraint. The amendment would require the notified agencies to identify the records in their custody that pertain to the child and immediately notify the law enforcement agency if a request for those records were made.

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

**House Amendment "A" to Committee Amendment "A" (H-707)** proposed to make technical changes to ensure grammatical consistency in the language used in the committee amendment.

***Enacted law summary***

Public Law 1997, chapter 468 requires a law enforcement agency to immediately notify a child's school, the municipality in which the child's birth records are kept and the Department of Human Services when a child is considered a victim or possible victim of kidnapping or criminal restraint. Notified agencies must identify the records in their custody that pertain to the child and immediately notify the law enforcement agency if a request for those records is made.

**LD 1707**                      **An Act to Repeal the Requirement of Concealed Weapon Permits**                      **ONTP**

<u>Sponsor(s)</u> MACK FERGUSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1707 proposed to repeal the provisions requiring concealed weapon permits and to make changes to other laws consistent with the repeal.

**LD 1711**                      **An Act Addressing Sexual Exploitation of an Abuse Victim by a Law Enforcement Officer**                      **PUBLIC 402**

<u>Sponsor(s)</u> O'BRIEN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-624
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LD 1711 proposed to create a new Class C form of gross sexual assault and a new Class D form of unlawful sexual contact when the actor is a law enforcement officer engaged in an investigation or purported investigation involving an allegation of abuse and the other person, not the actor's spouse, was the alleged victim of that abuse and the actor engaged in a sexual act with the other person or the actor intentionally subjected the other person to any sexual contact, respectively.

The bill also proposed to create a defense to both crimes if either a preexisting and ongoing sexual relationship existed between the actor and the other person that included the same kind of sexual conduct or if more than 6 months had elapsed since the actor first became involved in the underlying investigation or purported investigation involving the allegation of abuse.

**Committee Amendment "A" (H-624)** replaced the bill. The amendment proposed that the Board of Trustees of the Maine Criminal Justice Academy could suspend or revoke the certification of a law enforcement officer who engaged in a sexual act or sexual contact with an alleged victim of abuse if the law enforcement officer is involved in the investigation or purported investigation of that alleged abuse and the alleged victim was not the law enforcement officer's spouse.

The amendment also proposed to make a technical correction and add a fiscal note.

*Enacted law summary*



Public Law 1997, chapter 402 allows the Board of Trustees of the Maine Criminal Justice Academy to suspend or revoke the certification of a law enforcement officer who engaged in a sexual act or sexual contact with an alleged victim of abuse when the law enforcement officer is involved in the investigation or purported investigation of that alleged abuse and the alleged victim is not the law enforcement officer's spouse. Certification may not be suspended or revoked if the law enforcement officer and the alleged victim had a preexisting sexual relationship or if the sexual act or sexual contact occurred at least 60 days after the law enforcement officer first became involved in the investigation.

**LD 1714**

**An Act to Implement the Recommendations of the Department of Human Services Study Group on Prosecution of Crimes against the Elderly**

**PUBLIC 453**

Sponsor(s)  
MCALEVEY

Committee Report  
OTP-AM

Amendments Adopted  
H-622

LD 1714 proposed to implement the recommendations of the Study Group on Prosecution of Crimes Against the Elderly. The bill proposed to do the following:

1. Require people who work in the financial services field and unlicensed assistive personnel to report suspected abuse pursuant to the Adult Protective Services Act;
2. Require all court-appointed conservators of estates in excess of \$10,000 to provide a bond to protect against fund mismanagement; and
3. Require durable financial powers of attorney to be notarized and include notice of agent's duties and responsibilities and liability for neglect or violation of duties.

**Committee Amendment "A" (H-622)** proposed to require that court-appointed conservators of estates in excess of \$25,000 provide a bond to protect the estate against the possibility of loss and mismanagement. The amendment would establish standards for Probate Courts to consider when determining whether a bond should be furnished. The amendment also would exempt from bonding requirements spouses, financial institutions and those persons who are already bonded in the course of their business.

The amendment proposed to remove language directing a person acting under a durable financial power of attorney to act with the utmost faith and loyalty. The amendment proposed to remove from the mandatory reporting law under the Maine Revised Statutes, Title 22, section 3477 Christian Science practitioners, employees and representatives of financial institutions, financial planners and stockbrokers and credit union employees.

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

***Enacted law summary***

During the last legislative session, the Legislature directed the Department of Human Services to convene a "Study Group on Prosecution of Crimes Against the Elderly," for the purpose of reviewing case histories on crimes against the elderly, identifying barriers to successful investigation and prosecution of such crimes and reviewing the criminal code.

Public Law 1997, chapter 453 implements the study group's recommendations and does the following:

1. Requires unlicensed assistive personnel to report suspected abuse pursuant to the Adult Protective Services Act;
2. Requires all court-appointed conservators of estates in excess of \$25,000 to provide a bond to protect against fund mismanagement;
3. Requires durable financial powers of attorney be notarized and include notice of agent's duties and responsibilities and liability for neglect or violation of duties;
4. Establishes the following standards for Probate Courts to consider when determining whether a bond should be furnished: creditworthiness, financial solvency or past financial management;
5. Exempts from bonding requirements spouses, financial institutions and those persons who are already bonded in the course of their business if the bond is sufficient to cover the duties of conservator; and
6. Removes from the mandatory reporting law under the Maine Revised Statutes, Title 22, section 3477 Christian Science practitioners, employees and representatives of financial institutions, financial planners and stockbrokers and credit union employees.

**LD 1719                      An Act Concerning Firearm Purchase Background Checks                      CARRIED OVER**

<u>Sponsor(s)</u> HALL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1719 makes it mandatory that a background check, pursuant to the federal Brady Handgun Violence Prevention Act, be done before a permit to carry a concealed weapon may be issued. The bill also exempts a person from the "Brady" law if that person had a concealed weapon permit issued within the past 5 years and at that time submitted to a background check.

LD 1719 was carried over to the Second Regular Session of the 118th Legislature.

**LD 1727                      An Act to Establish and Implement a Pilot Program for Restorative Justice                      PUBLIC 421**

<u>Sponsor(s)</u> MURRAY POVICH		<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN		<u>Amendments Adopted</u> S-303
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Part A of LD 1727 proposed to permit a juvenile caseworker, after completing a preliminary investigation of a juvenile accused of having committed a juvenile crime, to initiate a family group conference in order to bring about an agreement for an informal adjustment or to receive a recommendation as to whether the juvenile caseworker should decide that no further action is required regarding the juvenile, that an informal adjustment should be

arranged or that a petition should be filed. The bill also proposed to allow for confidentiality in relation to the family group conferences and would have clarified several other juvenile confidentiality provisions.

Part B of this bill proposed that on recommendation of the Department of Corrections, a probationer would have to appear before and abide by the requirements of a community reparations board. Appearance would not be required if the court found it inappropriate or if the person were given a term of unsuspended imprisonment in a department facility. The bill also would have provided for the establishment of community reparations boards.

**Committee Amendment "A" (S-303)** was the majority report of the committee. It proposed to do the following:

1. Limit restorative justice to a pilot program that does not extend past May 1, 1999;
2. Change the name of the restorative justice boards for juveniles from "family group conferences" to "community resolution teams;"
3. Allow community reparations boards to be established only when federal funding or other special revenue is secured;
4. Exclude persons who have been convicted of a sexual assault or of a crime of domestic violence from participating in community reparations boards;
5. Require the Commissioner of Corrections to confer with local officials when appointing members of community reparations boards;
6. Require the Department of Corrections to report on the progress of both the community resolution teams and the community reparations boards to the joint standing committee having jurisdiction over criminal justice matters by January 1st of every year;
7. Require the Department of Corrections to make a final report on the effectiveness of both community resolution teams and community reparations boards to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by March 1, 1999. Victims, the law enforcement community, attorneys and other parties who have been involved in the programs could also address the committee at that time; and
8. Add an allocation and a fiscal note to the bill.

#### ***Enacted law summary***

Public Law 1997, chapter 421 does the following:

1. Limits restorative justice to a pilot program that does not extend past May 1, 1999;
2. Changes the name of the restorative justice boards for juveniles from "family group conferences" to "community resolution teams;"
3. Allows community reparations boards to be established only when federal funding or other special revenue is secured;
4. Excludes persons who have been convicted of a sexual assault or of a crime of domestic violence from participating in community reparations boards;

5. Requires the Commissioner of Corrections to confer with local officials when appointing members of community reparations boards;
6. Requires the Department of Corrections to report on the progress of both the community resolution teams and the community reparations boards to the joint standing committee having jurisdiction over criminal justice matters by January 1st of every year; and
7. Requires the Department of Corrections to make a final report on the effectiveness of both community resolution teams and community reparations boards to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by March 1, 1999. Victims, the law enforcement community, attorneys and other parties who have been involved in the programs may also address the committee at that time.

**LD 1789**

**An Act Regarding Illegal Transportation of Drugs by a Minor**

**PUBLIC 382**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BODWELL HARRIMAN	OTP-AM	H-514

LD 1789 proposed to provide for a minor who transports drugs or marijuana similar penalties to those applicable to a minor who transports alcohol. These penalties would have included a fine and a mandatory operator's license suspension.

**Committee Amendment "A" (H-514)** replaced the bill. The amendment proposed to create the civil violation of transporting scheduled drugs, including marijuana, by a person who is under 21 years of age. A person who violated this section would have to be adjudged a forfeiture of no more than \$500 and no less than \$200 for a 2nd offense and no less than \$400 for a 3rd or subsequent offense. The court also would have to suspend the operator's license of a person who violated this section. The amendment also would add a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 382 creates the civil violation of transporting scheduled drugs, including marijuana, by a person who is under 21 years of age. A person who violates this section must be adjudged a forfeiture of no more than \$500 and no less than \$200 for a 2nd offense and no less than \$400 for a 3rd or subsequent offense. The court also must suspend the operator's license of a person who violates this section.

A person charged with this civil violation may not also be charged with trafficking, furnishing or possession of scheduled drugs pursuant to the Maine Revised Statutes, Title 17-A, chapter 45 or Title 22, section 2383.

**LD 1800**

**An Act to Include Flunitrazepam in the List of Schedule W Drugs**

**PUBLIC 487**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM	S-217

LD 1800 proposed to name Flunitrazepam as a schedule W, because of its ability to incapacitate its consumer and its illegal street use on unsuspecting and nonconsenting sexual assault victims.

**Committee Amendment "A" (S-217)** proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 487 names Flunitrazepam as a schedule W drug, which allows the introduction of a laboratory analysis certificate into evidence under the Maine Revised Statutes, Title 17-A, section 1112. Flunitrazepam is scheduled as a schedule W drug rather than another schedule because of its ability to incapacitate its consumer and its illegal street use on unsuspecting and nonconsenting sexual assault victims. Public Law 1997, chapter 487 is not intended to affect in any way the current or future, scheduling, licensure or otherwise legitimate use of Flunitrazepam under federal or state law.

**LD 1870**

**An Act to Amend Criminal OUI Penalties Concerning Suspension of CARRIED OVER a Motor Vehicle Driver's License**

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

Effective June 29, 1995, the Legislature changed from 6 to 10 years the time period for which prior convictions of OUI offenses would be used to increase penalties. LD 1870 provides that a person who has a conviction prior to the effective date of that change is subject to the 6-year rather than the 10-year provision.

LD 1870 was carried over to the Second Regular Session of the 118th Legislature.

**LD 1892**

**An Act to Criminalize Certain Photographing of Children under the Clothing of a Person in a Public Place by Mechanical or Electronic Equipment**

**PUBLIC 467**

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

This bill is a new draft of LD 36. The title of the bill was misprinted and should have read: An Act to Criminalize Unpermitted Visual Surveillance by Mechanical or Electronic Equipment under the Clothing of Another Person in a Public Place. The bill proposed to establish that a person is guilty of a violation of privacy if that person engaged in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe or

photograph, record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body was concealed from the public view under clothing and a reasonable person would expect it to be safe from surveillance.

The bill also proposed to provide a defense to prosecution if the person subject to surveillance had in fact attained 14 years of age and had consented to the surveillance.

***Enacted law summary***

Public Law 1997, chapter 467 establishes that a person is guilty of a violation of privacy if that person engages in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe or photograph, record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body is concealed from public view under clothing and a reasonable person would expect it to be safe from surveillance. It forbids, for example, a person in a public place like a store from placing a video camera below the hemline of another person's skirt, aimed so as to record what it observes within the zone of privacy created by that skirt.

Public Law 1997, chapter 467 also provides a defense to prosecution if the person subject to surveillance has in fact attained 14 years of age and has consented to the surveillance. In order to protect young children, consent is not a defense when the other person is under 14 years of age.

## Joint Standing Committee on Criminal Justice

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#### *Corrections*

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LD 803	An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse by a Juvenile	PUBLIC 548	Page 198
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<b>LD 1354</b>	<b>An Act to Transfer the Responsibility for the Certification of Batterers' Intervention Programs to the Department of Corrections</b>	<b>PUBLIC 292</b>	<b>Page 213</b>
<b>LD 1467</b>	<b>An Act to Amend the Law to Be Consistent with the Organizational Structure of the Department of Corrections and for Other Purposes</b>	<b>PUBLIC 464</b>	<b>Page 215</b>
<b>LD 1727</b>	<b>An Act to Establish and Implement a Pilot Program for Restorative Justice</b>	<b>PUBLIC 421</b>	<b>Page 229</b>

**Not Enacted**

<b>LD 65</b>	<b>An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections</b>	<b>CARRIED OVER</b>	<b>Page 175</b>
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***County Jails***

**Enacted**

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<b>LD 56</b>	<b>An Act to Increase the Fee That May Be Assessed against a Prisoner to Help Defray the Costs of Incarceration</b>	<b>PUBLIC 88</b>	<b>Page 174</b>
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<b>LD 1223</b>	<b>An Act to Expand the Monitoring of the Conversations of Prisoners</b>	<b>PUBLIC 361</b>	<b>Page 210</b>

**Not Enacted**

<b>LD 65</b>	<b>An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections</b>	<b>CARRIED OVER</b>	<b>Page 175</b>
<b>LD 515</b>	<b>An Act to Set a Fixed Rate for Housing of State Prisoners</b>	<b>CARRIED OVER</b>	<b>Page 189</b>
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***Criminal Law***

**Enacted**

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**Not Enacted**

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***Criminal Procedure***

**Enacted**

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<b>LD 1592</b>	<b>An Act to Require Post-release Supervision of Prisoners Who Are Identified as High-risk Offenders</b>	<b>CARRIED OVER</b>	<b>Page 223</b>

**LD 1647**                    **An Act to Allow the Attorney for the State, with the Consent of the Probation Officer, to File a Motion for Revocation of Probation**                    **ONTP**    **Page 224**

***Firearms/Weapons***

**Enacted**

**LD 1184**                    **An Act Regarding Firearms Proficiency Testing for Private Investigators**                    **PUBLIC 360**    **Page 207**

**LD 1629**                    **An Act to Include Possession of a Dangerous Weapon as Grounds for Expulsion of a Student**                    **PUBLIC 298**    **Page 224**

**Not Enacted**

**LD 162**                    **An Act to Allow Retired Law Enforcement Officials to Obtain a Lifetime Concealed Weapons Permit**                    **ONTP**    **Page 179**

**LD 1618**                    **An Act to Require That Handguns Sold in the State Be Equipped with Child-proof Trigger Locks**                    **ONTP**    **Page 223**

**LD 1707**                    **An Act to Repeal the Requirement of Concealed Weapon Permits**                    **ONTP**    **Page 226**

**LD 1719**                    **An Act Concerning Firearm Purchase Background Checks**                    **CARRIED OVER**    **Page 228**

***Juveniles/Juvenile Code/Juvenile Corrections***

**Enacted**

**LD 297**                    **An Act to Make Unlawful Possession of Firearms for Nonviolent Juvenile Offenses Either a Crime or a Juvenile Offense Depending upon the Age of the Violator**                    **PUBLIC 462**    **Page 183**

**LD 504**                    **An Act to Amend Certain Provisions Dealing with Juvenile Summonses**                    **PUBLIC 350**    **Page 188**

**LD 521**                    **An Act to Encourage Collaboration and Cooperation among Agencies in the Interests of Juveniles within the Juvenile Court System**                    **PUBLIC 278**    **Page 189**

<b>LD 1727</b>	<b>An Act to Establish and Implement a Pilot Program for Restorative Justice</b>	<b>PUBLIC 421</b>	<b>Page 229</b>
<b>LD 1789</b>	<b>An Act Regarding Illegal Transportation of Drugs by a Minor</b>	<b>PUBLIC 382</b>	<b>Page 230</b>
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<b>LD 915</b>	<b>An Act to Amend the Laws Concerning Juvenile Petition, Adjudication and Disposition</b>	<b>CARRIED OVER</b>	<b>Page 202</b>
<b>LD 996</b>	<b>An Act to Amend the Definition of a Juvenile</b>	<b>ONTP</b>	<b>Page 203</b>
<b>LD 1033</b>	<b>An Act to Provide Conflict Resolution Education for Juvenile Offenders</b>	<b>ONTP</b>	<b>Page 204</b>
<b>LD 1179</b>	<b>An Act to Require the State to Take Responsibility for Detention of Certain Juveniles by September 1, 1997</b>	<b>ONTP</b>	<b>Page 207</b>
<b>LD 1256</b>	<b>An Act to Permit Disclosure of the Identity of Certain Juvenile Offenders</b>	<b>ONTP</b>	<b>Page 211</b>
<b>LD 1312</b>	<b>An Act to Strengthen Parental Responsibility for Juveniles</b>	<b>ONTP</b>	<b>Page 212</b>
<b>LD 1396</b>	<b>An Act to Provide for Shock Incarceration of Juveniles</b>	<b>ONTP</b>	<b>Page 213</b>
<b>LD 1407</b>	<b>An Act to Make Habitual Truancy a Crime</b>	<b>ONTP</b>	<b>Page 214</b>
<b>LD 1522</b>	<b>An Act to Strengthen Juvenile Laws</b>	<b>ONTP</b>	<b>Page 216</b>

<b>LD 1573</b>	<b>An Act to Establish Penalty for Violation of Compulsory School Attendance</b>	<b>ONTP</b>	<b>Page 223</b>
<b>LD 1656</b>	<b>An Act to Suspend Certain Licenses of Teenagers Convicted of a Juvenile Crime</b>	<b>ONTP</b>	<b>Page 224</b>
<b>LD 1674</b>	<b>An Act Related to Bind-over of Older Juveniles Who Commit Certain Offenses</b>	<b>ONTP</b>	<b>Page 225</b>

*Law Enforcement/Public Safety*

**Enacted**

<b>LD 104</b>	<b>An Act Concerning Threatening the Use of Deadly Force Against a Law Enforcement Officer Engaged in Carrying out Public Duty</b>	<b>PUBLIC 289</b>	<b>Page 177</b>
<b>LD 145</b>	<b>An Act to Allow Independent Investigation of a Complaint against a Law Enforcement or Corrections Officer upon Request</b>	<b>PUBLIC 42</b>	<b>Page 178</b>
<b>LD 245</b>	<b>An Act to Provide a Time Limit Extension for Basic Corrections Training</b>	<b>PUBLIC 14</b>	<b>Page 180</b>
<b>LD 286</b>	<b>An Act to Meet Federal Requirements Regarding Collection of Bias Motivation Data through Uniform Crime Reporting</b>	<b>PUBLIC 47</b>	<b>Page 181</b>
<b>LD 310</b>	<b>An Act to Permit Investigative Officers within the Employ of the Department of Corrections to Exercise the Powers of Law Enforcement Officers</b>	<b>PUBLIC 102</b>	<b>Page 185</b>
<b>LD 359</b>	<b>Resolve, to Establish a Study Group to Assess the Needs of the Office of the State Fire Marshal and Ensure Prompt, Effective Response to the Public's Fire Safety Needs</b>	<b>RESOLVE 10</b>	<b>Page 186</b>
<b>LD 874</b>	<b>An Act to Clarify the Public Safety Laws Concerning Visual Smoke Detectors</b>	<b>PUBLIC 95</b>	<b>Page 200</b>
<b>LD 1065</b>	<b>An Act to Require Law Enforcement Officers to Inform a Person Who Fails to Submit to a Test about the Informed Consent Law</b>	<b>PUBLIC 357</b>	<b>Page 204</b>

<b>LD 1354</b>	<b>An Act to Transfer the Responsibility for the Certification of Batterers' Intervention Programs to the Department of Corrections</b>	<b>PUBLIC 292</b>	<b>Page 213</b>
<b>LD 1402</b>	<b>An Act to Establish the Civil Violation of Creating a Police Standoff</b>	<b>PUBLIC 426</b>	<b>Page 213</b>
<b>LD 1679</b>	<b>An Act to Assist the Law Enforcement Community in Locating Missing Children</b>	<b>PUBLIC 468</b>	<b>Page 225</b>
<b>LD 1711</b>	<b>An Act Addressing Sexual Exploitation of an Abuse Victim by a Law Enforcement Officer</b>	<b>PUBLIC 402</b>	<b>Page 226</b>

**Not Enacted**

<b>LD 162</b>	<b>An Act to Allow Retired Law Enforcement Officials to Obtain a Lifetime Concealed Weapons Permit</b>	<b>ONTP</b>	<b>Page 179</b>
<b>LD 356</b>	<b>An Act to Require Fire and Rescue Departments to Reimburse Costs of Training</b>	<b>ONTP</b>	<b>Page 186</b>
<b>LD 467</b>	<b>An Act to Allow Individuals to Participate in Training at the Criminal Justice Academy</b>	<b>ONTP</b>	<b>Page 187</b>
<b>LD 523</b>	<b>An Act to Require Law Enforcement Officers to Furnish an Affidavit of Probable Cause to Holding Facilities</b>	<b>ONTP</b>	<b>Page 190</b>
<b>LD 647</b>	<b>An Act to Create an Elder Abuse and Fraud Unit in the Department of the Attorney General</b>	<b>DIED ON ADJOURNMENT</b>	<b>Page 195</b>
<b>LD 753</b>	<b>An Act to Allow Police to Take Intoxicated Persons into Custody</b>	<b>CARRIED OVER</b>	<b>Page 197</b>
<b>LD 1196</b>	<b>An Act to Amend the Victims' Rights Laws</b>	<b>INDEF PP</b>	<b>Page 208</b>
<b>LD 1285</b>	<b>An Act to Define the Permissible Duties of Part-time and Full-time Law Enforcement Officers</b>	<b>INDEF PP</b>	<b>Page 211</b>

***Operating Under the Influence/Motor Vehicle Violations***

**Enacted**



<b>LD 545</b>	<b>An Act to Enhance the Penalty for Operating a Motor Vehicle after Habitual Offender Revocation When the Actor Has Had a Prior Conviction for Operating after Revocation or Operating under the Influence within the Previous 10 Years</b>	<b>PUBLIC 476</b>	<b>Page 192</b>
<b>LD 1065</b>	<b>An Act to Require Law Enforcement Officers to Inform a Person Who Fails to Submit to a Test about the Informed Consent Law</b>	<b>PUBLIC 357</b>	<b>Page 204</b>
<b>LD 1527</b>	<b>An Act to Authorize a Police Officer to Impound the Motor Vehicle of a Person Arrested for Operating Under the Influence or Driving with a Suspended or Revoked License</b>	<b>PUBLIC 417</b>	<b>Page 217</b>
<b><u>Not Enacted</u></b>			
<b>LD 384</b>	<b>An Act to Amend the Operating Under the Influence Laws to Discern whether an Offender Was Served Alcohol at a Licensed Establishment</b>	<b>ONTP</b>	<b>Page 187</b>
<b>LD 918</b>	<b>An Act to Increase the Penalties for Criminal OUI for Persons Previously Convicted of Vehicular Manslaughter</b>	<b>ONTP</b>	<b>Page 203</b>
<b>LD 1434</b>	<b>An Act to Prohibit a Person Whose License to Operate a Motor Vehicle Has Been Suspended from Operating an All-terrain Vehicle on Roads and Highways</b>	<b>ONTP</b>	<b>Page 214</b>
<b>LD 1438</b>	<b>An Act to Increase the Penalty for Operating after License Suspension and under the Influence</b>	<b>ONTP</b>	<b>Page 215</b>
<b>LD 1870</b>	<b>An Act to Amend Criminal OUI Penalties Concerning Suspension of a Motor Vehicle Driver's License</b>	<b>CARRIED OVER</b>	<b>Page 231</b>

*Sentencing/Sentencing Alternatives*

**Enacted**

<b>LD 293</b>	<b>An Act to Create a Repeat Offender Provision Addressing Crimes of Violence against Persons</b>	<b>PUBLIC 460</b>	<b>Page 182</b>
<b>LD 328</b>	<b>An Act to Increase the Penalty for Burglary When the Actor has Prior Convictions for Certain Enumerated Crimes</b>	<b>PUBLIC 477</b>	<b>Page 185</b>

<b>LD 542</b>	<b>An Act to Make Appeals to the Law Court From Revocation of Probation Proceedings Conditional and to Clarify the Matter of Bail Pending Final Disposition of a Motion for Revocation of Probation</b>	<b>PUBLIC 273</b>	<b>Page 191</b>
<b>LD 760</b>	<b>An Act to Increase Penalties for Subsequent Violations of the Laws Prohibiting Indecent Conduct</b>	<b>PUBLIC 256</b>	<b>Page 197</b>
<b>LD 882</b>	<b>An Act to Require Defendants to Pay Restitution, Monetarily or Through Work Restitution</b>	<b>PUBLIC 413</b>	<b>Page 200</b>
<b>LD 1533</b>	<b>An Act to Make Certain Changes to Post-conviction Review</b>	<b>PUBLIC 399</b>	<b>Page 217</b>
<b>LD 1571</b>	<b>An Act to Amend the Maine Bail Code</b>	<b>PUBLIC 543</b>	<b>Page 219</b>
<b><u>Not Enacted</u></b>			
<b>LD 74</b>	<b>An Act to Increase the Period of Probation for Sex Offenders</b>	<b>INDEF PP</b>	<b>Page 176</b>
<b>LD 294</b>	<b>An Act to Increase the Authorized Period of Probation for a Class D Crime</b>	<b>ONTP</b>	<b>Page 182</b>
<b>LD 295</b>	<b>An Act to Facilitate Payment of Restitution for Thefts by Extending the Period of Probation</b>	<b>ONTP</b>	<b>Page 183</b>
<b>LD 522</b>	<b>An Act to Clarify the Need and Time Frame for Presentence Investigations</b>	<b>ONTP</b>	<b>Page 190</b>
<b>LD 543</b>	<b>An Act to Increase the Authorized Period of Probation</b>	<b>ONTP</b>	<b>Page 192</b>
<b>LD 590</b>	<b>An Act to Require Consecutive Sentences to Be Imposed on Habitual Offenders</b>	<b>ONTP</b>	<b>Page 192</b>
<b>LD 652</b>	<b>An Act to Create a Repeat Offender Provision Addressing Crimes of Violence against People</b>	<b>ONTP</b>	<b>Page 196</b>
<b>LD 918</b>	<b>An Act to Increase the Penalties for Criminal OUI for Persons Previously Convicted of Vehicular Manslaughter</b>	<b>ONTP</b>	<b>Page 203</b>
<b>LD 1194</b>	<b>An Act Concerning Consecutive Sentencing</b>	<b>ONTP</b>	<b>Page 208</b>
<b>LD 1324</b>	<b>Resolve, to Establish a Commission to Review Sentencing Guidelines</b>	<b>ONTP</b>	<b>Page 212</b>

<b>LD 1524</b>	<b>An Act to Reinstate the Death Penalty</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 216</b>
<b>LD 1592</b>	<b>An Act to Require Post-release Supervision of Prisoners Who Are Identified as High-risk Offenders</b>	<b>CARRIED OVER</b>	<b>Page 223</b>

### *Victims' Rights*

#### Enacted

<b>LD 803</b>	<b>An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse by a Juvenile</b>	<b>PUBLIC 548</b>	<b>Page 198</b>
<b>LD 882</b>	<b>An Act to Require Defendants to Pay Restitution, Monetarily or Through Work Restitution</b>	<b>PUBLIC 413</b>	<b>Page 200</b>
<b>LD 1071</b>	<b>An Act to Ensure That Crime Victims Are Informed of Their Rights</b>	<b>PUBLIC 286</b>	<b>Page 206</b>
<b>LD 1714</b>	<b>An Act to Implement the Recommendations of the Department of Human Services Study Group on Prosecution of Crimes against the Elderly</b>	<b>PUBLIC 453</b>	<b>Page 227</b>

#### Not Enacted

<b>LD 647</b>	<b>An Act to Create an Elder Abuse and Fraud Unit in the Department of the Attorney General</b>	<b>DIED ON ADJOURNMENT</b>	<b>Page 195</b>
<b>LD 1196</b>	<b>An Act to Amend the Victims' Rights Laws</b>	<b>INDEF PP</b>	<b>Page 208</b>

### *Other*

#### Enacted

<b>LD 803</b>	<b>An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse by a Juvenile</b>	<b>PUBLIC 548</b>	<b>Page 198</b>
<b>LD 1184</b>	<b>An Act Regarding Firearms Proficiency Testing for Private Investigators</b>	<b>PUBLIC 360</b>	<b>Page 207</b>
<b>LD 1679</b>	<b>An Act to Assist the Law Enforcement Community in Locating Missing Children</b>	<b>PUBLIC 468</b>	<b>Page 225</b>
<b>LD 1711</b>	<b>An Act Addressing Sexual Exploitation of an Abuse Victim by a Law Enforcement Officer</b>	<b>PUBLIC 402</b>	<b>Page 226</b>

**LD 1714**            **An Act to Implement the Recommendations of the  
Department of Human Services Study Group on  
Prosecution of Crimes against the Elderly**            **PUBLIC 453**    **Page 227**

**LD 1727**            **An Act to Establish and Implement a Pilot Program  
for Restorative Justice**            **PUBLIC 421**    **Page 229**

**Not Enacted**

**LD 647**            **An Act to Create an Elder Abuse and Fraud Unit in  
the Department of the Attorney General**            **DIED ON  
ADJOURNMENT**    **Page 195**

## Joint Standing Committee on Education and Cultural Affairs

**LD 24**

**An Act to Clarify the School Budget Approval Process**

**PUBLIC 68**

Sponsor(s)  
MILLS

Committee Report  
OTP

Amendments Adopted

LD 24 proposed to allow school units to clarify the relationship between the warrant articles authorizing specific line item expenditures and the warrant articles summarizing the three major types of expenditures. The purpose of the bill is also to avoid confusion that arises when voters approve specific line items but not the overall budget, or vice versa, leaving the status of the school budget unclear. The bill also proposed to correct a cross-reference.

### *Enacted law summary*

Public Law 1997, chapter 68 authorizes school units to clarify the relationship between the warrant articles authorizing specific line item expenditures and the warrant articles summarizing the three major types of expenditures in the school budget.

**LD 37**

**An Act to Permit Schools to Allow Credit toward a High School Diploma for Paid Driver Education Courses**

**ONTP**

Sponsor(s)  
MICHAUD

Committee Report  
ONTP

Amendments Adopted

LD 37 proposed to allow a public secondary school to give credit toward a high school diploma for a driver education course even if the student has to pay for the course.

**LD 38**

**An Act to Exempt Schools with One Teacher from Continued Contracts for Teachers**

**ONTP**

Sponsor(s)  
GOLDTHWAIT  
VOLENIK

Committee Report  
ONTP MAJ  
OTP MIN

Amendments Adopted

LD 38 proposed to exempt a school that has only one teacher from the requirement that they must either renew a teacher contract or fire that teacher after the two-year probationary period.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND PENDLETON P	OTP-AM MAJ ONTP MIN	H-349 S-370 MICHAUD

LD 54 proposed to authorize the Maine Arts Commission, in conjunction with the Department of Education, to establish an arts education outreach program that provides arts education to all public school students. The proposed program would also provide professional development opportunities in arts education to teachers statewide.

**Committee Amendment "A" (H-349)** proposed to modify the authority of the Maine Arts Commission and qualify the role of the Department of Education with respect to the establishment and administration of the arts education outreach program. The Maine Arts Commission would establish the program with the advice of the Commissioner of Education. The Department of Education would also provide the Maine Arts Commission with information, promotion, technical support, resources and personnel as necessary to administer the statewide arts education outreach program. The amendment would also add an appropriation and a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-370)** proposed to reduce the amount appropriated for the arts outreach program. It also adds a fiscal note to the bill.

#### *Enacted law summary*

Public Law 1997, chapter 532 authorizes the Maine Arts Commission, with the advice of the Commissioner of Education, to establish and administer an arts education outreach program that provides arts education to all public school students and professional development opportunities in arts education to teachers statewide. The Department of Education will also provide the Maine Arts Commission with information, promotion, technical support, resources and personnel as necessary to administer the statewide arts education outreach program.

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

LD 67 proposed to eliminate the position and office of the Chancellor of the University of Maine System, eliminate the position of president for each campus and instead provide for one president for the combined campuses. To accomplish this, the bill would have:

1. Removed the chancellor from the list of ex officio corporators of the Board of Directors of the Maine Development Foundation;
2. Repealed the provision requiring the chancellor to present an address on the state of the University of Maine System to the Legislature;

3. Repealed the provision establishing a committee, appointed by the chancellor, whose reporting and implementation dates have passed;
4. Replaced the chancellor with a member representing the Board of Trustees of the University of Maine System on the New England Board of Higher Education;
5. Removed a reference to the chancellor in the laws concerning University of Maine System labor relations;
6. Required the board of trustees rather than the chancellor to appoint a member to the State Board of Substance Abuse Counselors and a member to the Board of Counseling Professionals Licensure; and
7. Amended the charter of the University of Maine System to remove all references to and authority of the chancellor and proposed to provide for one president for the combined campuses, with one vice-president appointed for each campus.

**LD 90**                      **Resolve, to Require the Department of Education to Study and Make Recommendations to Alleviate Sexual Harassment in Schools**                      **ONTP**

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

LD 90 proposed to require the Department of Education to study the problem of sexual harassment in Maine schools and report its findings to the Governor and the Legislature.

**LD 98**                      **An Act Regarding Balances Remaining in General Purpose Aid for Local Schools**                      **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN SMALL	OTP-AM	H-424

LD 98 proposed to require that when unexpended year-end balances from appropriations to general purpose aid for local schools exceed \$1,000,000, the Commissioner of Education must propose rules that distribute these balances back to schools.

**Committee Amendment "A" (H-424)** proposed to specify that unobligated general purpose aid balances may not lapse, but must be redistributed during the same fiscal year. Seventy-five percent of unobligated balances must be applied to program costs and 25% to out-of-district placement. The 75% portion to be applied to the state share of program costs must be determined by recalculating the original reduction percentage calculation. While this amendment was not adopted, the substance of this amendment was enacted as part of the supplemental appropriations bill (see Public Law 1997, chapter 395, part R).

**LD 100**                      **An Act to Require Elementary and Secondary School Teachers to Be Certified in Cardiopulmonary Resuscitation and Basic First Aid**                      **ONTP**

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

LD 100 proposed that in order to be certified as an elementary or secondary school teacher, a person must have current certification of training in cardiopulmonary resuscitation and basic first aid.

**LD 185**                      **An Act to Reward Schools for Exceptional Student Performance on the 4th-grade Maine Educational Assessment Exam**                      **ONTP**

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

LD 185 proposed to establish a financial incentive program to reward schools whose 4th-grade students demonstrate exceptional performance on the Maine educational assessment test. Funding for the proposed incentives will be provided from the Revenue Targeting Fund prior to any adjustment of income tax rates.

**LD 186**                      **An Act to Limit Reimbursement for Public School Construction and Renovation to \$80 per Square Foot**                      **ONTP**

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

LD 186 proposed to limit the State's reimbursement for public school construction and renovation projects.

**LD 187**                      **An Act to Provide That Students Receiving Any Services from a School Be Counted as Students for Purposes of State Aid**                      **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCELROY SMALL	OTP-AM	

LD 187 proposed to allow school units to be reimbursed for students attending equivalent instruction programs who received any services provided by their local school units. This bill further proposed to classify such students as full-time equivalent local students for which the school units would be entitled reimbursement at the same rate as for other students in attendance in those school units.

**Committee Amendment "A" (H-321)** proposed to allow school units to be reimbursed proportionally for students participating in equivalent instruction programs who receive any on-site academic services provided by their local



school units. The amendment would have further classified such students as full-time equivalent students according to the number of hours they received on-site academic services at a public school. School units would have been required to keep accurate records and report full-time equivalency enrollment. The amendment also proposed to add a fiscal note.

**LD 190**                      **An Act to Require a Revote by Referendum on a School Budget and to Clarify the Budget Referendum Approval Process**                      **ONTP**

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

LD 190 proposed to allow school districts to clarify the relationship between the warrant articles authorizing specific line item expenditures and the warrant articles summarizing the three major types of expenditures. The purpose of the bill is to correct the situation that arises when voters approve the specific line item expenditures but not the overall school budget.

**LD 236**                      **An Act to Strengthen the Requirements for Acquisition of Driver's Licenses by Minors**                      **ONTP**

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

LD 236 proposed to require that minors 18 years of age and under meet certain educational standards in order to apply for driver's licenses.

**LD 237**                      **An Act to Increase the Funding for School Construction**                      **PUBLIC 469**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY LIBBY	OTP-AM	H-574

LD 237 proposed to increase the maximum debt service limits for fiscal years 1998-99 and 1999-00 to increase funding available for school construction.

**Committee Amendment "A" (H-574)** proposed to require that the state share of the school construction debt service costs, as biennially established by the Legislature, must be supported by General Fund appropriations beginning in fiscal year 1999-2000. This amendment would also increase the debt service limit for fiscal years 1999-2000 and 2000-01 to \$72,000,000 and \$74,000,000, respectively. Finally, this amendment proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 469 provides for an increase in the school construction debt service limit for fiscal years 1999-2000 and 2000-01 to \$72,000,000 and \$74,000,000, respectively. The law further requires that the state share of the school construction debt service costs, as biennially established by the Legislature, must also be supported by General Fund appropriations beginning in fiscal year 1999-2000.

**LD 241                      An Act to Reward Schools for Computer Competency                      ONTP**

<u>Sponsor(s)</u> MURPHY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 241 proposed to direct the Commissioner of Education to implement a program to reward school units whose students have achieved computer competency.

**LD 319                      An Act Regarding Rabies Vaccinations for Animals on School Grounds                      ONTP**

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 319 proposed to require the Commissioner of Education to adopt rules regarding requirements for rabies vaccinations for animals that are brought on the premises of a public school.

**LD 320                      An Act to Set the Amount of State Funding for School Building Projects at \$75 a Foot                      ONTP**

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 320 proposed to limit the State's reimbursement for public school construction and renovation projects.

**LD 323                      An Act to Assist Smaller School Districts Regarding Hiring Practices                      ONTP**

<u>Sponsor(s)</u> SAVAGE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 323 proposed to change the definition of persons considered "full-time employees" for purposes of the prohibition on employment of school board members or their spouses.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E PENDLETON P	OTP-AM MAJ ONTP MIN	H-348 H-564 RICHARD S-367 MICHAUD

LD 327 proposed to provide a \$1,800,000 General Fund appropriation to the Maine Technical College System. Fund raising campaigns by the colleges would raise an additional \$1,800,000 to match the state appropriation. The funds would be used to expand or create programs to increase system student enrollment by 500 new students.

**Committee Amendment "A" (H-348)** proposed to clarify the matching requirements pertaining to the Maine Technical College System appropriation. The system would be allowed to include donations in the form of cash, grants, equipment and supplies as matching funds and must return any unmatched portion of appropriation funds to the State by June 30, 1999. The amendment also proposed to add a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-564)** proposed to clarify that the Board of Trustees of the Maine Technical College System would determine the amount of funds to be raised by each college.

**Senate Amendment "A" to Committee Amendment "A" (S-367)** proposed to reduce the amount appropriated to the Maine Technical College System to increase enrollment.

*Enacted law summary*

Private and Special Law 1997, chapter 52 provides a \$300,000 General Fund appropriation to the Maine Technical College System for the purpose of expanding programs to increase student enrollment across the System by approximately 85 new students. The bill also calls for each campus of the System to raise funds to match at least 50% of State appropriations.

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

LD 352 proposed to amend the school funding formula by treating the additional costs required to educate students with limited English proficiency as program costs. This change would have ensured an equitable level of state funding for the special costs of educating students with limited English proficiency.

**LD 365**

**Resolve, to Encourage Public Schools to Adopt a Conflict Resolution Model**

**RESOLVE 19**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINGLASS	OTP-AM	H-186

LD 365 proposed to require public elementary and secondary schools to implement a comprehensive peer mediation and conflict resolution program addressing students' social and academic behaviors. The purpose of this bill is to teach students alternative methods of handling potentially violent situations without the use of violence and to take responsibility for their behavior.

**Committee Amendment "A" (H-186)** proposed to replace the bill by creating a resolve to encourage the Department of Education to support conflict resolution education initiatives and to conduct a survey of conflict resolution education models currently used in public schools in the State. The amendment also proposed to add a fiscal note to the bill.

***Enacted law summary***

Resolve 1997, chapter 19 encourages the Department of Education to support conflict resolution education initiatives and to conduct a survey of conflict resolution education models currently used in public schools in the State.

**LD 392**

**An Act to Prohibit Schools from Charging Activity Fees for Participation in Extracurricular Events**

**ONTP**

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

LD 392 proposed to prohibit school administrative units from charging activity fees to students for participation in athletic or other extracurricular teams or activities.

**LD 399**

**An Act to Extend Certain Survivor Benefits to the Spouses of Firefighters and Law Enforcement Officers and Expand the Definition of Law Enforcement Officers**

**PUBLIC 160**

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

Current law provides a tuition waiver in state postsecondary educational institutions to children of firefighters and law enforcement officers, defined as police officers, county sheriffs and deputy sheriffs, who are killed in line of duty. This bill proposed to expand the definition of "law enforcement officer" to include game wardens, fire marshals, liquor enforcement officers and marine patrol officers. It would also provide eligibility for the tuition waiver to spouses of those firefighters and law enforcement officers who are killed in the line of duty.

***Enacted law summary***

Public Law 1997, chapter 160 extends the tuition waiver benefits currently available to the children of firefighters and law enforcement officers who are killed in the line of duty to the spouses of fallen firefighters and law enforcement officers. The law also expands the definition of "law enforcement officer" to include game wardens, fire marshals, liquor enforcement officers and marine patrol officers.

**LD 428                      An Act to Clarify Tuition Rates for Middle School Students                      ONTP**

<u>Sponsor(s)</u> NUTTING		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 428 proposed to extend the provisions that cover secondary school attendance in another administrative unit and tuition for that attendance to middle school students. In doing so, the bill would have required that the maximum allowable tuition charge for public middle school attendance would be no higher than the state average per pupil middle student cost.

**LD 432                      An Act to Allow Municipalities to Set Tuition Rates for Nonresident Students                      ONTP**

<u>Sponsor(s)</u> GIERINGER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 432 proposed to allow school units to establish tuition rates for nonresident students based on actual cost, but not exceeding that cost. It would have eliminated the current maximum allowable tuition based on the state average per public secondary school student.

**LD 463                      RESOLUTION, Proposing an Amendment to the Constitution of                      DIED IN  
Maine to Ensure the Rights of Parents to Direct the Upbringing and                      CONCURRENCE  
Education of Their Children**

<u>Sponsor(s)</u> KASPRZAK HALL		<u>Committee Report</u> ONTP      MAJ OTP      MIN		<u>Amendments Adopted</u>
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LD 463 proposed an amendment to the Constitution of Maine to declare that parental rights to direct the upbringing and education of their children could not have been infringed and would have further authorized the Legislature to make laws that would have enforced this constitutional provision.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON P O'BRIEN	OTP-AM	S-127 S-169 PENDLETON P

LD 503 proposed that the Commissioner of Education be required to obtain from the Department of Public Safety, State Bureau of Identification state criminal history record checks and from the Federal Bureau of Investigation federal and other state criminal history record checks on individuals seeking initial certification or renewal as administrators, teachers or education specialists; individuals seeking authorization or renewal as education technicians; or other educational personnel seeking approval or renewal in this State from the Department of Education. Individuals to be covered by this requirement would include, but would not be limited to, school bus drivers, custodians, coaches and secretaries. All of these individuals have or potentially have direct contact with students. The purpose of this proposed bill is to protect the well-being of school-age students and to prevent applicants from omitting conviction information from applications, particularly when these convictions pertain to sex offenses, controlled substances, or violent crimes. The conviction data could be a factor used in considering the individual's fitness for renewal of certification, authorization or approval. The proposed bill would limit the dissemination of criminal history record information received by the Department of Education. This bill also references the procedures that the subject of a criminal history record check may follow for access to their criminal history record check.

**Committee Amendment "A" (S-127)** proposed to add an appropriation, an allocation and a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-169)** proposed to delay from January 1, 1999 to July 1, 1999 implementation of a requirement that the Commissioner of Education obtain from the Department of Public Safety, State Bureau of Identification state criminal history record checks and from the Federal Bureau of Investigation federal and other state criminal history record checks on individuals seeking initial certification or renewal as administrators, teachers or education specialists; individuals seeking authorization or renewal as education technicians; or other education personnel seeking approval or renewal in this State from the Department of Education.

#### *Enacted law summary*

Public Law, chapter 452 requires the Commissioner of Education to obtain federal and state criminal history record checks on individual teachers, administrators or education technicians applying for or renewing certification, as well as applicants for other educational positions in the state for whom authorization for approval or disapproval is sought from the Department of Education. This law allows conviction data to be used in considering an individual's fitness for hiring, authorization, and for approval or renewal of certification. The purpose of this law is to protect the welfare of students by preventing applicants for educational positions from concealing conviction information from applications, particularly when such convictions pertain to sex offenses, controlled substances, or violent crimes. This law also limits the dissemination of criminal history record information received by the Department and provides a mechanism for applicants to access this information.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTH	OTP-AM MAJ ONTP MIN	H-229 S-361 MICHAUD

LD 505 proposed to establish a tuition rate for nonresident pupils attending school in the unorganized territory and to eliminate unnecessary taxation to reflect existing practices, two of the recommendations of the Commissioner's Task Force on the Status of Education in the Unorganized Territory.

**Committee Amendment "A" (H-229)** proposed to qualify the per pupil tuition charge that the Commissioner of Education shall establish annually for nonresident pupils attending an elementary school in the unorganized territory. The commissioner would be authorized to establish the per pupil tuition charge at 125% of the state average expenditure per elementary pupil or at the receiving school administrative unit's actual expenditure per elementary pupil, whichever is less. This amendment also proposed to add a fiscal note to the bill.

**Senate Amendment "A" (S-361)** proposed to eliminate the portion of the bill that precluded the Department of Education from including certain state retirement costs of the education in the unorganized territory program when preparing the education portion of the municipal cost component.

*Enacted law summary*

Public Law, chapter 535 authorizes the Commissioner of Education to establish a tuition rate for nonresident pupils attending school in the unorganized territory. The commissioner is authorized to establish the per pupil tuition charge at 125% of the state average expenditure per elementary pupil or at the receiving school administrative unit's actual expenditure per elementary pupil, whichever is less.

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

LD 556 proposed to establish the Study Group to Examine the Issue of School Choice. The study group would have submitted its report and plan for a pilot project to initiate a school choice program for grades K-12 to the Second Regular Session of the 118th Legislature.

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

LD 586 proposed to require that students in kindergarten to grade 6 be screened for vision-related learning difficulties including close range focusing problems and accommodative deficiencies.

**LD 600**                      **Resolve, Directing the Department of Education to Review the Laws**                      **ONTP**  
**Governing Applied Technology Centers and Regions**

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

LD 600 proposed to direct the Department of Education, in consultation with the Maine Council on Vocational Education, to review and propose clarifications to the laws governing applied technology centers and applied technology regions (see LD 1048).

**LD 623**                      **An Act to Provide Opportunities for Choice within the**                      **CARRIED OVER**  
**Public School System**

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

LD 623 proposes to broaden public education options for parents and students and to provide that residence would no longer be a prerequisite for enrollment in a school administrative unit. A student may attend the public school of the student's choosing subject to some limitations. A school unit may limit the percentage of students who may choose to attend school in another unit if the loss of students creates a hardship, subject to rules established by the Commissioner of Education. Changes proposed to the School Finance Act of 1985 would provide an incentive for each school to maintain or increase enrollment levels by allowing funding to "follow" the student. The commissioner would be responsible for the coordination and implementation of this enrollment options program.

The bill would prohibit a school administrative unit that does not maintain one or more grades from kindergarten to grade 12 and has not contracted with another school administrative unit for school services from participating in the enrollment options program. The enrollment options program would not restrict the right of a school administrative unit to contract with another school administrative unit to provide school services or the right of a school administrative unit to receive tuition payment for educating a student from another school administrative unit.

The bill proposes to restrict the special education costs that must be borne by a school administrative unit that accepts a nonresident student with special education needs through the enrollment options program. The cost would be limited to the state average tuition cost. Costs in excess of the state average tuition cost would be paid by the sending school administrative unit. The bill requires a representative of the sending school administrative unit to participate in all meetings concerning provision of special education services to the student.

The bill further proposes to establish a review of the enrollment options program after five years of operation. The program could continue for a maximum of six years and the Legislature must approve continuation of the program past the sixth year. The bill would also change a definition in the Maine Revised Statutes, Title 20-A to clarify funding for students who participate in the enrollment options program.



Each school district superintendent would also be required to send information to the Department of Education about the number of requests for transfer into that district and the outcome of those requests. This bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 639**                      **An Act Regarding the Filing of School Administrative Reports**                      **ONTP**

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

LD 639 proposed to amend current law so that the Commissioner of Education could not withhold a school administrative unit's state subsidy as long as reports were filed by October 15th. It also would have limited the withholding to 10% of the state subsidy and would only have allowed the commissioner to withhold 10% when that withholding was imposed on all school units that failed to meet the October 15th deadline. Under current law, the commissioner may withhold a school administrative unit's state aid and the State Treasurer must withhold such state aid if the unit has failed to file a report or provide information required by law. Some of these reports are required by July 15th, which is only 15 days after the end of the school year.

**LD 654**                      **An Act to Amend the Charter of the University of Maine**                      **ONTP**

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

LD 654 proposed to prohibit the trustees of the University of Maine System from increasing tuition or reducing faculty or course offerings unless they also implemented a 20% reduction in administrative costs.

**LD 684**                      **An Act to Organize Schools in the Unorganized Territory as a Single School Administrative Unit**                      **ONTP**

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

LD 684 proposed to require the Commissioner of Education to form and operate a single school administrative district covering the schools in the unorganized territory in order to reduce the cost of education. It further proposed to require that the per-pupil cost in the new district not exceed the state average.

**LD 685**                      **An Act to Limit Reimbursement for Administrative Expenses Based on the Size of a Local Educational Unit**                      **ONTP**

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

LD 685 proposed to require that a school administrator serve more than 3,500 students or more than 20 towns in order for the school unit to be reimbursed for the salaries and related benefits of the administrator.

**LD 694**                      **An Act to Repeal the Guiding Principles of the Learning Results System**                      **ONTP**

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

LD 694 proposed to repeal the guiding principles that current law requires the Department of Education and the State Board of Education to use in developing a statewide system of learning results.

**LD 697**                      **An Act to Give Municipal Officials Oversight of School Administrative District Budgets**                      **ONTP**

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

LD 697 proposed to require that school administrative district budgets receive approval of the municipal officials of the district prior to submitting the budget to the voters of the school district for final approval.

**Committee Amendment "A" (H-350)** This amendment, the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to replace the bill. It would have used the county budget advisory committee process as a model for allowing school administrative districts to establish a school district budget committee consisting of municipal officers and school board members. The school board would still have prepared a budget for the district, but would then have submitted it to the budget committee. The budget committee would have been responsible for the final budget that was to be submitted to the voters of the school district. This amendment would also have added a mandate preamble and a fiscal note to the bill.

**LD 701                                      Resolve, to Establish a Tuition Rate for the Town of Dennysville                                      ONTP**

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

LD 701 proposed to establish the tuition charge for students from Dennysville attending Edmunds School, an Unorganized Territory school, for the 1997-98 school year. The need to adopt legislation on behalf of the Town of Dennysville has been eliminated with the enactment of legislation (LD 505) that establishes a tuition rate for every tuition student in the State who attends an Unorganized Territory school.

**LD 705                                      An Act to Amend the Laws Regarding the Approval Process of Budgets of School Administrative Districts                                      ONTP**

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

LD 705 proposed to prohibit the board of directors of a school administrative district from resubmitting to voters, for one year, any ballot or warrant measure that if approved would have the net effect of increasing the district's overall local school tax assessment beyond the current approved amount. This prohibition would have applied in the event a school district budget, or any portion of a budget, was not approved by voters on the first referendum vote.

**LD 714                                      An Act to Prohibit the Hiring of Tutors in Lieu of Employing Education Technicians                                      ONTP**

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

LD 714 proposed to eliminate the ability of school administrative units to bypass collective bargaining agreements by hiring employees classified as "tutors" rather than as "education technicians." The bill would also have limited the State Board of Education's approval of semiprofessional personnel to Education Technicians I, II and III.

**LD 721                                      An Act to Reduce School Truancy                                      ONTP**

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

LD 721 proposed to increase the age for compulsory attendance at school from under 17 years to under 18 years. The bill would have also established a study committee to study habitual truancy.

**LD 754**                      **Resolve, to Create a Study Committee to Examine School Union Organization and Governance Issues**                      **ONTP**

<u>Sponsor(s)</u> PIEH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 754 proposed to direct the Joint Standing Committee on Education and Cultural Affairs to convene a study committee comprised of representation from parties with an interest in education to examine school union organization and governance issues and to submit its report to the Joint Standing Committee on Education and Cultural Affairs by December 15, 1997.

**LD 793**                      **An Act to Require that Medication in Schools be Administered by Licensed Personnel**                      **ONTP**

<u>Sponsor(s)</u> PENDLETON P LEMAIRE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 793 proposed to permit only licensed personnel to administer medication in the public schools or approved private schools.

**LD 801**                      **An Act to Strengthen the Complaint Investigation Process Regarding Students with Disabilities**                      **ONTP**

<u>Sponsor(s)</u> PENDLETON P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 801 proposed that the Commissioner of Education be required to adopt a comprehensive set of rules and standards governing the investigation and resolution of complaints concerning exceptional students. These rules would have included: a notification procedure for parents; requirements for complaint acknowledgment and on-site monitoring; and a model complaint form. This bill would have also authorized the complaint investigator to order any relief that may be ordered by a hearing officer in a due process hearing.

**LD 811**                      **An Act to Integrate Sources of Support for Children with Special Needs**                      **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 811, a concept draft, proposed to integrate sources of financial support for children with special needs in the Department of Education; the Department of Human Services; the Department of Mental Health, Mental Retardation and Substance Abuse Services; and the Department of Corrections into a single system with common funding in order to assist children with special needs.

**LD 815**                      **An Act to Integrate Teacher Retirement and Other Educational Support Funds into the System for Distributing General Purpose Aid to Education**                      **ONTP**

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

LD 815, a concept draft, proposed to take the money that is currently allocated annually to fund retirement for teachers and school district employees and funds for construction and transportation and integrate them all into the general purpose aid formula. The bill also sought to require school units to fund retirement for their own teachers and employees after July 1, 1998.

**LD 833**                      **An Act to Amend the Charter of Foxcroft Academy**                      **P & S 25 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROSS HALL	OTP-AM	H-223

LD 833 proposed to increase the number of trustees for Foxcroft Academy.

**Committee Amendment "A" (H-223)** proposed to add an emergency preamble and an emergency clause to the bill to enable the Trustees of Foxcroft Academy to expand the number of board members as soon as possible after approval of the bill.

*Enacted law summary*

Private and Special Law 1997, chapter 25 expands the number of trustees for Foxcroft Academy to as many as twenty-one members. This bill was enacted as an emergency measure effective on May 15, 1997.

**LD 846**                      **An Act to Have One Standard of Measurement for School State Assessment Examinations**                      **ONTP**

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

LD 846 proposed to prohibit the practice of using socio-economic status comparison bands in the state educational assessment program. State and school profile reports would have been required to use categories that are uniform for each school in comparing student performance.

**LD 852**                      **An Act to Prohibit the State from Dictating Educational Curricula**                      **ONTP**

<u>Sponsor(s)</u> VEDRAL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 852 proposed to place the control over educational curricula with local school administrative units.

**LD 854**                      **An Act Regarding the Obligation of the State to Fund Adult Education**                      **INDEF PP**

<u>Sponsor(s)</u> BERRY D		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 854 proposed to direct the Legislature to restore full funding of the State's obligation under the adult education law. It further proposed to establish a four-year period to attain full funding and would have required full funding each year after that time (see also LD 1538).

**Committee Amendment "A" (H-306)** proposed to replace the bill and add a fiscal note. The amendment would have ensured that funding for the state subsidy for public school adult education in fiscal year 1999-2000 and every year thereafter would increase in proportion to any increase in state funding for the general purpose aid subsidy for public schools for kindergarten to grade 12. This Act would have taken effect July 1, 1999. The amendment was not adopted.

**LD 856**                      **Resolve, to Review Special Education Laws to Determine if They Exceed Federal Requirements**                      **ONTP**

<u>Sponsor(s)</u> MCELROY MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 856 proposed to direct the Commissioner of Education to review the laws and rules governing special education to determine whether they exceed federal requirements. The commissioner would have been directed to take the necessary steps to amend rules to conform them to federal requirements. The commissioner would have also been directed to report to the Joint Standing Committee on Education and Cultural Affairs no later than May 1, 1997.

LD 857

**Resolve, to Require the Department of Education to Review the Methods Used to Determine the Tuition Rates of a Receiving School for a Student from Another School District**

**RESOLVE 75  
EMERGENCY**

Sponsor(s)  
MCELROY

Committee Report  
OTP-AM

Amendments Adopted  
H-305  
S-397 MICHAUD

LD 857 proposed that the Commissioner of Education be required to determine the appropriate tuition rate that should be paid to a receiving school for a student who is educated in a school other than one located in the municipality in which the student lives and to report to the Joint Standing Committee on Education and Cultural Affairs no later than November 15, 1997.

**Committee Amendment "A" (H-305)** proposed to replace the resolve and would have authorized the Commissioner of Education to establish a task force to review the current methods used by the State and local school administrative units to determine tuition reimbursement rates for students who are educated in a school administrative unit other than their own or in a private school. In reviewing these methods, the task force would examine school finance and governance issues in public schools, kindergarten to grade 12. The task force would report its findings and any recommended legislation to the Joint Standing Committee on Education and Cultural Affairs on or before January 15, 1998. This amendment would also change the title of the resolve to more accurately reflect the legislation in the resolve.

**House Amendment "A" to Committee Amendment "A" (H-448)** proposed to require the legislative member of the task force to be appointed jointly by the President of the Senate and the Speaker of the House. The amendment would give that legislative member legislative per diem and expenses and would also add an appropriation section to the committee amendment. This amendment would also change the reporting date to January 1, 1998. The amendment was not adopted.

**Senate Amendment "A" to Committee Amendment "A" (S-397)** proposed that the Department of Education rather than the task force be required to conduct the study.

***Enacted law summary***

Resolve 1997, chapter 75 authorizes the Department of Education to review the current methods used by the State and local school administrative units to determine tuition reimbursement rates for students who are educated in a school administrative unit other than their own or in a private school. In reviewing these methods, the department will examine school finance and governance issues in public schools, kindergarten to grade 12. The department will report its findings and any recommended legislation to the Joint Standing Committee on Education and Cultural Affairs on or before January 1, 1998. This bill was enacted as an emergency measure effective on June 12, 1997.

**LD 861**                      **An Act to Require That School Administrative Units Provide Additional Appropriate Personnel When Transporting Students with Special Needs**                      **ONTP**

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

LD 861 proposed to provide special-needs students with safer bus transportation to and from school.

**LD 872**                      **An Act to Clarify Certain Provisions of Law Relating to the Method of Sharing of School Costs in the Wells-Ogunquit Community School District**                      **ONTP**

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

LD 872 proposed to repeal the current sharing of school costs between the towns of Wells and Ogunquit based on state valuation and proposed to replace it with a sharing of costs based on the number of pupils in the school from each town.

**LD 873**                      **Resolve, to Appoint a Study Group to Determine How to Consolidate and Preserve the Health Sciences Library in Maine**                      **RESOLVE 12**

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

LD 873 proposed that the State Librarian be authorized to establish a study group to determine the health sciences resources available in State Government and to develop a plan for preserving those resources.

***Enacted law summary***

Resolve 1997, chapter 12 authorizes the State Librarian to establish a study group to determine the health sciences resources available in State Government and develop a plan for preserving those resources.



**LD 929**                      **An Act to Amend the School Construction Laws to Allow School Construction Projects That Expand Existing School Facilities beyond 8,000 Square Feet to Be Eligible for State School Construction Subsidies**                      **ONTP**

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

LD 929 proposed to direct the State Board of Education to revise the rules and approval criteria for the use of state school construction subsidies. Under this bill, the state board would have been charged with reviewing and adopting school construction approval rules that allow school construction projects that expand existing school facilities beyond 8,000 square feet to be eligible for state school construction subsidies.

**LD 947**                      **An Act to Include Youth in Public Service**                      **ONTP**

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

LD 947 proposed to involve the youth of the State in public service. The bill would have required school boards and municipal legislative bodies to select secondary school students to serve as nonvoting members on those bodies. The bill further proposed to direct the State Planning Office to review state organizations, including boards and commissions, to determine on which ones it would be appropriate to place student members.

**LD 953**                      **An Act to Ensure That the Technical College System Is More Responsive to the Needs of the State**                      **ONTP**

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

LD 953 proposed to promote the development and implementation of courses and degrees at the technical colleges that are relevant to Maine's employment needs.

**LD 973**                      **An Act to Allow Towns within a Community School District to Vote on a School Budget by Referendum**                      **ONTP**

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

LD 973 proposed to provide an alternative voting procedure allowing district towns of a community school district to vote on a budget by a district-wide referendum. This procedure would have been similar to the alternative voting procedure currently available to school administrative districts.

**LD 1010                      An Act Regarding Nonresident School Tuition                      ONTP**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1010 proposed to extend the insured value factor provision currently in effect for private secondary schools to public secondary schools. When a school administrative unit agrees to accept tuition students from another municipality, the insured value factor enables the receiving school to assess a somewhat higher tuition rate to compensate for their operating costs.

**LD 1012                      Resolve, to Require the Department of Education to Develop a Framework for the Study of Social Studies in Public Schools                      ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1012 proposed to direct the Department of Education to create a task force to develop a social studies framework for use by local schools in developing curriculum.

**LD 1036                      Resolve, to Review the Components of the Operating Costs in the School Finance Formula                      ONTP**

<u>Sponsor(s)</u> MCELROY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1036 proposed to require the Commissioner of Education to review the components of the operating costs in the school funding formula to determine whether the existing operating costs in the school funding formula should continue to be included and report to the Joint Standing Committee on Education and Cultural Affairs no later than November 15, 1997.

**LD 1045                      Resolve, to Create the Task Force on Research and Development Investment                      CARRIED OVER**

<u>Sponsor(s)</u> BIGL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1045 proposes to create the Task Force on Research and Development Investment to determine the appropriate level of capital and human resource investment necessary to enhance Maine's ability to develop projects that can lead to the creation of new businesses and jobs. This bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1048**                      **Resolve, to Establish a Task Force to Review the Applied Technology Centers and Applied Technology Regions**                      **RESOLVE 74**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCELROY	OTP-AM	H-320 S-398 MICHAUD

LD 1048 proposed to establish the Task Force to Review the Regional Applied Technology Centers

**Committee Amendment "A" (H-320)** proposed to replace the resolve by expanding the scope of the task force review to include both applied technology centers and applied technology regions. The task force would review governance relationships and organizational structures, finance and cost-sharing arrangements and program direction and development issues related to applied technology centers and applied technology regions. The task force would report its findings and any recommended implementing legislation to the Joint Standing Committee on Education and Cultural Affairs by January 1, 1998. Finally, this amendment changes the title of the resolve and adds a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-449)** proposed to require the legislative member of the Task Force to Review the Regional Applied Technology Centers to be appointed jointly by the presiding officers and gives the legislative member legislative per diem and expenses. The amendment as not adopted.

**Senate Amendment "A" to Committee Amendment "A" (S-226)** proposed to add an additional legislative member to the Task Force to Review the Applied Technology Centers and Applied Technology Regions; and to provide that the two legislative members, one of whom must be a member of the Joint Standing Committee on Education and Cultural Affairs and one of whom must be a member of the Joint Standing Committee on Legal and Veterans' Affairs, would be appointed jointly by the President of the Senate and the Speaker of the House. The amendment would also give the legislative members per diem and expenses. The amendment would also require the task force to review the issue of competition with the private sector, including strategies to minimize that competition. The amendment as not adopted.

**Senate Amendment "B" to Committee Amendment "A" (S-398)** also proposed that the task force review competition with the private sector, including strategies to minimize that competition. The amendment further proposed to specify that only legislative members of the task force are entitled to per diem and reimbursement for expenses.

***Enacted law summary***

Resolve chapter 74 establishes the task force to review the applied technology centers and applied technology regions. The task force will review governance relationships and organizational structures, finance and cost-sharing arrangements, competition with the private sector, and program direction and development issues related to applied technology centers and applied technology regions. The task force will report its findings and any

recommended implementing legislation to the Joint Standing Committee on Education and Cultural Affairs by January 1, 1998.

**LD 1080                      An Act to Establish Public Charter Schools                      ONTP**

<u>Sponsor(s)</u> BARTH AMERO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1080 proposed to authorize the establishment of charter schools within the State and would have set forth eligibility, application and funding requirements for charter schools.

**LD 1085                      An Act to Give Authority to Set Acreage Necessary for Building or Reconstruction of Schools Solely to the Local Authorities                      ONTP**

<u>Sponsor(s)</u> SKOGLUND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1085 proposed to remove the requirement that the state board approve the amount of acreage to be used for a school construction project.

**LD 1099                      An Act to Modify School Construction Laws for Renovation Projects                      ONTP**

<u>Sponsor(s)</u> KERR MICHAUD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1099 proposed to allow the Board of Education to approve funding for small scale construction projects if 50% of the funding comes from the local school administrative unit and the project cost does not exceed \$150,000. The state board would have been authorized to approve up to \$500,000 for eligible projects annually.

**LD 1109                      An Act to Amend the State Share Percentage for Public School Tuition Students                      ONTP**

<u>Sponsor(s)</u> RUHLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1109 proposed to change the tuition calculation for a student who is not a state ward, a state agency client or a homeless child attending school in a school administrative unit other than the one where the student has a permanent residence. Currently, the tuition amount for such a student is the greater of the state share percentage of the unit in

which the student's parent or legal guardian resides or the average state share percentage. This bill proposed to replace the "average state share percentage" in that tuition determination with the "maximum allowable tuition."

**LD 1121**

**An Act to Enhance Parental Involvement in Developing Educational Programs for Students with Disabilities**

**PUBLIC 441**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON P SKOGLUND	OTP-AM MAJ ONTP MIN	S-332

LD 1121 proposed that the Department of Education would be required to adopt rules to enhance parental involvement as fully informed partners in developing educational programs for a student with a disability and to increase parental involvement in the identification of a disability.

The bill would have required that the parents of a student with a disability be included in all meetings concerning that student, be informed of the right to bring outside experts, consultants, attorneys and advocates to the meetings, and that all participants in the meetings must accord each other appropriate respect. It also would have required that, when a meeting is held concerning an evaluation of a student with a disability, the significance of the evaluation would be explained to the student's parents at least one week before the meeting. The bill would further require the school administrative unit to keep minutes of all meetings concerning a student with a disability and distribute them to the student's parents.

The bill would mandate the order, as listed in the Maine Revised Statutes, Title 20-A, section 7209, subsection 7, of the issues at every review in which the Individual Education Plan of a student with a disability would be altered.

**Committee Amendment "A" (S-332)**, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, replaced the bill and proposed to require that a parent, surrogate parent or guardian first must attempt to resolve alleged noncompliance with special education statutes through discussions with the local school administrative unit before filing a written complaint to the Commissioner of Education to investigate noncompliance. Failure to do so would bar the parent, surrogate parent or guardian from recovering attorney's fees in any subsequent proceedings on the matter.

***Enacted law summary***

Public Law 1997, chapter 441 requires that a parent, surrogate parent or guardian first must attempt to resolve alleged noncompliance with special education statutes through discussions with the local school administrative unit before filing a written complaint to the Commissioner of Education to investigate noncompliance. Failure to do so will bar the parent, surrogate parent or guardian from recovering attorney's fees in any subsequent proceedings on the matter.

**LD 1124**                      **Resolve, Requiring the Department of Education to Replace the Building Code for Schools**                      **ONTP**

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1124 proposed that the Department of Education be required to replace the building code, known as "BOCA," that currently applies to school buildings with a safe, secure, reliable building code that is a recognized industry standard but would be less expensive to school districts.

**LD 1141**                      **Resolve, Regarding School Construction and Renovation Projects**                      **ONTP**

<u>Sponsor(s)</u> THOMPSON BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1141 proposed that any school administrative unit already placed on the State Board of Education's protected list for school construction project is not subject to the newly adopted renovation policy.

**LD 1144**                      **An Act Pertaining to Parental Access to School Records**                      **PUBLIC 415**

<u>Sponsor(s)</u> LANE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-670
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LD 1144 proposed that a school unit would be required to provide written notification upon request to a parent of all school activities and programs that require or include parental participation, involvement, notification or awareness. It would further have required school units to make available to parents all records relating to their child's education and school activities, including curriculum, standardized tests and results and medical history. The provisions of this bill would not have applied to a parent denied parental rights and responsibilities in a court order.

**Committee Amendment "A" (H-670)** proposed to replace the original bill and would have provided for notification to a parent of all school activities and programs for which parental notification or involvement may be in the best interest of the student, regardless of whether or not the student resides with the parent. The amendment would retain the exemption in the original bill that does not allow a parent who has been denied parental rights by court order access to school activities and programs.

***Enacted law summary***

Public Law 1997, chapter 415 provides for notification to a parent of all school activities and programs for which parental notification or involvement may be in the best interest of the student, regardless of whether or not the student resides with the parent. The law does not apply to a parent denied parental rights and responsibilities in a court order.

**LD 1147**

**An Act to Ensure Consistency Between State and Federal Special Education Requirements**

**PUBLIC 338**

Sponsor(s)  
CLUKEY

Committee Report  
OTP-AM

Amendments Adopted  
H-543

LD 1147 proposed to ensure that state and federal special education requirements are consistent and that any rule currently in place or to be adopted not exceed federal regulations concerning special education requirements. The bill would require the Department of Education to identify provisions of a proposed rule anticipated to be more stringent than the corresponding federal statute or regulation and explain the justification for the difference. It would further subject any rule concerning special education currently in existence to the same review requirements.

**Committee Amendment "A" (H-543)** proposed to remove an incorrect reference and changes the reporting date to December 15, 1997. This amendment would also add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 338 requires that the Department of Education ensure that state and federal special education requirements are consistent and that any rule currently in place or to be adopted not exceed federal regulations concerning special education requirements. The law also requires the department to identify provisions of a proposed rule anticipated to be more stringent than the corresponding federal statute or regulation and to explain the justification for the difference. The law further subjects all special education regulations currently in existence to the same review requirements. The department shall report the results of this evaluation of current special education regulations to the Joint Standing Committee on Education and Cultural Affairs on or before December 15, 1997.

**LD 1149**

**An Act to Protect Local Education Agencies from Excess Costs Attributable to Special Education Students**

**ONTP**

Sponsor(s)  
CHARTRAND  
PINGREE

Committee Report  
ONTP

Amendments Adopted

LD 1149 proposed to increase a school administrative unit's state share of subsidy up to the amount of the placement cost in the event of budgetary hardship caused by costs of residential placement of a student with a disability. This bill would have further required a school administrative unit to petition the Commissioner of Education to obtain an increase in state share and the Legislature to appropriate funds for this adjustment in state subsidy.

**LD 1158**

**An Act to Amend the Laws Concerning Special Education of Exceptional Students**

**ONTP**

Sponsor(s)  
CHARTRAND

Committee Report  
ONTP

Amendments Adopted

LD 1158 proposed to amend the definition of an exceptional student under the special education laws by substituting impairment of emotional functions for impairment of behavior and by providing a definition of "serious emotional disturbance." The bill also proposed to clarify that a significant change of program for, or placement of, an exceptional student is one that is in excess of 10 consecutive days.

**LD 1164**

**An Act to Amend the Laws Regarding Child Development Services**

**ONTP**

Sponsor(s)  
FARNSWORTH  
LIBBY

Committee Report  
ONTP

Amendments Adopted

LD 1164 proposed to clarify the role of the regional sites in the operation of the Child Development Services System. This bill also proposed to establish a pilot project to be operated by the Department of Education to test the possibility of providing preschool services through local school units to children with special needs.

**LD 1165**

**An Act to Allow School Choice**

**ONTP**

Sponsor(s)  
SNOWE-MELLO  
AMERO

Committee Report  
ONTP

Amendments Adopted

LD 1165 proposed to establish the Comprehensive School Choice Program by phasing in over five years a system of vouchers for students who will attend private alternative education programs. It is the intent of the bill to improve the quality and efficiency of education in the State by encouraging nonpublic alternative education programs to compete with public school programs. It is further the intent of this bill to provide relief to the State's economy by partially subsidizing families who choose nonpublic education and relieving property taxpayers of the burden of supporting children in the public schools who would prefer to choose nonpublic alternatives.

The bill proposed to create the Comprehensive School Choice Office within the Department of Education to administer the program. This office would also be assisted by the School Choice Advisory Council. The office would administer the program, provide technical assistance and referral, and report on the program to the Governor and the Legislature.



**LD 1168**

**Resolve, to Reorganize the University of Maine System**

**CARRIED OVER**

Sponsor(s)  
LIBBY

Committee Report

Amendments Adopted

LD 1168 proposes to require the Legislative Council to draft legislation that reorganizes the governance and coordination structure of the University of Maine System by replacing the Board of Trustees of the University of Maine System with a coordinating board and seven campus boards of trustees. The Legislative Council may request assistance from the Office of the Chancellor of the University of Maine System, the Department of Education, the State Board of Education and the Joint Standing Committee on Education in drafting this legislation. This bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1187**

**An Act to Improve the Transition of People with Disabilities from Children's to Adult Services**

**PUBLIC 345**

Sponsor(s)  
BRENNAN

Committee Report  
OTP-AM

Amendments Adopted  
H-575

LD 1187 proposed that representatives of appropriate adult service agencies be required to participate in transition planning by attending pupil evaluation team meetings, or providing relevant information, related to the transition to adult services for students with disabilities who have attained 16 years of age or 14 years of age where appropriate. It would further require that the transition planning team complete documentation showing the anticipated service needs of these students upon aging out or graduation, and submit this documentation to the Department of Education. It would also require that the Department of Education transmit the data to the appropriate adult service agencies, which must show evidence of having used the data to develop their budget requests beginning with the biennium ending June 30, 2000.

**Committee Amendment "A" (H-575)** proposed to clarify the role of representatives of appropriate state service agencies participating in transition planning with pupil evaluation teams. The amendment would correct several references and change the date to June 30, 1999, at which time the state service agencies must show evidence of having used the data compiled in accordance with the bill to develop their budget requests.

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

***Enacted law summary***

Public Law 1997, chapter 345 requires representatives of appropriate state service agencies to participate in transition planning by attending pupil evaluation team meetings, or providing relevant information, related to the transition to state services for students with disabilities who have attained 16 years of age or 14 years of age where appropriate. The law also requires that the transition planning team shall annually complete documentation showing the anticipated service needs of these students upon aging out or graduation, and submit this annual documentation to the Department of Education. The law further requires that the Department of Education transmit the data to the appropriate state service agencies, which must show evidence of having used the data to develop their budget requests beginning with the biennium ending June 30, 1999.

**LD 1195**

**An Act to Establish Funding for Repair and Renovation Projects  
under the State School Construction Program**

**ONTP**

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

LD 1195 proposed to authorize that state funds be used for major repairs to a school building when the repairs are part of a school administrative unit's capital improvement plan and will extend the life of the school building. The bill also proposed to require the Department of Education and the State Board of Education to develop rules for the awarding of the funds.

**LD 1203**

**An Act Regarding Student Financial Aid Programs**

**ONTP**

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

LD 1203 proposed to require the Maine Educational Loan Authority to disclose the interest rate charges of all authority loans executed with postsecondary education students and to obtain the informed consent of student borrowers prior to making or consolidating an educational loan.

**LD 1207**

**An Act Concerning Authorization of Educational Technicians**

**PUBLIC 553**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMAIRE RAND	OTP-AM MAJ ONTP MIN	H-688 S-380 MICHAUD

LD 1207 proposed to incorporate the educational technician authorization into the laws governing certification of educational personnel.

**Committee Amendment "A" (H-688)**, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to extend the renewable educational technician authorization to grandfathered personnel and clarify that authorization will be renewed upon the completion of three credit hours of professional or academic study or in-service training. The amendment also proposed to allow school administrative units the option to develop local educational technician authorization systems under rules adopted by the Commissioner of Education. Finally, this amendment proposed to add a fiscal note to the bill.

**Senate Amendment "A" (S-380)** proposed to clarify that certain costs related to the authorization of educational technicians are not required to be paid by school administrative units, eliminating the state mandate.

***Enacted law summary***

Public Law 1997, chapter 553 incorporates the educational technician authorization into the laws governing certification of educational personnel. The law further extends the renewable educational technician authorization to grandfathered personnel and clarifies that authorization will be renewed upon the completion of 3 credit hours of professional or academic study or in-service training. The law also allows school administrative units the option to develop local educational technician authorization systems under rules adopted by the Commissioner of Education.

**LD 1209**                      **An Act Regarding the School Administrative District No. 46 Applied Technology Center**                      **ONTP**

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

LD 1209 proposed to eliminate the School Administrative District No. 46 applied technology center. The bill further proposed to require that School Administrative District No. 46 continue to make its applied technology programs available indefinitely to other school administrative units that wish to participate in such programs on a cost-sharing basis that charges an equal per student tuition charge to all such participating school administrative units, including School Administrative District No. 46 or on any other basis that is mutually agreeable to all such participating school administrative units and School Administrative District No. 46.

**LD 1229**                      **An Act to Authorize the Conversion and Reuse of the Perry Hayden Hall at Pineland Center as an Elementary School**                      **P & S 22 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTLAND	OTP-AM	S-178

LD 1229 proposed to authorize the Board of School Directors of Maine School Administrative District No. 15 to seek approval from the voters of the towns comprising the district to raise funds for the conversion of Perry Hayden Hall at Pineland Center for use as an elementary school. The proposed conversion project would replace the district's Russell Elementary School project that is presently on the special priority list of the State Board of Education and would eliminate the need for construction of a new Kindergarten to grade five elementary school. Maine School Administrative District No. 15 would not issue bonds for the permanent financing of this project until fiscal year 1998-99 and must treat \$82,500 of the debt service on the project for each of the first five years as locally funded debt service without state participation.

**Committee Amendment "A" (S-178)** proposed to clarify the authority of the State Board of Education to consider concept approval and fiscal funding approval in the same manner as other school construction projects and would allow the State Board of Education and the Commissioner of Education to approve the issuance of bonds for the project in fiscal year 1997-98. This amendment would also increase the new amount that Maine School Administrative District No. 15 is required to pay as locally funded debt service without state participation from \$82,500 per year to \$97,000 per year and increases the duration of those payments from five to 10 years. It would also raise funds for the conversion of Perry Hayden Hall at Pineland Center for use as an elementary school. This amendment further proposed to clarify the provision related to holding a local referendum vote. After receiving concept approval by the State Board of Education, this amendment would permit the Board of School Directors of

the Maine School Administrative District No. 15 to hold a referendum vote to consider the financing of the Perry Hayden Hall school construction project. Finally, this amendment proposed to add a fiscal note to the bill.

***Enacted law summary***

Private and Special Law 1997, chapter 22 authorizes the Board of School Directors of Maine School Administrative District No. 15 to seek approval from the voters of the towns comprising the district to raise funds for the conversion of Perry Hayden Hall at Pineland Center for use as an elementary school. The proposed conversion project would replace the district's Russell Elementary School project that is presently on the special priority list of the State Board of Education.

The law authorizes the State Board of Education to consider concept approval and fiscal funding approval in the same manner as other school construction projects and allows the State Board of Education and the Commissioner of Education to approve the issuance of bonds for the project in fiscal year 1997-98.

Maine School Administrative District No. 15 may not issue bonds for the permanent financing of this project until fiscal year 1998-99 and must treat \$97,000 of the debt service on the project for each of the first 10 years as locally funded debt service without state participation. This bill was enacted as an emergency measure effective on May 13, 1997.

**LD 1236**

**An Act to Amend the Laws Relating to State Agency Clients**

**PUBLIC 326**

Sponsor(s)  
SMALL

Committee Report  
OTP-AM

Amendments Adopted  
S-266

LD 1236 proposed to amend the statutes regarding state agency clients to conform with the new organizational structures in other state agencies. It also would have amended the definition of "state agency clients" as it pertains to students involved with the Department of Corrections and would have clarified the right to attend school for all state agency clients.

**Committee Amendment "A" (S-266)** proposed to limit the eligibility of Department of Corrections employees who could agree to the placement of a state agency client to those who are authorized by the department.

***Enacted law summary***

Public Law 1997, chapter 326 amends the statutes regarding state agency clients to conform with the new organizational structures in other state agencies. The law also revises the definition of "state agency clients" as it pertains to students involved with the Department of Corrections and clarifies the right to attend school for all state agency clients.

**LD 1260**

**An Act Allowing Schools to Remain on the School Construction Account Priority List**

**CARRIED OVER**

Sponsor(s)  
MURPHY

Committee Report

Amendments Adopted

LD 1260 proposes to establish that once a school administrative unit has an application for approval of a construction project on file with the State Board of Education, it may still seek or obtain local funding for a project. The bill would further require the state board to consider the initial application without regard to local funding or any construction that may have occurred while the project was on the priority list and requires the board to fund the project when the project rating allows concept and funding approval, based on the initial application. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1271**

**An Act Pertaining to Truancy**

**ONTP**

Sponsor(s)  
FERGUSON

Committee Report  
ONTP

Amendments Adopted

LD 1271 proposed that a student determined habitually truant may not hold the Department of Education, the Commissioner of Education or any school official liable if that student is illiterate. This bill further proposed to require the Secretary of State, upon notification by the commissioner of a determination of habitual truancy, to suspend the student's license or right to operate a motor vehicle for six months.

**LD 1273**

**An Act to Establish the Maine Center for Arts Education**

**INDEF PP**

Sponsor(s)  
AMERO  
SMALL

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted

LD 1273 proposed to establish the Maine Center for Arts Education. The center would be composed of a charter school in the Portland area and a student and a professional development institute, which would be established to utilize the arts in education to provide teacher training and other programs for all teachers on a statewide basis. The charter school would establish a series of regional arts education programs for artistically motivated students who have exhausted the available programs in their sending schools. The charter school is designed to be replicated in other areas of the State. This bill represented the recommendations of the Task Force on the Maine School of Visual and Performing Arts, established in Public Law 1993, chapter 706, Part B.

**Committee Amendment "A" (S-310)** proposed to alter the status of the Maine Center for Arts Education from a charter school to a public school. To accomplish this, the amendment would direct the board of trustees to consult with the Department of Education in developing the center's budget, permits the hiring of teachers who are not certified, would revoke the provision allowing the center to grant diplomas and would require that the trustees report annually to the Governor.

The amendment further proposed to establish that the board of trustees, in conjunction with the Maine Arts Commission, shall administer the professional development institute of the center so that professional development programs reach teachers in all parts of the State. This proposed amendment would also have added a fiscal note to the bill. The amendment was not adopted.

**LD 1274**                      **An Act to Include Training in Cardiopulmonary Resuscitation As a High School Graduation Requirement**                      **ONTP**

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

LD 1274 proposed to make certification in cardiopulmonary resuscitation a requirement for a high school diploma.

**LD 1281**                      **An Act to Require Individuals to Pass At Least 2 National Teachers Examination Core Battery Tests before Being Able to Be Recertified BY REQUEST**                      **ONTP**

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

LD 1281 proposed that teachers, teaching principals and curriculum coordinators seeking recertification be required to meet certain examination requirements within 10 years of the application for recertification. Applicants for recertification must receive passing scores in at least two of the three areas tested by the National Teachers Examination. The bill would have allowed temporary certification of teachers who have not met the examination requirements.

The bill further proposed that teachers seeking recertification to teach in a different subject area or grades, or seeking a different level of certification, be required to meet these certification requirements.

**LD 1295**                      **An Act Relating to Applied Technology in Western Washington County**                      **ONTP**

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

LD 1295 proposed to authorize the reorganization of an applied technology region for western Washington County. The reorganization would be authorized if a majority of the voters approve in a majority of the affected school units, rather than the two-thirds vote required under current law.

**LD 1308**                      **An Act to Authorize School Units to Consolidate Administrative Functions**                      **ONTP**

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

LD 1308 proposed to authorize school administrative units to enter into agreements for the cooperative employment of a school superintendent to perform administrative functions in those units.

**LD 1315**                      **An Act to Make the University of Maine System Board of Trustees an Elected Body**                      **ONTP**

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

LD 1315 proposed that the members of the Board of Trustees of the University of Maine System be elected, with one member elected from each county.

**LD 1325**                      **An Act to Make the State Board of Education Elected**                      **CARRIED OVER**

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

LD 1325 proposes that the 16 members of the State Board of Education be elected, with one member elected from each county. The elected board would make all policy for the Department of Education and may recommend education policy to the Legislature. The bill further proposes to direct the Commissioner of Education to study and report to the state board on the feasibility of restructuring the department. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1329**                      **An Act to Amend the Reimbursement Policy Pertaining to Vocational Education**                      **ONTP**

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

LD 1329 proposed to require that state aid for applied technology centers, regions and satellite programs be provided at the same level.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL	OTP-AM	S-188

LD 1337 proposed to make some changes to the education laws of the State of Maine. It would revise the designation of commissioner appointments within the Department of Education, and also revise the provisions of calculating elementary and secondary tuition rates to be consistent with each other. The bill further proposed to extend the reporting deadline for the State Board of Education on the issue of essential programs and essential services. It would also increase the percentage of voters in a municipality required to approve a withdrawal petition from a school administrative district. It would move the authority of approval of licensing of barbering and cosmetology schools from the Department of Education to the Department of Professional and Financial Regulation. It would clarify how to calculate the cost to a town in a school administrative district if it votes to keep an elementary school open against the wishes of the school administrative district school board. It would repeal language providing for the teacher candidate employment registry within the Department of Education. It would provide that the professional teacher certificate is the entry level, renewable certificate for an individual seeking certification only as an adult education teacher or an individual seeking from birth to under age six endorsements. It would require that, upon the request of a local school administrative unit, a private school approved for the receipt of public funds and private schools approved for attendance purposes only must release copies of student records for students transferring from the private school to the local school administrative unit.

**Committee Amendment "A" (S-188)** proposed to strike section 3 from the bill and leaves the statutory provision allowing voters of a member municipality to petition for withdrawal from a school administrative district with a simple majority vote in place. This amendment further proposed to strike sections 20 and 21 from the bill since these provisions refer to actions already approved in Public Law 1997, chapter 24. Finally, this amendment would add an allocation section and a fiscal note.

#### *Enacted law summary*

Public Law 1997, chapter 266 make several changes to the education laws of the State of Maine. The law revises the designation of commissioner appointments within the Department of Education, and also revises the provisions of calculating elementary and secondary tuition rates to be consistent with each other. The law also moves the authority of approval of licensing of barbering and cosmetology schools from the Department of Education to the Department of Professional and Financial Regulation. The law clarifies how to calculate the cost to a town in a school administrative district if it votes to keep an elementary school open against the wishes of the school administrative district school board. The law repeals language providing for the teacher candidate employment registry within the Department of Education. It also provides that the professional teacher certificate is the entry level, renewable certificate for an individual seeking certification only as an adult education teacher or an individual seeking from birth to under age six endorsements. The law further requires that, upon the request of a local school administrative unit, a private school approved for the receipt of public funds and private schools approved for attendance purposes only must release copies of student records for students transferring from the private school to the local school administrative unit.



**LD 1338**

**An Act to Restructure Public Higher Education**

**ONTP**

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

LD 1338 proposed to reorganize the governance structure of the University of Maine System. The bill proposed to accomplish the following:

1. It would have provided for the administration of central services by creating the Board of Review of the University of Maine System.
2. It would have transferred certain powers of governance from the University of Maine System to the institutions of public higher education within the University of Maine System by creating an individual governing board for each institution.
3. It would have created a nonprofit foundation to be known as the "Maine Higher Education Foundation" for the purpose of assuming care, control and the power to dispose of assets held by the University of Maine System on the effective date of this Act, including the power to make grants to institutions within the University of Maine System for financial aid, research, public service and other campus purposes.
4. It would have required the Education Coordinating Committee to conduct a study addressing the methods of financing for public higher education and possible alternatives to the current financial arrangement.

**LD 1340**

**An Act to Establish a Public Education Assessment Advisory Commission**

**CARRIED OVER**

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

LD 1340 proposes to establish the Public Education Assessment Advisory Commission to oversee the continuing improvement to the system of learning results established pursuant to the Maine Revised Statutes, Title 20-A, section 6209 and the development of the statewide education assessment program and other state and local assessment mechanisms for implementing the learning results system. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1341**

**An Act to Improve Maine's School Construction Laws**

**ONTP**

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

LD 1341 proposed to make the following changes to the laws governing school construction projects:

1. It would have repealed the provision, enacted in the 117th Legislature, that permits the Bureau of General Services to assess school administrative units the reasonable cost of services provided by the bureau of school construction projects.
2. It would have increased the maximum debt service limit for school construction projects in 1999 from \$69,000,000 to \$81,000,000 and in 2000 from \$70,000,000 to \$81,000,000.
3. It would have directed the Bureau of General Services to adopt rules to ensure that state and local suppliers are used; nonspecific bidding is required; the standard contract between the school and the architects includes a scale for maximum architect fees and a scale for architect errors and omissions insurance levels; and that all subcontractors work only under the architect's contracts.
4. It would have directed the Department of Education to develop a proposal to require that all school construction projects, movable equipment and technology be paid for by a combination of the state share percentage and the local share percentage for debt service costs.

**LD 1353**

**An Act to Establish a Pilot School Choice Program**

**ONTP**

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

LD 1353 proposed to require the Department of Education to establish by rule the pilot School Choice Program in elementary education in a minimum of one school administrative district or union. The program would allow a parent or guardian to transfer a child to a public school or an approved, nonsectarian private school of the parent's or guardian's choice. The bill also proposed to require the sending municipality as defined in the Maine Revised Statutes, Title 20-A, section 15652, to pay \$2,000 for each child to the receiving school for tuition assistance.

**LD 1355**

**An Act to Fully Fund Local Education with Income and Sales Tax Revenues**

**ONTP**

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

LD 1355 proposed to provide General Fund appropriations to the Department of Education to fully fund the cost of education for students in kindergarten through grade 12. Reductions in funding for all other departments and agencies are proposed to fund these additional education costs. The Department of Education and the State Budget Officer are directed to submit any proposed legislation required to implement the provisions of this bill by January 16, 1998.

**LD 1363**

**Resolve, that the Department of Education Establish a Grant Program to Promote Consolidation and Efficiency in Education**

**ONTP**

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

LD 1363 proposed to direct the Commissioner of Education to establish a grant program funded from the General Purpose Aid account, not to exceed \$200,000 in any one year, for the purpose of promoting efficiency and consolidation in the local school districts.

**LD 1365**

**Resolve, to Change the Name of the University of Maine at Augusta to Maine State University**

**ONTP**

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

LD 1365 proposed to require the Board of Trustees of the University of Maine System to separate the University of Maine at Augusta from the University of Maine System. This resolve would also direct the Board of Trustees of the University of Maine System to change the name of the University of Maine at Augusta to Maine State University and to report any necessary legislation that accomplishes these changes to the Governor and the Legislature by December 1, 1997.

**Committee Amendment "A" (H-353)**, the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to add a fiscal note to the resolve.

**LD 1394**

**An Act to Establish a State Residential Treatment Center for Certain Students**

**ONTP**

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

LD 1394 proposed to allow the Department of Education to establish, by rule, one or more state residential treatment centers for primary and secondary education students to improve achievement for those students who cannot be placed in other private residential placements. A public school or any portion of it may be developed as a center. A center must comply with state law to receive state funding. The bill also proposed to require a center to enroll all exceptional students, for whom school administrative units have been unable to construct a program within the unit or locate an appropriate in-state program, unless the number of applications exceeds capacity, to give preference to eligible students who are Maine residents who present the greatest need and to consider for admission a Maine student in need of residential treatment before that student is placed outside the state.

The bill proposed to prohibit a center from limiting admission based on certain criteria listed in the Maine Revised Statutes, Title 20-A, section 7505, subsection 4, paragraph C, but allow a center to limit admission to students within a special age group.

The bill also proposed to require a center to be financed by the General Fund and would require the Commissioner of Education to develop guidelines for determining various costs. The commissioner is given the authority to operate and supervise a center to provide education for students with severe emotional disorders.

The bill also proposed to require the superintendent of the school administrative unit in which a student resides to apply for enrollment in a center, in accordance with regulations and guidelines set by the commissioner. The unit's pupil evaluation team must decide to make the application, with the consent of the student's parent, based on inability to meet the student's needs in any other state program. Transportation to a center would have been provided in accordance with regulations and guidelines set by the commissioner.

**LD 1398                      An Act to Clarify the Law Regarding the Discipline of Exceptional      CARRIED OVER  
Students**

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

LD 1398 proposes to clarify the authority of school boards in disciplining exceptional students. Under the provisions of this bill, school boards:

1. Have the duty to apply an appropriate disciplinary sanction to an exceptional student whose misconduct violates school rules;
2. May authorize superintendents, principals or assistant principals to sanction exceptional students for such infractions; and
3. May interrupt an exceptional student's special education program when that student is suspended from school for 10 days or less.

The bill further proposes to require the Department of Education to remove state special education regulations that compel school administrative units to provide special educational services to an exceptional student who has been suspended for violation of school rules. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1399                      An Act to Allow an Appeal Concerning the Date to Determine Age                      ONTP  
for Kindergarten**

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

LD 1399 proposed to allow a person who will be at least five years old by December 15th of the school year to enroll in kindergarten after a determination by the school administrative unit that the person is ready for kindergarten.

**Committee Amendment "A" (H-562)**, the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to change the bill in the following ways:

1. It would amend the title to reflect more accurately the intent of the statutory provision;
2. It would allow a person who will be at least five years of age by November 15th of the school year to enroll in kindergarten after determination by the school administrative unit that the person is ready for kindergarten if a parent or guardian of a person makes a written request to the school administrative unit;
3. It would clarify that the initial assessment of the child's readiness for kindergarten must be made through the use of the school's current screening mechanism and that this assessment is final; and
4. It would add a fiscal note to the bill.

**LD 1404                      An Act to Create School Enrichment Funds for Public Schools                      ONTP**

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

LD 1404 proposed to establish a voluntary checkoff for school enrichment funding contributions on local property tax bills. The money raised through voluntary contributions would be transferred to the local school board to establish a School Enrichment Fund that is used to fund predetermined academically oriented programs and activities. Under this bill, school boards are involved in determining what programs and activities will be funded and targeting amounts to be raised by the voluntary checkoff. The bill further proposed that a School Enrichment Fund may not be used to replace or supplant other nonvoluntary sources of funding.

**LD 1410                      Resolve, to Establish Additional Funding for the University of Maine System                      RESOLVE 70**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON SMALL	OTP-AM    MAJ ONTP        MIN	H-590 S-362    MICHAUD

LD 1410 proposed to repeal the authority of the Board of Trustees of the University of Maine System to determine the amount of annual General Fund appropriations that are allocated to each campus and would establish an enrollment-based funding formula that provides for a more equitable funding base for students enrolled at each campus of the university. To accomplish this, the bill proposed to:

1. Require that a guaranteed percentage of the educational and general appropriation to the university be allocated to each campus based on a set amount of state funding per student;

2. Establish a procedure for determining the base allocation per student at each institution based on the number of students enrolled in each academic degree program level. Students enrolled in an undergraduate degree program or a master's, doctoral or law degree program receive a different level of base funding;
3. Establish a mechanism for funding the system-wide services office of the University of Maine System;
4. Establish an enrollment-based funding formula for the equitable distribution of public subsidies in support of campus facilities; and
5. Provide a mechanism to implement the enrollment-based funding formula over a transition period that begins in fiscal year 1998-99.

**Committee Amendment "A" (H-590)** proposed to replace the original bill and change it to a resolve. The amendment would direct the Board of Trustees of the University of Maine System and the Chancellor to review the current method of distributing state resources and to report to the Joint Standing Committee on Education and Cultural Affairs on a funding formula to be implemented in fiscal year 1999-2000. This amendment would also provide a General Fund appropriation of \$1,000,000 to provide additional support for students at the University of Maine System. Finally, this amendment adds a fiscal note.

**Senate Amendment "A" to Committee Amendment "A" (S-362)** proposed to reduce the amount appropriated to the University of Maine System from \$1,000,000 to \$250,000.

*Enacted law summary*

Resolve 1997, chapter 70 directs the Board of Trustees of the University of Maine System and the Chancellor to review the current method of distributing state resources and to report to the Joint Standing Committee on Education and Cultural Affairs by January 15, 1998 on a funding formula to be implemented in fiscal year 1999-2000. This amendment also provides a General Fund appropriation of \$250,000 to provide additional support for students at the University of Maine System.

**LD 1415**                      **Resolve, Directing the Department of Education to Review Certain Procedures Regarding Special Education**                      **ONTP**

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

LD 1415 proposed to direct the Department of Education to review the process for determining whether a child is entitled to receive special education services and the process used by the department to investigate a complaint that a school administrative unit is not providing adequate special education services, including how the department brings the school unit into compliance after a finding of inadequacy. The department is directed to report its findings, and any necessary implementing legislation, to the Joint Standing Committee on Education by December 1, 1997.

**LD 1416**

**An Act Concerning Eligibility for Service on a School Board**

**CARRIED OVER**

Sponsor(s)  
KILKELLY

Committee Report

Amendments Adopted

LD 1416 proposes to amend the current definition of "full-time employee" as that applies to school board membership. Currently, neither a full-time employee in a public school nor such an employee's spouse may serve on the district's or union's school board. This bill further proposes a definition of "volunteer" to mean a person who, for no remuneration, volunteers no more than once a month or in no more than five months a year. The bill allows volunteers to serve on a school board but maintains the prohibition against full-time employees serving as school board members. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1425**

**An Act to Provide for Direct Reimbursement of Special Education Costs**

**ONTP**

Sponsor(s)  
KILKELLY  
MITCHELL E

Committee Report  
ONTP

Amendments Adopted

LD 1425 proposed to guarantee that each school administrative unit in the State would receive compensation for its current year special education costs on a monthly basis. Compensation for special education costs would equal the unit's most recent monthly special education expenditure multiplied by the average statewide state share percentage of program costs in the current year.

The bill further proposed to increase the State's share of special education costs to 100% effective July 1, 2006 and adds a provision for paying 1997-98 school year special education costs to school units over a five-year period, beginning in July 2000.

**LD 1436**

**An Act to Amend School Construction Laws**

**CARRIED OVER**

Sponsor(s)  
TREAT  
COWGER

Committee Report

Amendments Adopted

LD 1436 proposes that the State Board of Education be required to include in its rating plan for school construction projects equal consideration for "substantial" restoration, rather than "complete" restoration, if it is in lieu of new construction and consideration of health and safety, building codes and federal Americans with Disabilities Act violations. The bill also would amend the design limits to eliminate any board requirements for minimum parcel size if the location of a school construction project is consistent with the town's comprehensive plan and other approval criteria are met. The bill further proposes to establish that, once a school administrative unit has been approved by the state board for funding, it may still seek or obtain local funding for a project and be reimbursed for any funds expended prior to receipt of state funding once the money is released from the State to the school administrative unit. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1442**

**An Act to Prohibit the Denial of Teacher Certification Based on Refusal to Participate in Learning Results**

**ONTP**

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

LD 1442 proposed to ensure that teacher certification is not conditioned on participation in the learning results system or related professional development. It would permit an individual subject to certification to refuse to be involved in learning results due to conscientious objection to the system. The State Board of Education would be required to establish procedures for determining if the refusal is due to conscientious objection.

**LD 1447**

**Resolve, to Require the Department of Environmental Protection to Review the Asbestos Hazard Emergency Response Act of 1986**

**RESOLVE 76**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIERINGER CAREY	OTP-AM	H-544 S-381 MICHAUD

LD 1447 proposed to establish the Committee to Review the Asbestos Hazard Emergency Response Act of 1986 for the purpose of reviewing the federal act as it relates to asbestos abatement in schools throughout this State.

**Committee Amendment "A" (H-544)** proposed to specify that the Governor's two appointees to the Committee to Review the Asbestos Hazard Emergency Response Act of 1986 must represent the Department of Environmental Protection and the Bureau of General Services. The amendment also proposed to add an appropriation and a fiscal note to the resolve.

**Senate Amendment "A" to Committee Amendment "A" (S-381)** proposed to require the Department of Environmental Protection, rather than a committee, to conduct the study. The amendment would also change the reporting date to January 1, 1999.

***Enacted law summary***

Resolve 1997, chapter 76 requires the Department of Environmental Protection to establish the Committee to Review the Asbestos Hazard Emergency Response Act of 1986 for the purpose of reviewing the federal act as it relates to asbestos abatement in schools throughout this State. The department shall submit its report, together with any implementing legislation, to the First Regular Session of the 119th Legislature by January 1, 1999.



**LD 1449**

**Resolve, to Restructure the University of Maine System and Enhance the Role of the Faculty in Campus Governance**

**ONTP**

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

LD 1449 proposed to require the Board of Trustees of the University of Maine System to reorganize the governance and coordination structure of the University of Maine System. The trustees must report their reorganization plan to the Governor, the Legislature and the Executive Director of the Legislative Council.

**Committee Amendment "A" (H-351)**, the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to add a fiscal note to the resolve.

**LD 1459**

**An Act to More Equitably Distribute General Purpose Aid to Schools Based on Property Values**

**ONTP**

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

LD 1459 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 fiscal capacity as the only factor. It further proposed to require that reductions in state funds be made by applying a mill rate to each school administrative unit rather than a percentage.

**Committee Amendment "A" (H-560)**, the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to add a fiscal note to the bill.

**LD 1460**

**An Act Requiring the Department of Education to Perform Annual Cost-benefit Analysis of Special Education Programs in the State**

**PUBLIC 308**

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

LD 1460 proposed to direct the Department of Education to perform an annual cost-benefit analysis of special education programs in the State and to hold a public hearing annually for members of school units to explain what special education programs are offered in each unit and the costs of these programs.

**Enacted law summary**

Public Law 1997, chapter 308 directs the Department of Education to perform an annual cost-benefit analysis of special education programs in the State and to hold a public hearing annually for members of school units to explain what special education programs are offered in each unit and the costs of these programs.

**LD 1495                      An Act to Repeal the Special Education Laws                      ONTP**

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

LD 1495 proposed to repeal the State's laws pertaining to special education. This bill does not affect special education requirements imposed by federal law.

**LD 1516                      Resolve, to Establish a Task Force to Review and Reform the                      ONTP**  
**System of Learning Results**

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

LD 1516 proposed to establish the Task Force to Review and Reform the System of Learning Results.

**LD 1529                      Resolve, to Determine How to Increase the Number of Students                      ONTP**  
**Consuming School Meals**

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

LD 1529 proposed to direct the Department of Education to study school meal programs and to report to the Legislature by January 15, 1998. The department would have been directed to examine the rate of low-income students participating in school meal programs, the nutritional content of the food provided, the appeal of the food to participating students and the relation between food appeal and consumption. If problems are identified as a result of the study, the department would be required to develop a plan to deal with them.

**Committee Amendment "A" (H-573)**, the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to replace the resolve and would have directed the Department of Education and the Center for Research and Evaluation at the University of Maine to study methods to improve school meal programs and report to the Legislature by January 15, 1998. The percentage of eligible students for the free and reduced-price school meal programs and the actual rate of consumption and the relationship between food appeal and consumption would also have been analyzed. If problem areas were identified as a result of the study, the

department would have been required to work with other interested parties to develop a plan to improve those areas within existing resources.

**LD 1536**                      **Resolve, Regarding Legislative Review of Chapter 131: Rules for Learning Results, a Major Substantive Rule of the Department of Education**                      **RESOLVE 51**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	H-569
	OTP-AM    MIN	

LD 1536 proposed to authorize Chapter 131: Rules for Learning Results, a major substantive rule of the Department of Education.

**Committee Amendment "A" (H-569)**, the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to require that, prior to final adoption of Chapter 131: Rules for Learning Results, the Department of Education must amend the rule to add an application section. The purpose of this application section would be to ensure that the rules do not conflict with the legislative intent expressed in the enabling legislation that established a statewide system of learning results.

Pursuant to Public Law 1995, chapter 649, section 2, these rules may not require a school administrative unit to take any action that necessitates additional expenditures from local revenues unless the Department of Education pays for 90% of the additional costs. Should a school administrative unit determine that it is unable to implement the learning results in the five core subject areas within existing state and local resources, the unit shall present its findings and supporting evidence to the Department of Education. The department shall review the findings and evidence and, if necessary, would assist the unit in planning for implementation.

This amendment would also restate the provisions of Public Law 1995, chapter 649, section 3 that allows a school administrative unit to delay implementation of the system of learning results in the areas of career preparation, foreign languages and visual and performing arts if adoption in these areas could not be achieved within the local unit's existing resources.

Finally, this amendment proposed to remove the emergency preamble and clause and add a fiscal note to the resolve.

**Committee Amendment "B" (H-570)**, the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to provide that final adoption of the rules for the learning results system would not be authorized by the Legislature. This amendment also proposed to add a fiscal note to the bill. The amendment was not adopted.

**House Amendment "A" to Committee Amendment "A" (H-626)** proposed to replace the committee amendment and disapprove Chapter 131: Rules for Learning Results as submitted by the Department of Education. The amendment further proposed to deappropriate funding for the Maine Educational Assessment testing and professional development of educators to assist school administrative units with implementing the system of learning results. The effect of this deappropriation would be to suspend the system of learning results. The amendment was not adopted.

Numerous other House Amendments proposed to disapprove the rules for learning results provisionally adopted by the Department of Education and would have established a study group to assist in formulating new rules (see H-627, H-629, H-630, H-631, H-632, H-633, H-644, H-645, H-660, H-661, H-663, and H-664). These amendments were not adopted.

**Senate Amendment "A" (S-320)** proposed to authorize final adoption of rules for learning results provisionally adopted by the Department of Education. This amendment further proposed to deappropriate funds appropriated for the Maine Education Assessment and would direct them to the General Fund. This amendment would also prohibit the Department of Education from using the Maine Education Assessment as part of a student's graduation requirements. The amendment was not adopted.

***Enacted law summary***

Resolve 1997, chapter 51 authorizes the final adoption of Chapter 131: Rules for Learning Results, a major substantive rule of the Department of Education, with the following provisions to the rule. This law requires the department to amend the rule to add an application section. The purpose of this application section is to ensure that the rules do not conflict with the legislative intent expressed in the enabling legislation that established a statewide system of learning results.

Pursuant to Public Law 1995, chapter 649, section 2, these rules may not require a school administrative unit to take any action that necessitates additional expenditures from local revenues unless the Department of Education pays for 90% of the additional costs. Should a school administrative unit determine that it is unable to implement the learning results in the five core subject areas within existing state and local resources, the unit shall present its findings and supporting evidence to the Department of Education. The department shall review the findings and evidence and, if necessary, would assist the unit in planning for implementation.

This law also restates the provisions of Public Law 1995, chapter 649, section 3, which allows a school administrative unit to delay implementation of the system of learning results in the areas of career preparation, foreign languages and visual and performing arts if adoption in these areas can not be achieved within the local unit's existing resources.

**LD 1538**

**An Act to Promote Adult Education**

**P & S 47**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN PENDLETON P	OTP-AM	H-246 S-368 MICHAUD

LD 1538 proposed to ensure that funding for the state subsidy for public school adult education in fiscal years 1997-98 and 1998-99 is no less than the level appropriated for fiscal year 1996-97 and would further require the state subsidy to increase in proportion to any increase in the state subsidy to public education for grades kindergarten through 12 (see also LD 854).

**Committee Amendment "A" (H-246)** proposed to add an appropriation section and a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-368)** proposed to replace the committee amendment which required that the state subsidy for adult education be increased in proportion to any increase provided to

General Purpose Aid to Local Schools and provided General Fund appropriations representing 2% and 3% increases in fiscal years 1997-98 and 1998-99, respectively. This amendment would instead provide a General Fund appropriation to the Department of Education's Learning Systems account in order to increase the adult education subsidy 2% in fiscal year 1998-99.

***Enacted law summary***

Public Law 1997, chapter 47 provides a General Fund appropriation to the Department of Education's Learning Systems account in order to increase the adult education subsidy 2% in fiscal year 1998-99.

**LD 1542**

**An Act Concerning Time-out Areas**

**PUBLIC 428**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN CATHCART	OTP-AM	H-541 H-612 DAVIDSON

LD 1542 proposed to prohibit the use of time-out boxes for purposes of punishment or detention and would require the Department of Education to adopt rules regarding the use of punishment techniques and areas.

**Committee Amendment "A" (H-541)** proposed to replace the original bill and delineate certain specifications regarding the use of a time-out area. The amendment would also direct the Commissioner of Education to adopt rules regarding time-out procedures generally and to ensure that those rules are consistent with other departments and state agencies. The amendment also proposed to add a mandate preamble and a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-612)**, proposed on behalf of the Committee on Engrossed Bills, would clarify a reference to the statutes.

***Enacted law summary***

Public Law 1997, chapter 428 delineates certain specifications regarding the use of a time-out area. The law also directs the Commissioner of Education to adopt rules regarding time-out procedures generally and to ensure that those rules are consistent with the policies of other departments and state agencies.

**LD 1544**

**An Act to Amend the Process by Which School Construction Is Approved**

**CARRIED OVER**

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

LD 1544 proposes to authorize the Department of Education to develop standardized construction plans and to choose school plans for new school construction that take the school's five-year target population into consideration. The bill further proposes to require the department to develop a process for choosing the plans in a timely manner and requires any changes to the plans requested by a local school administrative unit to be the responsibility of the local unit.

**LD 1545**                      **An Act to Amend the Laws Governing Correction of Student Education Records**                      **ONTP**

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

LD 1545 proposed to amend the Maine Revised Statutes, Title 20-A, section 4708 concerning the finality of a student's grade by requiring the teacher, upon request, to establish in a hearing the basis for the student's grade and that the teacher neither took any action nor failed to take any action that contributed to a reduction in the grade.

**LD 1553**                      **Resolve, to Establish the Commission to Study the Restructuring of the University of Maine System**                      **ONTP**

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

LD 1553 proposed to establish the Commission to Study the Restructuring of the University of Maine System.

**LD 1557**                      **An Act to Create Efficient and Effective Administration of the University of Maine System**                      **P & S 37**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	H-580

LD 1557 proposed to amend the Charter of the University of Maine System in several significant ways. The bill would replace the current Board of Trustees of the system with a Board of Regents and provide clearer guidance for the board in fulfilling its role as the central governing body of the system. The Board of Regents would be charged with providing sound financial management and stewardship of assets and would be directed to evaluate personnel and programs while bearing in mind the needs and priorities, both educational and economic of the people of the State. The Board of Regents would be structurally changed to require alumni members who represent each of the seven universities.

The bill further proposed to provide additional duties for the chancellor with a focus on eliminating duplication in the areas of planning, budget preparation and management oversight.

The bill would also establish boards of trustees for each of the seven universities that advocate for the universities, advise the president, raise funds and review recommendations made to the Board of Regents.

The bill would further require the Board of Regents to report to the Second Regular Session of the 118th Legislature concerning its review of programs and methods of distribution of state resources and a mechanism for using any savings that result from enactment of this bill to reduce tuition increases.

The bill also proposed to make a General Fund appropriation of \$1,000,000 to the University of Maine at Augusta to provide parity in student support.

**Committee Amendment "A" (H-580)** proposed to restore the Board of Trustees as the central governing body for the University of Maine System. This amendment further proposed to accomplish the following:

1. Direct the Governor to make every effort to appoint an alumnus of each of the seven university campuses to the Board of Trustees;
2. Establish two additional duties of the chancellor regarding the duplication of academic offerings with the State's private and public postsecondary institutions and the transfer of academic credits between all campuses of the University of Maine System;
3. Designate the campus boards as the "boards of visitors," authorize each campus president to nominate up to 20 board members subject to approval of the Board of Trustees, and permit board members to be reimbursed for travel and other expenses within the existing resources of the University of Maine System;
4. Direct the Board of Trustees to study methods in other states and make recommendations to create a more market-driven system; and
5. Remove the appropriation section from the bill.

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

**House Amendment "A" to Committee Amendment "A" (H-647)** proposed to replace the committee amendment. This amendment differs from the committee amendment in the following ways.

1. It would reinstate the Board of Regents established in the bill.
2. It would specify that the Board of Regents of the University of Maine System shall hire and evaluate the chancellor.
3. It would eliminate a specified duty of the chancellor to provide a centralized management oversight of services.
4. It would restore the separate 7-member boards of trustees of the seven universities that were proposed in the original bill and direct the individual boards to hire and evaluate the university president.

This amendment also proposed to add a fiscal note to the bill. The amendment was not adopted.

**House Amendment "B" to Committee Amendment "A" (H-648)** also proposed to replace the committee amendment, and differs from the committee amendment in the following ways.

1. It would reinstate the Board of Regents established in the bill.
2. It would specify that the Board of Regents of the University of Maine System shall hire and evaluate the chancellor.

3. It would specify that the Chancellor of the University of Maine System shall prepare the budget of the chancellor's office and coordinate and present to the Governor and the Legislature the budgets, appropriation requests and bond issues presented by the university presidents and the universities.
4. It would eliminate a specified duty of the chancellor to provide a centralized management oversight of services.
5. It would restore the separate seven-member boards of trustees of the seven universities that were proposed in the original bill and direct the individual boards to, prepare budgets and present them to the Board of Regents of the University of Maine System for coordination and presentation to the Governor and Legislature by the chancellor and the university president, and hire and evaluate the president of the particular university.

This amendment also proposed to add a fiscal note to the bill. The amendment was not adopted.

***Enacted law summary***

Private and Special Law 1997, chapter 37 amends the governance and coordination provisions in the Charter of the University of Maine System. The law accomplishes the following:

1. It directs the Governor to make every effort to appoint an alumnus of each of the seven university campuses to the Board of Trustees;
2. It establishes two additional duties of the chancellor regarding the duplication of academic offerings with the State's private and public postsecondary institutions and the transfer of academic credits between all campuses of the University of Maine System;
3. It establishes Boards of Visitors for each of the seven universities that shall advocate for the universities, advise the president, raise funds and review recommendations made to the Board of Trustees. Each campus president is authorized to nominate up to 20 board members subject to approval of the Board of Trustees. Board members may be reimbursed for travel and other expenses within the existing resources of the University of Maine System; and
4. It directs the Board of Trustees to study methods in other states and make recommendations to create a more market-driven system.

**LD 1560**

**Resolve, Directing the State Board of Education to Study Charter Schools and School Choice**

**RESOLVE 62**

Sponsor(s)  
JENKINS

Committee Report  
OTP-AM

Amendments Adopted  
S-317

LD 1560 proposed to establish the Committee to Study the Development of the Charter School Initiative.

**Committee Amendment "A" (S-317)** proposed to replace the original resolve and would direct the State Board of Education to establish a committee to study charter schools and school choice initiatives in other states and jurisdictions. In conducting its study, the board's committee would meet at least four times and would report its findings and any recommended legislation to the Legislature by January 1, 1998.



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

***Enacted law summary***

Resolve 1997, chapter 62 directs the State Board of Education to establish a committee to study charter schools and school choice initiatives in other states and jurisdictions. In conducting its study, the board's committee shall meet at least four times and shall report its findings and any recommended legislation to the Legislature by January 1, 1998.

**LD 1565                      Resolve, to Assist the Sanford Regional Vocational Center                      ONTP**

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

LD 1565 proposed to allow the school units affiliated with the applied technology center located in Sanford to contribute money for improvements to the center without affecting their state subsidies for education. The resolve would also allow the center to receive the money from the school units without affecting its state subsidy for education.

**LD 1581                      An Act to Improve the Child Development Services System and                      PUBLIC 534  
Encourage Collaboration in Early Childhood Programs with School  
Administrative Units**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KERR	OTP-AM	H-703 S-374 MICHAUD

LD 1581 proposed to make the following changes to the laws governing the Child Development Services System.

1. It would clarify the definition of "disability" for children age three to under age six.
2. It would ensure a demonstration of nonsupplanting with federal funds in the annual report by the Interdepartmental Coordinating Council for Early Intervention, now to be provided to the Commissioner of Education.
3. It would standardize procedures and rates of payment for services delivered by Child Development Services System sites across the State.
4. It would permit flexibility in the establishment of advisory bodies required under the federal Individuals with Disabilities Education Act.
5. It would establish parameters for the program day and the program year for special instruction services for children served by the Child Development Services System.

6. It would encourage collaboration between Child Development Services System regional boards and school administrative units whenever possible, to maximize efforts and the effective use of resources, to ensure consistent quality of programming and to facilitate the transition process for children and families from the Child Development Services System to the public school system.

**Committee Amendment "A" (H-703)** proposed to strike out provisions of the bill regarding the frequency and intensity of early intervention services and instead would direct the Department of Education to develop rules addressing these matters. This amendment also proposed to restore the requirement that the Interdepartmental Coordinating Council for Early Intervention report annually to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. This amendment further proposed to establish a task force to review and make recommendations regarding:

1. Whether or not the consolidation of regional sites in the Child Development Services System could achieve greater administrative efficiency and economy; and
2. The cost-effectiveness of hiring professional staff to be employed at the regional Child Development Services Systems sites as compared to contracting for services with nonprofit and for-profit services providers.

Finally, this amendment proposed to add an appropriation section and a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-374)** proposed to reduce the number of task force members, specify the number of meetings and revise the appropriation section.

#### *Enacted law summary*

Public Law 1997, chapter 534 makes the following changes to the laws governing the Child Development Services System. The law accomplishes the following:

1. It clarifies the definition of "disability" for children age three to under age six.
2. It ensures a demonstration of nonsupplanting with federal funds in the annual report by the Interdepartmental Coordinating Council for Early Intervention, now to be provided to the Joint Standing Committee on Education and Cultural Affairs and the Commissioner of Education;
3. It standardizes procedures and rates of payment for services delivered by Child Development Services System sites across the State;
4. It permits flexibility in the establishment of advisory bodies required under the federal Individuals with Disabilities Education Act;
5. It directs the Department of Education to develop rules addressing parameters for the program day and the program year for special instruction services for children served by the Child Development Services System;
6. It encourages collaboration between Child Development Services System regional boards and school administrative units whenever possible, to maximize efforts and the effective use of resources, to ensure consistent quality of programming and to facilitate the transition process for children and families from the Child Development Services System to the public school system; and

7. It establishes a task force to review and make recommendations regarding the potential for achieving greater administrative efficiency and economy from consolidating regional sites in the Child Development Services System, and the cost-effectiveness of hiring professional staff to be employed at the regional Child Development Services Systems sites as compared to contracting for services with nonprofit and for-profit services providers.

**LD 1597                      An Act to Make Certain Changes in the University of Maine System                      ONTP**  
**to Promote Lifelong Learning**

<u>Sponsor(s)</u> BENNETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1597 was a concept draft pursuant to Joint Rule 208. This bill proposed to:

1. Direct the Board of Trustees of the University of Maine System to establish a transfer policy that allows students to transfer all general education courses within the University of Maine System from one campus to another without restrictions;
2. Establish a common academic calendar that enables all of the campuses of the system to be on the same academic schedule;
3. Establish tuition rates that do not vary more than 10% among the campuses;
4. Ensure that the Education Network of Maine (ENM) serves as a student-centered instructional delivery system that retains broadcast facilities located at the University of Maine at Augusta, yet provides post-secondary education students across the State with the full range of academic programs and the breadth of faculty expertise that are available at each campus of the University of Maine System; and
5. Allow no more than 10% of any institution's total budget to be used for administrative purposes and prohibit the average salaries of University of Maine System administrators, including the office of the Chancellor and system-wide services staff, from exceeding the average salary of University of Maine System faculty members who are involved in teaching and research.

**LD 1601                      RESOLUTION, Proposing an Amendment to the Constitution of                      CARRIED OVER**  
**Maine to Require the Legislature to Provide a Statewide System of**  
**Uniform and High-quality Education**

<u>Sponsor(s)</u> LONGLEY	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1601 proposes an amendment to the Constitution of Maine to strike the words requiring that towns make suitable provision for the support and maintenance of schools and to add language requiring the Legislature to support schools and to seek to ensure that a program of uniform and high-quality education is established and continually maintained at all schools in the State. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1622**                      **An Act to Require That a Course in Multicultural Education Be Included in All Teacher Preparation Programs in the State**                      **CARRIED OVER**

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

LD 1622 proposes that teacher preparation programs offered in the State must include a mandatory course in multicultural education. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1626**                      **An Act Requiring Voter Approval for the Relocation of an Elementary School Class**                      **ONTP**

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

LD 1626 proposed to ensure that the interests of the voters in a member municipality are not ignored or overridden by the board of directors of a school administrative district when the board of directors proposes to relocate an elementary school class or classes outside of the boundaries of the member municipality. This bill would have required that:

1. Prior to the proposed relocation of an elementary school class, the member municipality voters would have the right to vote on the proposal;
2. Any additional costs or savings that result from not relocating a class or classes would be a part of the article presented to the voters; and
3. Any adjustment in a member municipality's payment that results from the relocation or nonrelocation of an elementary school class or classes would be debited or credited to the member municipality's assessment in equal monthly amounts or by another method mutually agreed upon by the municipality and the board of directors of the school administrative district.

**Committee Amendment "A" (H-352)**, the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to add a mandate preamble and a fiscal note to the bill.

**LD 1628**

**An Act to Expand the Board of Trustees of the University of Maine System**

**ONTP**

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

LD 1628 proposed to add three additional members to the Board of Trustees of the University of Maine System representing full-time faculty, professional, administrative, clerical and office employees and adjunct and part-time faculty.

**Committee Amendment "A" (S-289)**, the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to establish a separate trustee to represent the clerical and office employees bargaining unit, as well as a separate trustee to represent the service and maintenance employees bargaining unit and would have eliminated the bargaining unit representing the adjunct and part-time faculty from being added to the University of Maine System Board of Trustees.

**LD 1632**

**An Act to Improve Taxpayer Equity in School Funding**

**ONTP**

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

LD 1632 proposed to further require the State to use a school unit's weighted relative fiscal capacity to calculate a unit's local share of program costs. The Committee to Study Organizational and Tax Issues in Public Schools, as established by the 116th Legislature, issued its final report in February of 1995. That report recognized the use of property values as the exclusive measure of a municipality's ability to pay its local share of education costs. The report recommended the use of income and costs of living along with property values in the formula used to distribute general purpose aid for education.

In response to the committee's report, the 117th Legislature passed the School Finance Act of 1995. That Act introduced income, as modified by a regional cost-of-living factor as a 15% factor, in the calculation of municipal ability to pay. Property value unadjusted for cost of living was left as an 85% factor. This bill increases the weight of the income factor to 25%. It also uses the cost-of-living factor to adjust a municipality's property values. This bill proposed to further require the State to use a school unit's weighted relative fiscal capacity to calculate a unit's local share of program costs. Those costs are substantial in most school units but current law only uses a unit's property value to calculate the unit's local share.

**LD 1637**

**An Act to Authorize Interest-only Interim Financing in the School Construction Funding Process**

**PUBLIC 397**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	S-328

LD 1637 proposed to authorize the Appleton, Camden, Hope, Lincolnville and Rockport Community School District, the creation of which was authorized by the Legislature in 1994, to issue bonds or notes for school construction purposes to build a high school serving grades nine to 12 in those communities. Upon completion of the new school facility, the district would assume responsibility for operating grades nine to 12 as contemplated in the enabling legislation. In order to ensure that the State would not exceed the maximum debt service limit established in the Maine Revised Statutes, Title 20-A, section 15905, and to avoid any negative impact on the timing and relative priority of other school construction projects presently awaiting approval by the State Board of Education, the Appleton, Camden, Hope, Lincolnville and Rockport Community School District would be required to treat all of the debt service on the project during the fiscal year in which the bonds for the project were issued and the next five fiscal years as locally funded debt service without state participation. The state share of debt service allocation for the project during this initial period would be added to the district's state-local allocation for debt service in equal installments in each of the remaining fiscal years that the bonds for the project remain outstanding after the initial period. During these remaining fiscal years after the initial period, the district would be responsible for the local share of debt service allocation calculated in accordance with state law.

**Committee Amendment "A" (S-328)** proposed to replace the bill and change the title. This amendment proposed to authorize the State Board of Education to establish an interest-only interim financing provision in law so that this school construction financing mechanism would be available to all school administrative units in the State rather than just the Appleton, Camden, Hope, Lincolnville and Rockport Community School District.

This amendment also proposed the following provisions:

1. The State Board of Education may accelerate the dates on which it could grants concept approval and funding approval for a school construction project which has been placed on the special priority list on the condition that the school administrative units would provide interest-only interim local financing project;
2. The school administrative unit must submit a referendum question to the voters and must receive voter approval for the project which is subject to interest-only interim local financing. Should voters not approve the interim-only school construction project, the project would remain eligible for state board concept and funding approval at the time it would have received such approval under normal funding circumstances; and
3. The interest-only payments made by a school administrative unit during the period of interim financing must be paid from local funds without state participation and would not be included in the unit's debt service costs for state subsidy purposes.

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

#### ***Enacted law summary***

Public Law 1997, chapter 397 authorizes the State Board of Education to establish an interest-only interim financing provision in law so that this alternative school construction financing mechanism may be available to all school administrative units in the State.

This law contains the following provisions:

1. The State Board of Education may accelerate the dates on which it grants concept approval and funding approval for a school construction project which has been placed on the special priority list on the condition that the school administrative units will provide interest-only interim local financing project;

2. The school administrative unit must submit a referendum question to the voters and must receive voter approval for the project which is subject to interest-only interim local financing. Should voters not approve the interim-only school construction project, the project remains eligible for state board concept and funding approval at the time it would have received such approval under normal funding circumstances; and
3. The interest-only payments made by a school administrative unit during the period of interim financing must be paid from local funds without state participation and may not be included in the unit's debt service costs for state subsidy purposes.

**LD 1638                      An Act to Establish a Higher Standard for Appropriate Education of Students with Disabilities                      ONTP**

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

LD 1638 proposed to replace the general provisions that govern the identification, evaluation, assessment and placement of children requiring special education. The purpose of this bill, which is based on Massachusetts law, is to provide a flexible and uniform system of special education program opportunities for all children requiring special education; and to provide a flexible and nondiscriminatory system for identifying and evaluating the individual needs of such children; and to facilitate the realization of the educational potential of each child.

**LD 1643                      Resolve, Directing the State Board of Education to Add Consolidation to the School Construction Rating System                      ONTP**

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

LD 1643 proposed to direct the State Board of Education to amend its rules governing the school construction rating process to include a category that awards points for school consolidation and proposed to direct the State Board of Education to establish criteria for evaluating whether consolidation is warranted for a project. This resolve also proposed to direct the State Board of Education to establish subsidy incentives for approved school construction projects that include consolidation.

**LD 1652                      An Act to Establish the Dirigo Higher Education Bond Program to Provide Financial Aid to Maine Students                      CARRIED OVER**

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

LD 1652 proposes to establish the Dirigo Higher Education Bond Program to provide financial aid to Maine students under the administration of the Finance Authority of Maine. The program is designed to offer bonds, for

purchase by Maine residents, that are redeemable to pay the costs of attendance at institutions of higher education. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1653                      An Act to Abolish the State Board of Education                      CARRIED OVER**

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

LD 1653 proposes to abolish the State Board of Education, transfer its responsibilities to the Department of Education and provide for its funding to be used for the Maine School of Science and Mathematics and general purpose aid. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1671                      An Act Concerning the Calculation of the State's Share of School Funding                      ONTP**

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

LD 1671 proposed to change the calculation and the payment of the state and local shares of the per pupil guarantee under the school funding formula for school administrative districts and community school districts. This bill would determine the calculation and payment of state and local shares of the per pupil guarantee for school administrative districts and community school districts as if they were individual school administrative units. This bill would take effect at the start of fiscal year 2000-01 to allow the State and member municipalities in school administrative districts and community school districts time to adjust to this change.

**Committee Amendment "A" (H-558)**, the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to add a fiscal note to the bill.

**LD 1685                      An Act to Encourage the Development of Charter Schools                      ONTP**

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

LD 1685 proposed to allow certain public 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 could have been new schools or they could be existing schools that have converted to charter status. Sponsors could have included a local school board, the State Board of Education, a new state board formed expressly to approve and oversee charter schools, or the board of a public postsecondary institution.



Charter schools would have also offered students and parents a choice of public schools. Charter schools would have been open to all students equally, though they may have specialized in serving a particular age group, a specific geographic area or a student population with specific needs. A charter school could have also required a demonstration of interest from students if it offered a specific curriculum or teaching methodology. Because they would have been public schools, charter schools could not have been affiliated with nonpublic or religious institutions and would have been required to be nonsectarian in their programs, practices and policies.

Certification would not have been required for each teacher in a charter school, but a minimum of one teacher for every 60 students enrolled must have held state certification. Teachers in charter schools could have been employees of the charter school, and would have had the right to organize and bargain collectively in a separate unit; or teachers could have chosen to operate the charter school themselves, as partners or members of a cooperative.

Funding for charter schools was 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 were to be paid by the student's resident school administrative unit.

**LD 1688                      Resolve, to Promote School Choice by Establishing a Voucher Program                      ONTP**

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

LD 1688 proposed to require that elementary and secondary education be provided by means of a voucher system that would allow students and parents to choose in which schools or programs they want to receive an education. The resolve would require the Department of Education to develop a plan to implement the voucher system beginning for school year 1998-99.

**Committee Amendment "A" (H-559)**, the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to add a fiscal note to the resolve.

**LD 1695                      An Act to Provide Early Childhood Education Opportunities                      ONTP**

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

LD 1695 proposed to require the Commissioner of Education to design a model early childhood education program to provide early childhood education opportunities for residents of this State.

The bill further proposed to require the Commissioner of Education to support full-day kindergarten in each school unit and code full-day students as two full-time equivalent students for funding purposes.

**Committee Amendment "A" (H-561)**, the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to add a fiscal note to the bill.

**LD 1699                      An Act to Expand the Law Pertaining to Nepotism                      ONTP**

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

LD 1699 proposed to expand the prohibition on employment by a school administrative unit of spouses of school board members to include children and parents of school board members and the spouse of the children and parents.

**LD 1717                      An Act Establishing a Higher Education Trust as an                      CARRIED OVER**  
**Instrumentality of the State**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E PENDLETON P		

LD 1717 proposes to establish a higher education trust to assist residents of the State in saving for the costs of attending higher education and to assist students in the payment, in advance, of the tuition and related costs of attending colleges and universities in the State. This bill would create the Maine University Savings Trust as an instrumentality of the State and would accomplish the following.

1. Provide assistance and incentives for saving toward higher education costs and for the purchase of prepaid tuition contracts for the benefit of the children of this State to attend a qualified institution of higher education in the State.
2. Encourage timely financial planning for higher education by the creation of prepaid tuition contracts and further encourages employer participation in that planning.
3. Increase the number of qualified students who will seek to attend colleges and universities in Maine, which will be of benefit to the colleges and universities, and will therefore advance and improve higher education in the State.

Under this proposed bill, members of the Finance Authority of Maine would serve as trustees for the Maine University Savings Trust and act on behalf of the trust to establish and administer the separate trust funds. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1718**

**An Act to Create a Prepaid Tuition Plan**

**CARRIED OVER**

Sponsor(s)  
KONTOS  
AMERO

Committee Report

Amendments Adopted

LD 1718 proposes to establish a prepaid tuition program that will encourage long-term family savings for higher education tuition costs. Under this bill, the Finance Authority of Maine would be authorized to establish and administer the Maine Prepaid Tuition Savings Plan and, on behalf of the State, to contract for the advance payment of tuition by a parent or other purchaser for a qualified beneficiary to enroll at a campus of the University of Maine System to which the qualified beneficiary is admitted, without further tuition cost to the qualified beneficiary. A qualified beneficiary would also have the option of applying prepaid tuition benefits to attend an accredited institution of higher education other than a campus of the University of Maine System, including an accredited technical, community or junior college, provided that tuition paid by the program to the other institution of higher education is limited to the total amount of tuition charged at the campus of the University of Maine System that charges the highest rate of tuition. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1721**

**An Act Regarding Appointment to the Maine Public Broadcasting Board of Trustees**

**CARRIED OVER**

Sponsor(s)  
CATHCART

Committee Report

Amendments Adopted

LD 1721 proposes to alter the composition of the Board of Trustees of the Maine Public Broadcasting Corporation. Under this bill, the Governor would be required to appoint eight public trustees and the President of the Maine Public Broadcasting Corporation would be prohibited from serving on the board. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1725**

**An Act to Authorize Interlocal Agreements for Construction and Operation of Public Education Fiber-optic Transmission Systems**

**CARRIED OVER**

Sponsor(s)  
PARADIS  
O'NEAL

Committee Report

Amendments Adopted

LD 1725 proposes to provide school administrative units with the fiscal powers required to construct and finance fiber-optic systems. The bill further proposes to authorize school administrative units, including municipalities, school administrative districts, community school districts and applied technology regions, to enter into interlocal agreements and to form nonprofit corporations in order to construct and operate fiber-optic cable systems for educational purposes to provide interactive audio-visual communication among school administrative units. Such fiber-optic systems have the potential to improve public education and to reduce school transportation and construction costs by providing a practical and inexpensive means of consolidating school programs, particularly in the more rural areas of the State. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1735**

**An Act to Promote Higher Education**

**INDEF PP**

<u>Sponsor(s)</u> MURPHY PENDLETON P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 1735 proposed to provide for the appropriation of an additional \$1,250,000 in General Funds to the Finance Authority of Maine to increase funding for the student incentive scholarship program for fiscal years 1997-98 and 1998-99.

The bill further proposed to require that, beginning with fiscal year 1999-2000, the appropriation for the student incentive scholarship program be increased annually by \$1,000,000 until the appropriation would be sufficient to provide all students demonstrating financial need with the maximum grant of financial assistance.

**Committee Amendment "A" (H-542)** proposed to amend the appropriation of funds to the Student Incentive Scholarship Program and to add a fiscal note to the bill.

**LD 1739**

**An Act to Amend the Formula Determining the Local Share in the School Funding Process**

**ONTP**

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1739 proposed to provide that, if a school administrative unit raises its state average mill rate, the Commissioner of Education would pay the entire school administrative unit's state subsidy share to that school administrative unit without penalty.

**LD 1765**

**An Act to Amend the Structure of the University of Maine System**

**ONTP**

<u>Sponsor(s)</u> BROOKS LIBBY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1765 proposed to amend the University of Maine System Charter by replacing the board of trustees with a board of regents. The bill also proposed to establish an executive council of presidents made up of four of the presidents of the universities and colleges in the system. The bill directs all changes to be implemented by July 1, 1999.

**LD 1769**                      **An Act to Authorize Additional Adjustments to the State Share of School Funding**                      **CARRIED OVER**

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

LD 1769 proposes to amend the adjustment provisions of the school finance laws. This bill would accomplish the following.

1. It would require the state share of subsidizable education costs statewide to be at least 50% annually.
2. It would establish a five percent incentive adjustment to promote administrative consolidation of schools within a school administrative unit.
3. It would require the Commissioner of Education to repay each school administrative unit the amounts withheld from that unit in fiscal year 1991-92 and would establish a five-year repayment period beginning in fiscal year 1997-98.
4. It would require the commissioner to propose the legislation necessary to provide 100% state funding for any costs that school administrative units incur in implementing the system of learning results.
5. It would establish a one-year moratorium on new school construction funds until a statewide school facilities inventory and an independent evaluation are completed.
6. It would repeal the provisions related to adjustments for geographic isolation and nonpublic school service. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1772**                      **Resolve, to Promote the Health of Maine's Children**                      **ONTP**

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

LD 1772 proposed to establish the Maine Child Health Task Force. The task force would develop a curriculum and plan for a pilot project for elementary schools to focus on health, physical fitness and physical activity.

**LD 1778**                      **An Act to Establish the Maine Prepaid College Tuition Program**                      **CARRIED OVER**

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

LD 1778 proposes to establish the Maine Prepaid College Tuition Program, administered by a board of trustees with the administrative support of the Treasurer of State. The program would provide for advance purchase by parents of tuition and housing contracts at current prices that will provide for future attendance by their children at campuses of the University of Maine System, the Maine Technical College System or the Maine Maritime Academy. Funds under the contracts may be used for attendance at private colleges and universities and to out-of-state public institutions of higher education up to the amount that would have been paid to an in-state institution under the contract. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1805                      Resolve, Directing the Commissioner of Education to Establish                      RESOLVE 38**  
**Plans for an Alternative School Calendar**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DONNELLY	OTP-AM      MAJ	H-461
PENDLETON P	ONTP        MIN	

LD 1805 proposed to allow a school administrative unit to schedule no more than six consecutive vacation weeks during a calendar year. The bill further proposed to establish the Commission to Study the School Year Calendar to study the effects of an extended school year and increasing compensated training days and programs for teachers.

**Committee Amendment "A" (H-461)** proposed to replace the original bill and direct the Commissioner of Education to establish plans for an alternative school calendar for local schools that are interested in an alternative school calendar and would direct the commissioner to hold a statewide meeting on the issue of alternative school calendars. The amendment would require the commissioner to report back to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 1998.

***Enacted law summary***

Resolve 1997, chapter 38 directs the Commissioner of Education to establish plans for an alternative school calendar for local schools that are interested in an alternative school calendar and further directs the commissioner to hold a statewide meeting on the issue of alternative school calendars. The law requires the commissioner to report back to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 1998.

**LD 1825                      An Act to Authorize a Tuition Savings Plan to Encourage                      CARRIED OVER**  
**Attendance at Institutions of Higher Education**

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

LD 1825 proposes to create the Maine Tuition Savings Program to assist residents of the State in meeting the costs of higher education. The bill would provide a mechanism for people to save for education, including favorable tax considerations. This bill is designed to allow a participant to benefit from recently enacted federal tax law providing favorable treatment to tuition savings plans. The bill was carried over to the Second Regular Session of the 118th Legislature.

LD 1832

**Resolve, to Establish the Task Force to Study Strategies to Support Parents as Children's First Teachers**

**RESOLVE 68**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER C PENDLETON P	OTP-AM	H-540 H-761 RICHARD

LD 1832 proposes to establish the Task Force to Study Strategies to Support Parents as Children's First Teachers.

**Committee Amendment "A" (H-540)** proposed to add to the task force two members representing the Child Development Services System and the Maine Parent Federation and would replace three parents with three members at large to be appointed by the Governor. This amendment would also direct the Department of Human Services to provide staffing and clerical assistance to the task force and would authorize the Commissioner of Human Services to utilize existing department resources to review and report on the duties of the task force. This amendment also proposed to add a fiscal note to the resolve.

**House Amendment "A" to Committee Amendment "A" (H-761)** proposed to reduce the number of task force members, would specify the number of meetings, would specify that legislative members receive per diem and reimbursement for expenses and would add an appropriation section to the bill.

***Enacted law summary***

Resolve 1997, chapter 68 establishes the Task Force to Study Strategies to Support Parents as Children's First Teachers. The task force shall accomplish the following:

1. Design a comprehensive model of early childhood education and parent support;
2. Catalog and review existing programs to ensure there is a comprehensive and coordinated continuum of early childhood education and parent support services in the State;
3. Investigate ways to establish a statewide resource center for the collection and dissemination of resource materials and an ongoing evaluation of early childhood education and parent support programs; and
4. Review early childhood education and parent support programs in other states and investigate all possible funding sources to implement its recommendations.

The task force shall submit to the Joint Standing Committee on Education and Cultural Affairs, with a copy to the Governor, a report of its findings, including any necessary implementing legislation no later than December 1, 1997.

**LD 1861**

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine to Provide Equal Educational Funding**

**CARRIED OVER**

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

LD 1861 proposes to amend the Constitution of Maine to require that the Legislature ensure that funding is available to provide equal educational opportunities to students at public schools throughout the State. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1895**

**Resolve, to Direct the State Board of Education to Study the School  
Funding Formula**

**RESOLVE 61**

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

LD 1895 proposed, pursuant to Joint Order (HP 1332), to direct the State Board of Education to establish a committee to study the school funding formula. The state board committee would coordinate its work with the state board committee studying essential programs and services (see LD 1137, section X-1).

The state board committee would accomplish the following:

1. Review the report presented by the Commissioner of Education to the Joint Standing Committee on Education and Cultural Affairs related to the current methods used to calculate the income and cost-of-living adjustment factors. The State Board of Education would submit its findings and recommendations to the Legislature no later than January 1, 1998; and
2. Review the essential programs and services plan presented by the State Board of Education, pursuant to Public Law 1997, chapter 24, Part X, section 1, to the Joint Standing Committee on Education and Cultural Affairs for the purpose of developing an adequate and equitable method to fund essential programs and services. The state board committee would submit its findings and recommendations to the Legislature no later than January 15, 1999. The Joint Standing Committee on Education and Cultural Affairs may report out a bill based on the state board recommendations.

**House Amendment “A” (H-729)** proposed to replace the resolve and would direct the State Board of Education to study several components of the school funding formula, including but not limited to the following:

1. The amount of state funding and the amount and mix of local tax revenue sources for school funding that would be necessary to provide funding for equal educational programs and services to all children in the State;
2. The effectiveness and fairness of the current practice of including income and cost-of-living adjustment factors in the school funding formula and whether this practice should be continued or if state policy should return to the property tax as the sole determinant of the fiscal capacity of a school administrative unit;



3. The effectiveness and fairness of the percentage reduction method as compared to the mill rate reduction method in implementing necessary state subsidy reductions; and
4. The effectiveness and fairness of minimum subsidies and whether or not this practice should be continued.

In conducting its study, the state board's committee would coordinate its work with the committee studying essential programs and services. The state board would report its findings and any recommended legislation to the Legislature by January 1, 1998. The amendment was not adopted.

**Senate Amendment "A" (S-345)** also proposed to replace the resolve, was a duplicate of House Amendment "A" (H-729). The amendment was not adopted.

***Enacted law summary***

Resolves chapter 61 directs the State Board of Education to establish a committee to study the school funding formula. In conducting its study, the state board committee may coordinate its work with the committee studying essential programs and services. This resolve directs the state board committee to accomplish the following:

1. Review the report presented by the Commissioner of Education to the Joint Standing Committee on Education and Cultural Affairs regarding the current methods used to calculate the income and cost-of-living adjustment factors. The state board committee shall submit its findings and any recommendations to the Legislature no later than January 1, 1998; and
2. Review the essential programs and services plan presented by the State Board of Education, pursuant to Public Law 1997, chapter 24, Part X, section 1, to the Joint Standing Committee on Education and Cultural Affairs for the purpose of developing an adequate and equitable method to fund essential programs and services. The state board committee shall submit its findings and recommendations to the Legislature no later than January 15, 1999. The Joint Standing Committee on Education and Cultural Affairs may report out a bill based on the state board recommendations.

## Joint Standing Committee on Education and Cultural Affairs

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LD 90	Resolve, to Require the Department of Education to Study and Make Recommendations to Alleviate Sexual Harassment in Schools	ONTP	Page 250
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<b>LD 1626</b>	<b>An Act Requiring Voter Approval for the Relocation of an Elementary School Class</b>	<b>ONTP</b>	<b>Page 303</b>
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<b>LD 1725</b>	<b>An Act to Authorize Interlocal Agreements for Construction and Operation of Public Education Fiber-optic Transmission Systems</b>	<b>CARRIED OVER</b>	<b>Page 310</b>
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*Adult Education*

Enacted

**LD 1538**                    **An Act to Promote Adult Education**                    **P & S 47**   **Page 295**

**Not Enacted**

**LD 854**                    **An Act Regarding the Obligation of the State to Fund**                    **INDEF PP**   **Page 265**  
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*Alternative Education, Charter Schools and School Choice*

**Enacted**

**LD 1560**                    **Resolve, Directing the State Board of Education to**                    **RESOLVE 62**   **Page 299**  
**Study Charter Schools and School Choice**

**Not Enacted**

**LD 556**                    **Resolve, to Establish a Study Group to Examine the**                    **ONTP**   **Page 258**  
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**LD 623**                    **An Act to Provide Opportunities for Choice within the**   **CARRIED OVER**   **Page 259**  
**Public School System**

**LD 1080**                    **An Act to Establish Public Charter Schools**                    **ONTP**   **Page 271**

**LD 1165**                    **An Act to Allow School Choice**                    **ONTP**   **Page 275**

**LD 1273**                    **An Act to Establish the Maine Center for Arts**                    **INDEF PP**   **Page 210**  
**Education**

**LD 1353**                    **An Act to Establish a Pilot School Choice Program**                    **ONTP**   **Page 285**

**LD 1685**                    **An Act to Encourage the Development of Charter**                    **ONTP**   **Page 307**  
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**LD 1688**                    **Resolve, to Promote School Choice by Establishing a**                    **ONTP**   **Page 308**  
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*Applied Technology Education*

**Enacted**

**LD 1048**                    **Resolve, to Establish a Task Force to Review the**                    **RESOLVE 74**   **Page 270**  
**Applied Technology Centers and Applied Technology**  
**Regions**

**Not Enacted**

<b>LD 600</b>	<b>Resolve, Directing the Department of Education to Review the Laws Governing Applied Technology Centers and Regions</b>	<b>ONTP</b>	<b>Page 259</b>
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<b>LD 1295</b>	<b>An Act Relating to Applied Technology in Western Washington County</b>	<b>ONTP</b>	<b>Page 281</b>
<b>LD 1329</b>	<b>An Act to Amend the Reimbursement Policy Pertaining to Vocational Education</b>	<b>ONTP</b>	<b>Page 282</b>
<b>LD 1565</b>	<b>Resolve, to Assist the Sanford Regional Vocational Center</b>	<b>ONTP</b>	<b>Page 300</b>

***Cultural Affairs***

**Enacted**

<b>LD 873</b>	<b>Resolve, to Appoint a Study Group to Determine How to Consolidate and Preserve the Health Sciences Library in Maine</b>	<b>RESOLVE 12</b>	<b>Page 267</b>
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**Not Enacted**

<b>LD 1721</b>	<b>An Act Regarding Appointment to the Maine Public Broadcasting Board of Trustees</b>	<b>CARRIED OVER</b>	<b>Page 310</b>
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***Curriculum, Instruction, Textbooks and Testing***

**Enacted**

<b>LD 365</b>	<b>Resolve, to Encourage Public Schools to Adopt a Conflict Resolution Model</b>	<b>RESOLVE 19</b>	<b>Page 255</b>
<b>LD 1832</b>	<b>Resolve, to Establish the Task Force to Study Strategies to Support Parents as Children's First Teachers</b>	<b>RESOLVE 68</b>	<b>Page 314</b>

**Not Enacted**

<b>LD 37</b>	<b>An Act to Permit Schools to Allow Credit toward a High School Diploma for Paid Driver Education Courses</b>	<b>ONTP</b>	<b>Page 248</b>
<b>LD 185</b>	<b>An Act to Reward Schools for Exceptional Student Performance on the 4th-grade Maine Educational Assessment Exam</b>	<b>ONTP</b>	<b>Page 251</b>
<b>LD 241</b>	<b>An Act to Reward Schools for Computer Competency</b>	<b>ONTP</b>	<b>Page 253</b>
<b>LD 846</b>	<b>An Act to Have One Standard of Measurement for School State Assessment Examinations</b>	<b>ONTP</b>	<b>Page 265</b>
<b>LD 1012</b>	<b>Resolve, to Require the Department of Education to Develop a Framework for the Study of Social Studies in Public Schools</b>	<b>ONTP</b>	<b>Page 269</b>
<b>LD 1274</b>	<b>An Act to Include Training in Cardiopulmonary Resuscitation As a High School Graduation Requirement</b>	<b>ONTP</b>	<b>Page 281</b>
<b>LD 1772</b>	<b>Resolve, to Promote the Health of Maine's Children</b>	<b>ONTP</b>	<b>Page 312</b>

***Postsecondary Education Finance and Student Aid***

**Enacted**

<b>LD 327</b>	<b>An Act to Expand Access to Maine's Technical Colleges</b>	<b>P &amp; S 52</b>	<b>Page 129</b>
<b>LD 399</b>	<b>An Act to Extend Certain Survivor Benefits to the Spouses of Firefighters and Law Enforcement Officers and Expand the Definition of Law Enforcement Officers</b>	<b>PUBLIC 160</b>	<b>Page 255</b>
<b>LD 1410</b>	<b>Resolve, to Establish Additional Funding for the University of Maine System</b>	<b>RESOLVE 70</b>	<b>Page 288</b>

**Not Enacted**

<b>LD 1045</b>	<b>Resolve, to Create the Task Force on Research and Development Investment</b>	<b>CARRIED OVER</b>	<b>Page 269</b>
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<b>LD 1203</b>	<b>An Act Regarding Student Financial Aid Programs</b>	<b>ONTP</b>	<b>Page 277</b>
<b>LD 1652</b>	<b>An Act to Establish the Dirigo Higher Education Bond Program to Provide Financial Aid to Maine Students</b>	<b>CARRIED OVER</b>	<b>Page 306</b>
<b>LD 1717</b>	<b>An Act Establishing a Higher Education Trust as an Instrumentality of the State</b>	<b>CARRIED OVER</b>	<b>Page 309</b>
<b>LD 1718</b>	<b>An Act to Create a Prepaid Tuition Plan</b>	<b>CARRIED OVER</b>	<b>Page 310</b>
<b>LD 1735</b>	<b>An Act to Promote Higher Education</b>	<b>INDEF PP</b>	<b>Page 311</b>
<b>LD 1778</b>	<b>An Act to Establish the Maine Prepaid College Tuition Program</b>	<b>CARRIED OVER</b>	<b>Page 312</b>
<b>LD 1825</b>	<b>An Act to Authorize a Tuition Savings Plan to Encourage Attendance at Institutions of Higher Education</b>	<b>CARRIED OVER</b>	<b>Page 313</b>

### *Postsecondary Education Governance and Coordination*

#### Enacted

<b>LD 1557</b>	<b>An Act to Create Efficient and Effective Administration of the University of Maine System</b>	<b>P &amp; S 37</b>	<b>Page 297</b>
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#### Not Enacted

<b>LD 67</b>	<b>An Act to Provide for the Position of President of the University of Maine System</b>	<b>ONTP</b>	<b>Page 249</b>
<b>LD 654</b>	<b>An Act to Amend the Charter of the University of Maine</b>	<b>ONTP</b>	<b>Page 260</b>
<b>LD 953</b>	<b>An Act to Ensure That the Technical College System Is More Responsive to the Needs of the State</b>	<b>ONTP</b>	<b>Page 268</b>
<b>LD 1168</b>	<b>Resolve, to Reorganize the University of Maine System</b>	<b>CARRIED OVER</b>	<b>Page 276</b>
<b>LD 1315</b>	<b>An Act to Make the University of Maine System Board of Trustees an Elected Body</b>	<b>ONTP</b>	<b>Page 282</b>
<b>LD 1338</b>	<b>An Act to Restructure Public Higher Education</b>	<b>ONTP</b>	<b>Page 284</b>



<b>LD 1365</b>	<b>Resolve, to Change the Name of the University of Maine at Augusta to Maine State University</b>	<b>ONTP</b>	<b>Page 286</b>
<b>LD 1449</b>	<b>Resolve, to Restructure the University of Maine System and Enhance the Role of the Faculty in Campus Governance</b>	<b>ONTP</b>	<b>Page 292</b>
<b>LD 1553</b>	<b>Resolve, to Establish the Commission to Study the Restructuring of the University of Maine System</b>	<b>ONTP</b>	<b>Page 297</b>
<b>LD 1597</b>	<b>An Act to Make Certain Changes in the University of Maine System to Promote Lifelong Learning</b>	<b>ONTP</b>	<b>Page 302</b>
<b>LD 1628</b>	<b>An Act to Expand the Board of Trustees of the University of Maine System</b>	<b>ONTP</b>	<b>Page 304</b>
<b>LD 1765</b>	<b>An Act to Amend the Structure of the University of Maine System</b>	<b>ONTP</b>	<b>Page 311</b>

### *School Budgets*

#### Enacted

<b>LD 24</b>	<b>An Act to Clarify the School Budget Approval Process</b>	<b>PUBLIC 68</b>	<b>Page 248</b>
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#### Not Enacted

<b>LD 190</b>	<b>An Act to Require a Revote by Referendum on a School Budget and to Clarify the Budget Referendum Approval Process</b>	<b>ONTP</b>	<b>Page 252</b>
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<b>LD 705</b>	<b>An Act to Amend the Laws Regarding the Approval Process of Budgets of School Administrative Districts</b>	<b>ONTP</b>	<b>Page 262</b>
<b>LD 872</b>	<b>An Act to Clarify Certain Provisions of Law Relating to the Method of Sharing of School Costs in the Wells-Ogunquit Community School District</b>	<b>ONTP</b>	<b>Page 267</b>
<b>LD 973</b>	<b>An Act to Allow Towns within a Community School District to Vote on a School Budget by Referendum</b>	<b>ONTP</b>	<b>Page 268</b>
<b>LD 1404</b>	<b>An Act to Create School Enrichment Funds for Public Schools</b>	<b>ONTP</b>	<b>Page 288</b>

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### Enacted

<b>LD 237</b>	<b>An Act to Increase the Funding for School Construction</b>	<b>PUBLIC 469</b>	<b>Page 252</b>
<b>LD 1229</b>	<b>An Act to Authorize the Conversion and Reuse of the Perry Hayden Hall at Pineland Center as an Elementary School</b>	<b>P &amp; S 22 EMERGENCY</b>	<b>Page 278</b>
<b>LD 1447</b>	<b>Resolve, to Require the Department of Environmental Protection to Review the Asbestos Hazard Emergency Response Act of 1986</b>	<b>RESOLVE 76</b>	<b>Page 291</b>
<b>LD 1637</b>	<b>An Act to Authorize Interest-only Interim Financing in the School Construction Funding Process</b>	<b>PUBLIC 397</b>	<b>Page 304</b>

### Not Enacted

<b>LD 98</b>	<b>An Act Regarding Balances Remaining in General Purpose Aid for Local Schools</b>	<b>INDEF PP</b>	<b>Page 250</b>
<b>LD 186</b>	<b>An Act to Limit Reimbursement for Public School Construction and Renovation to \$80 per Square Foot</b>	<b>ONTP</b>	<b>Page 251</b>
<b>LD 320</b>	<b>An Act to Set the Amount of State Funding for School Building Projects at \$75 a Foot</b>	<b>ONTP</b>	<b>Page 253</b>
<b>LD 929</b>	<b>An Act to Amend the School Construction Laws to Allow School Construction Projects That Expand Existing School Facilities beyond 8,000 Square Feet to Be Eligible for State School Construction Subsidies</b>	<b>ONTP</b>	<b>Page 268</b>
<b>LD 1085</b>	<b>An Act to Give Authority to Set Acreage Necessary for Building or Reconstruction of Schools Solely to the Local Authorities</b>	<b>ONTP</b>	<b>Page 271</b>
<b>LD 1099</b>	<b>An Act to Modify School Construction Laws for Renovation Projects</b>	<b>ONTP</b>	<b>Page 271</b>
<b>LD 1124</b>	<b>Resolve, Requiring the Department of Education to Replace the Building Code for Schools</b>	<b>ONTP</b>	<b>Page 273</b>

<b>LD 1141</b>	<b>Resolve, Regarding School Construction and Renovation Projects</b>	<b>ONTP</b>	<b>Page 273</b>
<b>LD 1195</b>	<b>An Act to Establish Funding for Repair and Renovation Projects under the State School Construction Program</b>	<b>ONTP</b>	<b>Page 277</b>
<b>LD 1260</b>	<b>An Act Allowing Schools to Remain on the School Construction Account Priority List</b>	<b>CARRIED OVER</b>	<b>Page 280</b>
<b>LD 1341</b>	<b>An Act to Improve Maine's School Construction Laws</b>	<b>ONTP</b>	<b>Page 284</b>
<b>LD 1436</b>	<b>An Act to Amend School Construction Laws</b>	<b>CARRIED OVER</b>	<b>Page 290</b>
<b>LD 1544</b>	<b>An Act to Amend the Process by Which School Construction Is Approved</b>	<b>CARRIED OVER</b>	<b>Page 296</b>
<b>LD 1643</b>	<b>Resolve, Directing the State Board of Education to Add Consolidation to the School Construction Rating System</b>	<b>ONTP</b>	<b>Page 306</b>

### *School Finance*

#### Enacted

<b>LD 1895</b>	<b>Resolve, to Direct the State Board of Education to Study the School Funding Formula</b>	<b>RESOLVE 61</b>	<b>Page 315</b>
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#### Not Enacted

<b>LD 187</b>	<b>An Act to Provide That Students Receiving Any Services from a School Be Counted as Students for Purposes of State Aid</b>	<b>INDEF PP</b>	<b>Page 251</b>
<b>LD 352</b>	<b>An Act to Provide Additional Funds to Educate Students with Limited English Proficiency</b>	<b>ONTP</b>	<b>Page 254</b>
<b>LD 685</b>	<b>An Act to Limit Reimbursement for Administrative Expenses Based on the Size of a Local Educational Unit</b>	<b>ONTP</b>	<b>Page 261</b>
<b>LD 815</b>	<b>An Act to Integrate Teacher Retirement and Other Educational Support Funds into the System for Distributing General Purpose Aid to Education</b>	<b>ONTP</b>	<b>Page 264</b>

<b>LD 1036</b>	<b>Resolve, to Review the Components of the Operating Costs in the School Finance Formula</b>	<b>ONTP</b>	<b>Page 269</b>
<b>LD 1355</b>	<b>An Act to Fully Fund Local Education with Income and Sales Tax Revenues</b>	<b>ONTP</b>	<b>Page 285</b>
<b>LD 1459</b>	<b>An Act to More Equitably Distribute General Purpose Aid to Schools Based on Property Values</b>	<b>ONTP</b>	<b>Page 292</b>
<b>LD 1671</b>	<b>An Act Concerning the Calculation of the State's Share of School Funding</b>	<b>ONTP</b>	<b>Page 307</b>
<b>LD 1739</b>	<b>An Act to Amend the Formula Determining the Local Share in the School Funding Process</b>	<b>ONTP</b>	<b>Page 311</b>
<b>LD 1769</b>	<b>An Act to Authorize Additional Adjustments to the State Share of School Funding</b>	<b>CARRIED OVER</b>	<b>Page 312</b>

***Special Education Programs and Finance***

**Enacted**

<b>LD 1121</b>	<b>An Act to Enhance Parental Involvement in Developing Educational Programs for Students with Disabilities</b>	<b>PUBLIC 441</b>	<b>Page 272</b>
<b>LD 1147</b>	<b>An Act to Ensure Consistency Between State and Federal Special Education Requirements</b>	<b>PUBLIC 338</b>	<b>Page 274</b>
<b>LD 1187</b>	<b>An Act to Improve the Transition of People with Disabilities from Children's to Adult Services</b>	<b>PUBLIC 345</b>	<b>Page 276</b>
<b>LD 1236</b>	<b>An Act to Amend the Laws Relating to State Agency Clients</b>	<b>PUBLIC 326</b>	<b>Page 279</b>
<b>LD 1460</b>	<b>An Act Requiring the Department of Education to Perform Annual Cost-benefit Analysis of Special Education Programs in the State</b>	<b>PUBLIC 308</b>	<b>Page 292</b>
<b>LD 1581</b>	<b>An Act to Improve the Child Development Services System and Encourage Collaboration in Early Childhood Programs with School Administrative Units</b>	<b>PUBLIC 534</b>	<b>Page 300</b>

**Not Enacted**

<b>LD 801</b>	<b>An Act to Strengthen the Complaint Investigation Process Regarding Students with Disabilities</b>	<b>ONTP</b>	<b>Page 263</b>
<b>LD 811</b>	<b>An Act to Integrate Sources of Support for Children with Special Needs</b>	<b>ONTP</b>	<b>Page 264</b>
<b>LD 856</b>	<b>Resolve, to Review Special Education Laws to Determine if They Exceed Federal Requirements</b>	<b>ONTP</b>	<b>Page 265</b>
<b>LD 861</b>	<b>An Act to Require That School Administrative Units Provide Additional Appropriate Personnel When Transporting Students with Special Needs</b>	<b>ONTP</b>	<b>Page 267</b>
<b>LD 1149</b>	<b>An Act to Protect Local Education Agencies from Excess Costs Attributable to Special Education Students</b>	<b>ONTP</b>	<b>Page 274</b>
<b>LD 1158</b>	<b>An Act to Amend the Laws Concerning Special Education of Exceptional Students</b>	<b>ONTP</b>	<b>Page 275</b>
<b>LD 1164</b>	<b>An Act to Amend the Laws Regarding Child Development Services</b>	<b>ONTP</b>	<b>Page 275</b>
<b>LD 1394</b>	<b>An Act to Establish a State Residential Treatment Center for Certain Students</b>	<b>ONTP</b>	<b>Page 286</b>
<b>LD 1398</b>	<b>An Act to Clarify the Law Regarding the Discipline of Exceptional Students</b>	<b>CARRIED OVER</b>	<b>Page 287</b>
<b>LD 1415</b>	<b>Resolve, Directing the Department of Education to Review Certain Procedures Regarding Special Education</b>	<b>ONTP</b>	<b>Page 289</b>
<b>LD 1425</b>	<b>An Act to Provide for Direct Reimbursement of Special Education Costs</b>	<b>ONTP</b>	<b>Page 290</b>
<b>LD 1495</b>	<b>An Act to Repeal the Special Education Laws</b>	<b>ONTP</b>	<b>Page 293</b>
<b>LD 1632</b>	<b>An Act to Improve Taxpayer Equity in School Funding</b>	<b>ONTP</b>	<b>Page 304</b>
<b>LD 1638</b>	<b>An Act to Establish a Higher Standard for Appropriate Education of Students with Disabilities</b>	<b>ONTP</b>	<b>Page 306</b>

*Teachers and Administrators*

**Enacted**

None

**Not Enacted**

<b>LD 100</b>	<b>An Act to Require Elementary and Secondary School Teachers to Be Certified in Cardiopulmonary Resuscitation and Basic First Aid</b>	<b>ONTP</b>	<b>Page 251</b>
<b>LD 1281</b>	<b>An Act to Require Individuals to Pass At Least 2 National Teachers Examination Core Battery Tests before Being Able to Be Recertified BY REQUEST</b>	<b>ONTP</b>	<b>Page 281</b>
<b>LD 1442</b>	<b>An Act to Prohibit the Denial of Teacher Certification Based on Refusal to Participate in Learning Results</b>	<b>ONTP</b>	<b>Page 291</b>

***Truants and Dropouts***

**Enacted**

None

**Not Enacted**

<b>LD 721</b>	<b>An Act to Reduce School Truancy</b>	<b>ONTP</b>	<b>Page 262</b>
<b>LD 1271</b>	<b>An Act Pertaining to Truancy</b>	<b>ONTP</b>	<b>Page 280</b>

***Tuition Rates for Non-resident Students***

**Enacted**

<b>LD 505</b>	<b>An Act to Establish a Tuition Rate for Education in the Unorganized Territory</b>	<b>PUBLIC 535</b>	<b>Page 258</b>
<b>LD 857</b>	<b>Resolve, to Require the Department of Education to Review the Methods Used to Determine the Tuition Rates of a Receiving School for a Student from Another School District</b>	<b>RESOLVE 75 EMERGENCY</b>	<b>Page 266</b>

**Not Enacted**

<b>LD 428</b>	<b>An Act to Clarify Tuition Rates for Middle School Students</b>	<b>ONTP</b>	<b>Page 256</b>
<b>LD 432</b>	<b>An Act to Allow Municipalities to Set Tuition Rates for Nonresident Students</b>	<b>ONTP</b>	<b>Page 256</b>
<b>LD 701</b>	<b>Resolve, to Establish a Tuition Rate for the Town of Dennyville</b>	<b>ONTP</b>	<b>Page 262</b>
<b>LD 1010</b>	<b>An Act Regarding Nonresident School Tuition</b>	<b>ONTP</b>	<b>Page 269</b>
<b>LD 1109</b>	<b>An Act to Amend the State Share Percentage for Public School Tuition Students</b>	<b>ONTP</b>	<b>Page 271</b>

*Education - Other*

**Enacted**

None

**Not Enacted**

<b>LD 236</b>	<b>An Act to Strengthen the Requirements for Acquisition of Driver's Licenses by Minors</b>	<b>ONTP</b>	<b>Page 252</b>
<b>LD 319</b>	<b>An Act Regarding Rabies Vaccinations for Animals on School Grounds</b>	<b>ONTP</b>	<b>Page 253</b>
<b>LD 947</b>	<b>An Act to Include Youth in Public Service</b>	<b>ONTP</b>	<b>Page 268</b>





## Joint Standing Committee on Health and Human Services

**LD 106**                      **Resolve, Establishing the Commission to Review the Effectiveness of Statewide Confidentiality Laws Dealing with the Care of People with Mental Illness**                      **INDEF PP**

<u>Sponsor(s)</u> WINGLASS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 106 proposed to create a study commission to review the effectiveness of statewide confidentiality laws dealing with the care of people with mental illness. The commission would have been required to submit its report and any accompanying legislation to the Second Regular Session of the 118th Legislature.

**Committee Amendment "A" (H-158)** proposed to expand the membership of the Commission to Review the Effectiveness of Statewide Confidentiality Laws Dealing with the Care of People with Mental Illness and would have extended the commission's duties to include procedures that could be used to enable the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to communicate with the Joint Standing Committee on Health and Human Services as required for the accomplishment of the committee's oversight responsibilities. It also would have added an appropriation section and a fiscal note to the resolve.

**LD 108**                      **An Act to Amend the Criteria for Reimbursement by the Medicaid Program for Nursing Facility Residents**                      **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 108 proposed to require the Department of Human Services to amend the medical criteria for reimbursement by the Medicaid program for residents of nursing facilities. For residents who were residents on June 30, 1993, the criteria would be the same as the criteria in effect on that date. The bill would have applied retroactively to all determinations of eligibility for admission on or after July 1, 1993.

**LD 122**                      **An Act to Repeal the Funding for the Family Planning Association of Maine**                      **ONTP**

<u>Sponsor(s)</u> MACK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 122 proposed to prohibit the Department of Human Services from providing funding to the Family Planning Association of Maine, Inc.

**LD 126**                      **An Act to Limit Medicaid Coverage for Methadone Rehabilitation to One Year**                      **ONTP**

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

LD 126 proposed to limit treatment under the long-term narcotic dependency treatment project for persons receiving reimbursement under the Medicaid program to one year per person and to require a minimum of 1/2 hour of counseling time per week per person.

**LD 129**                      **An Act to Require That All Medicaid Funds Be Controlled by a Single State Agency**                      **ONTP**

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

LD 129 proposed to require the Department of Corrections, the Departments of Education, Human Services and Mental Health, Mental Retardation and Substance Abuse Services to report to the Joint Standing Committee on Health and Human Services regarding agreements to transfer authority for Medicaid program funding to a single state agency by January 1, 1998.

See also LD 1744 regarding Medicaid funding.

**LD 130**                      **An Act to Provide Financial Incentives to a Company That Hires and Provides Health Insurance Benefits to a Medicaid Recipient**                      **ONTP**

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

LD 130 proposed to provide for reimbursement of health care benefit costs to employers that hire recipients of transitional medical assistance under the Medicaid program. The Commissioner of Human Services would have been required to adopt rules to implement the reimbursement provision.

**LD 146**                      **Resolve, to Establish the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings**                      **RESOLVE 71**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP-AM	H-10 S-396 MICHAUD

LD 146 proposed to create the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings.

**Committee Amendment "A" (H-10)** proposed to change the membership of the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings, adding a physician and a registered nurse, each with experience in long-term care, and decreasing the legislative members from 4 to 3. It would have added to the list of duties examination of potential cost savings and other benefits from more efficient patterns of stocking standard, nonchargeable medical supplies. It would have allowed travel reimbursement for all members of the commission and compensation for attendance at meetings for all nonsalaried members. The amendment would have added an appropriation to pay for the expenses of the commission and a fiscal note.

**Senate Amendment "A" to Committee Amendment "A" (S-396)** proposed to specify that only legislative members receive per diem and reimbursement for expenses, authorized a certain number of meetings and revised the appropriation section.

***Enacted law summary***

Resolves 1997, chapter 71 comprises the provisions of the resolve, the committee amendment and Senate Amendment "A". It creates the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings, a 10-member commission charged with meeting three times and reporting to the Health and Human Services Committee by January 1, 1998.

**LD 153                      An Act to Provide Social Services to Children in Need of Services                      CARRIED OVER  
and State Supervision**

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

LD 153 proposed to establish 2 systems for providing services to children who are runaways, homeless or truant or whose conduct is violent or aggressive or places them at risk or in danger of serious harm or serious injury. The children who are to receive services from the Department of Mental Health, Mental Retardation and Substance Abuse Services would be designated as children in need of services. Services to this group of children would be based on cooperation between the child and the Department of Mental Health, Mental Retardation and Substance Abuse Services. The children who are to receive services from the Department of Human Services, because their conduct creates a threat of serious harm or serious injury, would be designated as children in need of state supervision. Services to this group of children would be based on a voluntary agreement between the Department of Human Services and the custodial parent or custodian of the child.

**LD 158                      An Act to Preserve Roadside Springs                      PUBLIC 45**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON LAVERDIERE	OTP-AM	S-29

LD 158 proposed to urge the Commissioner of Transportation to make efforts to keep public springs open and required the commissioner to allow municipal or county officials to pay for testing of water to verify compliance with applicable state and federal drinking water standards.

**Committee Amendment "A" (S-29)** proposed to replace the bill. It would provide a statutory definition for roadside spring, distinguishing roadside springs from public drinking water sources. It also proposed to add a fiscal note.

*Enacted law summary*

Public Law 1997, chapter 45 comprises the provisions of the Committee Amendment. It defines roadside springs, distinguishing them from public drinking water sources.

**LD 179                      An Act to Clarify Medicaid Reimbursement for Acadia Hospital Corporation                      ONTP**

<u>Sponsor(s)</u> CAMPBELL MURRAY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 179 proposed to clarify reimbursement for new psychiatric hospitals. Under this bill, a psychiatric hospital that begins operation after July 31, 1992 would be guaranteed that the terms of an executed provider enrollment agreement would be honored and that Medicaid reimbursement would be made. The bill would have ensured that the terms of any state Medicaid plan and rules concerning disproportionate share payments apply to new psychiatric hospitals.

**LD 301                      An Act to Provide Representation for Dentists on the Board of the Maine Health Data Organization                      PUBLIC 53**

<u>Sponsor(s)</u> MARVIN MITCHELL B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-9
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LD 301 proposed to exempt from the data collection requirements of the Maine Health Data Organization the dental profession and data on dentistry.

**Committee Amendment "A" (H-9)** proposed to change the title and add a dentist to the board of directors of the Maine Health Data Organization. It also proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 53 comprises the provisions of the Committee Amendment. It adds a dentist to the board of the Maine Health Data Organization, increasing the number of members on the board from 13 to 14.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARVIN PENDLETON P	OTP-AM	H-17

LD 302 proposed to require the Commissioners of Economic and Community Development and Human Services to study the creation of jobs for welfare recipients and to report to the Health and Human Services Committee by November 1, 1997. The report would have included an action plan to create jobs for welfare recipients and any legislation required to implement the plan.

**Committee Amendment "A" (H-17)** proposed to require the Commissioner of Labor to participate in the study of job creation for welfare recipients and the Commissioner of Human Services to chair the study. It would change the report date to February 1, 1998. It would require the report to address the role of private industry and private sector employers in job creation for welfare recipients. It would add a fiscal note.

*Enacted law summary*

Private and Special Law 1997, chapter 6 comprises the provisions of the bill and the Committee Amendment. It requires a report on job creation for welfare recipients from the Commissioners of Economic and Community Development, Human Services and Labor by February 1, 1998. It requires the report to address the role of private industry and private sector employers.

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

LD 303 proposed to require the Commissioner of Human Services to adopt rules regarding medication retention in nursing facilities to ensure that medications are retained that belong to residents who are on leave from the facility and who are likely to return and that credit is given to the accounts of residents for medications returned to the pharmacy.

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

LD 333 proposed to appropriate \$500,000 in each year of the biennium for child care services to qualifying parents needing child care in order to work during the afternoon, evening or on weekends.

See funding for child care in LD 1896, Public Law 1997, Chapter 530.

**LD 334**                      **Resolve, to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to an Annual Report Card on Poverty**                      **RESOLVE 36**

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

LD 334 proposed to require the State Planning Office to report annually to the Legislature on the subject of poverty in the State.

*Enacted law summary*

Resolve 1997, chapter 36 comprises the provisions of the bill. It requires the State Planning Office to submit to the Legislature an annual report on poverty beginning January 1, 1998.

**LD 374**                      **An Act to Consider Cost-effectiveness When Providing Medicaid Coverage for Dental Services**                      **PUBLIC 159**

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

LD 374 proposed to require that Medicaid coverage be provided for dental services when medically necessary and when the coverage of these services is cost-effective.

*Enacted law summary*

Public Law 1997, chapter 159 comprises the provisions of the bill. It requires Medicaid to cover some dental services for adults when those services are medically necessary and cost-effective.

**LD 388**                      **An Act to Ensure State Payment to Nursing Homes of Costs Associated with State Adult Protection Custody Orders**                      **ONTP**

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

LD 388 proposed to require the Department of Human Services, as guardian, to pay certain nursing facility bills received after a state ward's resources are depleted and before the time the individual is eligible for Medicaid or any other 3rd-party payment source.

**LD 391**                      **An Act to Allow Volunteer Work in a State Licensed Day-care Facility to Fulfill Requirements of the ASPIRE-JOB Program and to Establish a Statewide Toll-free Telephone Line for Reporting Welfare Fraud**                      **ONTP**

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

LD 391 proposed to direct the Department of Human Services to establish a pilot program under which an individual may satisfy the 20-hour per week requirement of the ASPIRE-JOBS Program by volunteering in a state licensed day-care facility.

The bill would have required the Commissioner of Human Services to establish a toll-free telephone line for use by the public in reporting suspected fraud in the Temporary Assistance to Needy Families program.

**LD 394**                      **An Act to Preserve Senior Volunteerism**                      **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON P CAMPBELL	OTP-AM	

LD 394 proposed to require the Department of Human Services to fund community-based senior volunteer programs that received funding from the Bureau of Elder and Adult Services during fiscal year 1995-96 in an amount at least equal to each agency's fiscal year 1995-96 allocation.

**Committee Amendment "A" (S-61)** proposed to delete the statutory language guaranteeing a funding methodology for senior volunteer programs for fiscal year 1997-98 and subsequent years and provided an appropriation for fiscal years 1997-98 and 1998-99 for \$5,700 each year for senior volunteer programs. It would have added a fiscal note to the bill.

See Public Law 1997, chapter 24, which provides funding as proposed in the bill.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM MAJ OTP-AM MIN	S-132 S-157 MITCHELL B

LD 412 proposed to forbid the sale of tobacco products to an individual who does not provide appropriate proof that the person is at least 18 years of age.

**Committee Amendment "A" (S-132)** proposed to repeal the provisions controlling sales of cigarettes from vending machines and prohibit such sales, to require that all retail sales of tobacco products be face-to-face sales or sales through the mail with provisions to ensure that the purchaser is not a minor, to require proof of identification for all retail tobacco sales to persons under 27 years of age, to require wholesale tobacco sales that are not face-to-face to meet department standards, to prohibit the sale of cigarettes in packages smaller than 20 cigarettes, to prohibit the sale of tobacco products to minors without regard to the state of mind of the seller, to retain the affirmative defense of reliance on identification to the extent that reliance is reasonable, and to add a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-538)** proposed to incorporate all of Senate Amendment "A" to Committee Amendment "A" (S-157), and to correct an internal reference to a subsection.

**Senate Amendment "A" to Committee Amendment "A" (S-157)** proposed provisions identical to Committee Amendment "A" except it would alter the provisions controlling sales of cigarettes from vending machines, restricting vending machines to areas in which minors are allowed only when accompanied by an adult.

**Committee Amendment "B" (S-133)** is identical to Senate Amendment "A".

#### *Enacted law summary*

Public Law 1997, chapter 305 comprises the provisions of Senate Amendment "A" and Committee Amendment "A". It allows cigarette sales from vending machines, which must be located in areas in which minors are allowed only when accompanied by an adult. It regulates mail order sales and requires proof of age from a retail purchaser under age 27. It prohibits sales to minors, retaining the current affirmative defense for reasonable reliance on identification. It prohibits packaging in packages of fewer than 20 cigarettes.

See also 2 errors bills, LD 10, Public Law 1997, Chapter 393 and LD 1902, Public Law 1997, chapter 562. Chapter 393 in Part D corrects an error in a reference to a subparagraph. Chapter 562 re-enacts the prohibition on minors possessing or using tobacco products, an inadvertent repeal in chapter 305.



**LD 413**

**An Act to Ban All Smoking within Workplaces, Restaurants and Public Accommodations**

**DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	ONTP A	
TOWNSEND	OTP-AM B	
	OTP-AM C	

LD 413 proposed to ban smoking in all workplaces, restaurants and other places of public accommodation.

**Committee Amendment "A" (S-198)** proposed to replace the bill, prohibiting smoking in restaurants, except for those with separate bars in which smoking is allowed, and requiring taverns and lounges to have no-smoking areas similar to the no-smoking areas currently in restaurants. It would have added a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-225)** proposed to amend Committee Amendment "A." It would have retained the ban on smoking in restaurants, while allowing smoking in Class A lounges and separate, enclosed areas of restaurants used primarily for serving alcoholic beverages. It would have removed the requirement that taverns and lounges set up no-smoking areas.

**Committee Amendment "B" (S-199)** proposed to replace the bill. It would have required lounges and taverns to establish no-smoking areas similar to the current no-smoking areas in restaurants and allowed wait staff in restaurants with smoking and no-smoking areas to have a choice of working in no-smoking or smoking areas. It would have required a report from the Commissioner of Human Services by January 1, 1998 on the standard used in no-smoking areas of restaurants, "reasonably calculated to meet the needs of the nonsmoking public", and added a fiscal note to the bill.

**LD 422**

**An Act to Improve the Delivery of Substance Abuse Services in Maine**

**ONTP**

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

LD 422 proposed to require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to award contracts for services based on performance-based contracting, eliminating the right of the commissioner to reject bids. The bill would have applied retroactively to November 1, 1996.

**LD 441**

**An Act to Prohibit Family Planning Agencies from Using State Funds for Certain Expenses Related to Abortion Services**

**ONTP**

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

LD 441 proposed to prohibit the use of state funds for construction or rent payments for facilities at which abortion services are provided or to fund abortions or abortion referral services.

**LD 443**                      **An Act to Require Criminal Background Checks for Home Health Care Workers**                      **ONTP**

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

LD 443 proposed to protect clients of home health care providers by requiring criminal background checks on employees of the provider.

See LD 1046, Resolves 1997, chapter 29, establishing the Task Force on Registration of In-home Personal Care and Support Workers.

**LD 445**                      **An Act to Assist Low-income Working Parents**                      **ONTP**

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

LD 445 proposed to allow families receiving AFDC (now TANF) to continue to receive some amount of financial assistance until their work earnings are sufficient to meet their basic needs.

See LD 1896, Public Law 1997, chapter 530.

**LD 455**                      **An Act to Create a Compliance Plan for Certain Residents of Mental Health Facilities**                      **ONTP**

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

LD 455 proposed to require that before a patient or resident who is determined to be predisposed to violence may be discharged from a mental health facility or institute, the Department of Mental Health, Mental Retardation and Substance Abuse Services must prepare an individual compliance plan to ensure that the person continues on any necessary course of medication. The bill would have required that if the patient fails to take the medication or refuses to submit to tests to determine whether the medication is continuing to be taken, then the person would be returned to the facility or institute.

**LD 530**

**An Act to Extend Medicaid Coverage to Certain Children**

**ONTP**

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

LD 530 proposed to extend Medicaid coverage to children under the age of 19 whose family income is below 133% of the nonfarm income poverty line. It would have established the Healthy Children's Trust Fund within the Department of Human Services to fund the Medicaid expansion. It would have provided that interim funding for the Healthy Children's Trust Fund comes from the General Fund in fiscal year 1998-99 and then would have required funding from outside sources and from the General Fund.

See LD 1904, Public Law 1997, chapter 560.

**LD 559**

**Resolve, to Make Maine Welfare Laws Conform to Federal Welfare Laws**

**ONTP**

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

LD 559 proposed to require the Department of Human Services to review all laws and rules on public assistance, publicly provided health care, nutrition assistance and welfare-related employment training and assistance and to submit a report containing legislation to the Joint Standing Committee on Health and Human Services by December 1, 1997.

**LD 572**

**An Act to Implement Recommendations of the Commission to Study Poverty Among Working Parents Concerning Medicaid Eligibility**

**ONTP**

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

LD 572 proposed to require coverage under the Medicaid program for children under 19 years of age whose family income is below 185% of the nonfarm official poverty level and for employed adults when the family income is below 150% of the nonfarm official poverty level. The bill would have provided these services January 1, 1998.

See LD 1904, Public Law 1997, chapter 560.

**LD 579**

**An Act to Ensure Equal Treatment of Lawful Aliens in Providing  
Medical Assistance and Aid to Needy Families**

**ONTP**

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

LD 579 proposed to clarify that the Department of Human Services must continue to provide the same assistance to legal aliens in this state in the Medicaid, Aid to Families with Dependent Children and related programs that it provided prior to the passage of the federal Personal Responsibility and Work Opportunity Reconciliation Act.

See LD 1896, Public Law 1997, chapter 530.

**LD 581**

**Resolve, to Establish the Commission to Determine the Adequacy of  
Services to Persons with Mental Retardation**

**RESOLVE 79  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J MITCHELL B	OTP-AM	H-273 S-403 MICHAUD

LD 581 proposed to create the Commission to Determine the Adequacy of Services to Persons with Mental Retardation to study the adequacy of services for persons who are not served by the Pineland Consent Decree.

**Committee Amendment "A" (H-273)** proposed to change the appointment procedure and membership of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation, to change the report date to December 1, 1997 and to provide reimbursement for mileage. It would add an appropriation section and a fiscal note.

**Senate Amendment "A" to Committee Amendment "A" (S-403)** proposed to change the reporting date, to authorize a certain number of meetings, to provide per diem and reimbursement for legislative members and to revise the appropriation section.

***Enacted law summary***

Resolves 1997, chapter 79 comprises the provisions of Committee Amendment "A" and Senate Amendment "A". It establishes the Commission to Determine the Adequacy of Services to Persons with Mental Retardation, which is required to meet and study the issue and report its findings and recommendations and any implementing legislation by January 1, 1998. This resolve takes effect June 12, 1997.

**LD 603**                      **An Act to Establish a Residency Requirement for General Assistance**                      **ONTP**

<u>Sponsor(s)</u> MACKINNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 603 proposed to remove the prohibition against durational residency requirements as a precondition for general assistance and impose a 6-month residency requirement.

**LD 641**                      **Resolve, to Establish the Study Group on Pay Equity Among Providers of Mental Health and Mental Retardation Services**                      **ONTP**

<u>Sponsor(s)</u> FARNSWORTH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 641 proposed to establish the Study Group on Pay Equity Among Providers of Mental Health and Mental Retardation Services.

See LD 581, Resolves 1997, chapter 79, establishing the Commission to Determine the Adequacy of Services to Persons with Mental Retardation.

**LD 642**                      **An Act to Extend the Time Period Used by the Department of Human Services in Determining Medical Eligibility for Medicaid Reimbursement for Residents of Nursing Facilities**                      **ONTP**

<u>Sponsor(s)</u> GAGNE FERGUSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 642 proposed to require the Department of Human Services to adopt rules amending the Medical Eligibility Determination form and Chapter 67 of the Maine Medical Assistance Manual so that applicants for Medicaid reimbursement for nursing facility care would be evaluated based on their entire medical and social condition for 30 days prior to the assessment and so that nursing needs would be recognized if required on 3 or more days during any 14-day period in the 30 days prior to the assessment.

**LD 644**                      **Resolve, to Require a Plan for a Register of Nonlicensed Persons Who Provide Health Care Services**                      **ONTP**

<u>Sponsor(s)</u> FARNSWORTH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 644 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse and the Department of Human Services to prepare for the Legislature a plan for a register of personal care and support providers who are not otherwise regulated.

See LD 1046, Resolves 1997, chapter 29, establishing the Task Force on Registration of In-home Personal Care and Support Workers.

**LD 657**                      **Resolve, to Establish the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities**                      **RESOLVE 81 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRIPP	OTP-AM	H-301 H-458 MITCHELL J

LD 657 proposed to establish the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities.

**Committee Amendment "A" (H-301)** proposed to add members to the commission, to add duties from the suggestions of the informal study of nursing home rates during the summer of 1996 and from another bill, and to add an appropriation section and fiscal note to the resolve.

**House Amendment "A" to Committee Amendment "A" (H-458)** proposed to give legislative members of the commission per diem and reimbursement for expenses incurred for attendance at commission meetings and to increase the appropriation.

*Enacted law summary*

Resolves 1997, chapter 81 comprises the provisions of the bill, Committee Amendment "A" and House Amendment "A". It establishes the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities, requiring a report with implementing legislation by December 15, 1997. The resolve takes effect June 12, 1997.

**LD 664**                      **An Act Regarding the Regulation of Day Care Facilities and Home Baby-sitting Services**                      **ONTP**

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

LD 664 proposed to require the Commissioner of Human Services to adopt rules allowing day care facilities and registered baby-sitting services to care for more children than would otherwise be allowed when there are periods of time of less than 2 hours of coinciding care during the day. It would have applied day care facility licensing to providers of services for one or more children under 16 years of age.

See LD 1893, Public Law 1997, chapter 494 on child care regulation.

**LD 689**                      **An Act to Exempt Veteran Residents of the Maine Veterans' Homes from the Provisions on Medical Assessment of Eligibility for Medicaid Reimbursement**                      **ONTP**

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 689 proposed to exempt veteran residents of the Maine Veterans' Homes from the provisions on medical eligibility for reimbursement under the Medicaid program.

**LD 696**                      **An Act to Assist 2-parent Families in which At Least One Parent Is Incapacitated**                      **ONTP**

<u>Sponsor(s)</u> TOWNSEND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 696 proposed to require the Department of Human Services to provide direct aid to 2-parent families in which at least one parent is incapacitated.

See LD 1896, Public Law 1997, chapter 530, section A-16 as it enacts 22 MRSA §3762, subsection 3, paragraph B, subparagraph 3.

**LD 733**                      **An Act to Require Medicaid to Pay for Intravenous Drug Therapy at Home**                      **ONTP**

<u>Sponsor(s)</u> VIGUE DAGGETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 733 proposed to authorize state Medicaid to pay for intravenous drug therapy services at home.

**LD 771**                      **An Act to Require That the Department of Human Services Bring Criminal Charges Promptly against a Custodian When a Child is Removed under Court Order**                      **ONTP**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 771 proposed to require the Department of Human Services to file criminal charges within 15 days of issuance of a removal order against a custodian from whose custody a child has been removed. If the department fails to meet this deadline, the custodian would have been allowed to petition the court to have the removal order vacated

and the court would have been required to vacate the order if it had found that the department did not file charges within 15 days of issuance of the removal order. The court would have been required to issue a new order to return the child to the custodian's custody.

**LD 787**                      **Resolve, to Establish the Task Force on Youth and Families**                      **INDEF PP**

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

LD 787 proposed to establish a procedure for identifying children in need of supervision and addressing their needs.

It would have created the Maine Commission for Youth and Families and given authority to the Department of Mental Health, Mental Retardation and Substance Abuse Services to implement a range of services for children in need of supervision. It would have required further study to be conducted by the Maine Commission for Youth and Families and directed the commission to evaluate the efficacy of the current youth and family service system in Maine. It would have provided for secure facilities for children in need of supervision who do not comply with valid court orders and required the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a capacity to provide facilities within the State for children who require long-term care for mental illness and who have additional conditions that make the use of secure facilities appropriate in providing necessary treatment and care.

**Committee Amendment "A" (H-173)** proposed to establish the Task Force on Youth and Families to study the needs of youths who are at risk and their families. The task force would have been required to report to the Joint Standing Committee on Health and Human Services by December 1, 1997.

**LD 790**                      **An Act to Provide Health Insurance Coverage to Children in Maine**                      **ONTP**

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

LD 790 proposed to extend Medicaid coverage to children under 19 years of age whose family income is below 150% of the nonfarm income poverty line, with a system of copayments and a sliding scale for services if the percentage is between 150% and 100%. It would have provided that all Medicaid to children is through managed care. This Medicaid expansion would have been funded through a .5 mill increase in the cigarette tax.

See LD 1886 and 1887, committee bills on cigarette tax and anti-smoking and children's health care. See also LD 1898, Governor King's bill on cigarette tax and anti-smoking. See also LD 1904, Public Law 1997, chapter 560.



<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON MAYO	OTP MAJ ONTP MIN	S-117 PARADIS

LD 802 proposed to provide protections to contractors who perform services within a state mental health institute relating to the admission, treatment or discharge of patients.

**Senate Amendment "A" (S-117)** proposed to amend the bill to restrict the protections to persons and entities providing psychiatric physician services.

*Enacted law summary*

Public Law 1997, chapter 154 comprises the provisions of the bill and Senate Amendment "A". It extends Maine Tort Claims Act protections to business entities under contract to provide psychiatric physician services at the state mental health institutes.

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

LD 819 proposed to require the Department of Human Services to continue to operate an emergency assistance program for low-income families with children.

See also LD 1896, Public Law 1997, chapter 530.

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

LD 829 proposed to require the Department of Human Services to calculate the total care costs for long-term care services and to allow the client to choose between total care options determined to be clinically appropriate and costing within 90% of each other.

**LD 844**

**An Act to Streamline the Process of Foster Child Placement**

**PUBLIC 39**

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

LD 844 proposed to reduce from 12 months to 6 months the time period for a child in foster care to qualify for long-term foster care absent a termination of parental rights.

***Enacted law summary***

Public Law 1997, chapter 39 comprises the provisions of the bill. It reduces from 12 to 6 months the time period for a foster child to qualify for long-term foster care absent a termination of parental rights.

**LD 851**

**An Act to Provide Reimbursement to Spouses Serving as Personal Care Attendants**

**PUBLIC 509  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH PINGREE	OTP-AM	H-455 S-377 MICHAUD

LD 851 proposed to provide General Fund reimbursement for personal care services provided for Medicaid recipients on an interim basis. It would have directed the Department of Human Services to apply for a Medicaid waiver by April 15, 1997 to allow recipients of personal care services reimbursed by the Medicaid program to employ their spouses in that capacity and report on the status of the waiver application to the Joint Standing Committee on Health and Human Services by June 1, 1997.

**Committee Amendment "A" (H-455)** proposed to replace the bill. It would require the Department of Human Services to reimburse spouses who act as personal care providers for severely physically disabled adults who are eligible to receive services authorized under the Maine Revised Statutes, Title 26, section 1421. It also proposed to add an appropriation section and a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-377)** proposed to deappropriate the funds appropriated in Committee Amendment "A".

***Enacted law summary***

Public Law 1997, chapter 509 comprises the provisions of Committee Amendment "A" and Senate Amendment "A". It requires the Department of Human Services to reimburse spouses serving as personnel care attendants for severely physically disabled persons. The law takes effect June 12, 1997.

**LD 888**

**An Act to Provide for Notification to Local Officials upon the Release of Potentially Violent Patients from State Mental Health Institutions**

**ONTP**

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

LD 888 proposed to require notification to the State Police and county and local law enforcement authorities when a patient is released from a state mental health institution if that patient was hospitalized because the patient presented a danger to others.

**LD 912**

**An Act to Ensure Access to Child Support for Low-income Children**

**ONTP**

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

LD 912 continues the child support pass-through applicable in AFDC cases beyond its April 1, 1997 expiration date.

See LD 1896, Public Law 1997, chapter 530, Part A-16 as it enacts 22 MRSA Section 3762, subsection 3, paragraph B, subparagraph 1. See also Public 1997, chapter 24, which continued funding for the pass-thru during the biennium.

**LD 913**

**An Act to Provide Additional Operating Funds for Homeless Shelters**

**PUBLIC 552**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E PENDLETON P	OTP-AM MAJ OTP-AM MIN	H-409 S-372 MICHAUD

LD 913 proposed to appropriate \$2,000,000 in each year of this biennium, for homeless and domestic violence shelters.

The bill would have required mental health workers in homeless shelters to consult with the Department of Mental Health, Mental Retardation and Substance Abuse Services within 5 days of a person's admission to a shelter to identify an appropriate residential and mental health placement for the person in need of mental health services and to make the placement within a reasonable period of time.

The bill would have required the department to develop licensing standards for homeless shelters in consultation with the Maine Coalition for the Homeless and the Interagency Task Force on Homelessness and Housing Opportunities and to report to the Joint Standing Committee on Health and Human Services by October 1, 1997.

**Committee Amendment "A" (H-409)** is the majority report of the committee. It proposed to provide \$1,000,000 per year for homeless shelters. This amendment proposed to reduce the membership of the Interagency Task Force on Homelessness and Housing Opportunities and to direct it to report to the Governor and Legislature on how best to provide affordable housing and homeless shelter services to persons with mental illness and to make recommendations on the future role and responsibilities of the task force. It also proposed to add a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-372)** proposed to eliminate the appropriation section and add a fiscal note.

**Committee Amendment "B" (H-410)** is the minority report of the committee. It proposed to reduce the membership of the Interagency Task Force on Homelessness and Housing Opportunities and to direct it to report to the Governor and Legislature on how best to provide affordable housing and homeless shelter services to persons with mental illness and to make recommendations on the future role and responsibilities of the task force. It also would have added a fiscal note.

***Enacted law summary***

Public Law 1997, chapter PL 552 comprises the provisions of Committee Amendment "A" and Senate Amendment "A". It reduces the membership on the Interagency Task Force on Homelessness and Housing Opportunities and requires a report to the Governor and Legislature by December 1, 1997, on affordable housing and homeless shelter services for persons with mental illness and substance abuse problems and on the future role and responsibilities of the task force.

**LD 917**                      **Resolve, to Establish a Coordinated Information Referral System and a Single Intake System for the Department of Corrections, the Department of Education, the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Public Safety**                      **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOYNER MITCHELL B	OTP-AM	

In Part A LD 917 proposed to establish the Department of Health and Family Services to assume fully the duties of the current Department of Human Services and Department of Mental Health, Mental Retardation and Substance Abuse Services.

In Part B this bill proposed to transfer from the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Health and Family Services all of the expenditures, assets, liabilities, appropriations and allocations, rules, contracts and agreements, records, property and employees of those 2 departments. It would have directed the Revisor of Statutes to make any statutory corrections necessary for consistency of the statutes.

In Part C this bill proposed to direct transitional activities concerning the budget and the functions of the departments involved. It would have directed the Joint Standing Committee on Health and Human Services to submit legislation needed to correct errors and inconsistencies.

**Committee Amendment "A" (H-685)** would have replaced the bill. It proposed to require the Departments of Corrections, Education, Human Services, Mental Health, Mental Retardation and Substance Abuse Services and Public Safety to establish a coordinated information referral system and a single intake system for clients. By January 1, 1998, the named departments would have been required to report to the Joint Standing Committee on Health and Human Services regarding their progress in establishing the systems. The report would have been required to contain any legislation required to establish the systems. It would have added a fiscal note to the bill.

**LD 932                                      An Act Regarding Foster Parent Insurance                                      PUBLIC 46**

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

LD 932 proposed to require the Director of the Bureau of General Services within the Department of Administrative and Financial Services to provide insurance advice and services to specialized children's homes.

***Enacted law summary***

Public Law 1997, chapter 46 comprises the provisions of the bill. It provides for state insurance services for specialized children's homes.

**LD 939                                      An Act to Require Certain Employees of Health Care Facilities to                                      DIED BETWEEN  
Wear Identification Badges                                      BODIES**

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

LD 939 proposed to require that persons who observe, examine or treat patients or residents at health care facilities wear identification badges.

**Committee Amendment "A" (S-89)** proposed to restrict the bill's provisions to fewer health care facilities and allows exceptions for safety purposes. It would have added a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-100)** proposed to provide that if a health care facility permits or requires its employees to wear identification badges, that health care facility may not prohibit the display on those badges of the employees' licensure status.

**LD 960**

**An Act to Repeal Medicaid Estate Recovery Laws**

**ONTP**

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

LD 960 proposed to repeal Medicaid estate recovery laws enacted by Public Law 1993, chapter 707, Part I, section 1, under which claims are made against the estates of persons who received Medicaid benefits.

**Committee Amendment "A" (H-283)** proposed to allow a recipient of Medicaid to claim one exemption of up to \$10,000 from the Medicaid estate recovery provisions. It would have added an appropriation of \$1,537,500 in fiscal year 1997-98 and \$2,132,000 in fiscal year 1998-99. It would have added a fiscal note to the bill.

**LD 991**

**An Act to Address Issues Raised by the Select Committee to Study Rate Increases in Nursing Homes**

**PUBLIC 329**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND PINGREE	OTP-AM	H-415

LD 991 proposed to require the Department of Human Services to standardize nursing home rates and nursing home contracts that are used for all nursing home residents.

**Committee Amendment "A" (H-415)** This amendment proposed to replace the resolve. It proposed to require the Commissioner of Human Services to adopt rules to standardize nursing home contracts to clarify the rights and obligations of residents. It would allow contracts to contain other provisions specifically allowed by the standardized contract. The amendment also proposed to add a fiscal note to the resolve.

***Enacted law summary***

Public Law 1997, chapter 329 comprises the provisions of the Committee Amendment. It requires the Department of Human Services to adopt rules to standardize nursing home contracts.

**LD 998**

**Resolve, to Establish the Commission to Study the Certificate of Need Laws**

**RESOLVE 82  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J RUHLIN	OTP-AM	H-414 S-351 MICHAUD

LD 998 proposed to repeal the requirement that private health care providers, whether individual or group practices, be required to obtain a certificate of need.

**Committee Amendment "A" (H-414)** proposed to change the bill to a resolve and to create a study commission to study the State's certificate of need laws. The commission would be required to report to the Joint Standing Committee on Health and Human Services by December 1, 1997. The amendment also would add an appropriation and a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-351)** proposed to specify that legislative members receive per diem and reimbursement for expenses, and to revise the appropriation section.

*Enacted law summary*

Resolves 1997, chapter 82 comprises the provisions of the Committee Amendment and Senate Amendment "A". It creates the Commission to Study the Certificate of Need Laws to report to the Health and Human Services Committee by December 1, 1997 with accompanying legislation. The resolve takes effect June 12, 1997.

**LD 1002                      An Act Directing the Department of Human Services to Submit an Annual Report on Children in Foster Care and on Adoption of Children in the Care and Custody of the Department                      PUBLIC 322**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS	OTP-AM	H-303 H-408 MITCHELL J

LD 1002 proposed to amend the child protective laws by making available to the public the following information: the child's gender and birthdate; the relevant court docket numbers; all residential placements and their dates, including placements for evaluation and treatment; all categories and levels of reimbursement paid for care of the child; and the date and reason for disposition of all actions under the Maine Revised Statutes, Title 22, chapter 1071.

**Committee Amendment "A" (H-303)** proposed to replace the bill. It proposed to require an annual report to the Joint Standing Committee on Health and Human Services from the Department of Human Services about the operations of the Bureau of Child and Family Services to cover the delivery of services to children in the care and custody of the department and their families and foster families and public access to information about the child welfare system.

**House Amendment "A" to Committee Amendment "A" (H-408)** proposed to allocate the language in the committee amendment to the Maine Revised Statutes.

*Enacted law summary*

Public Law 1997, chapter 322 comprises the provisions of the Committee Amendment and House Amendment "A". It requires an annual report on children in the care and custody of the State and public access to some information about the child welfare system.

**LD 1006**

**An Act to Legalize Marijuana for Medical Purposes**

**ONTP**

<u>Sponsor(s)</u> STEVENS KILKELLY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1006 proposed to reestablish the Marijuana Therapeutic Research Program, which was repealed December 31, 1987. The bill would have established the Participation Review Board to review and approve practitioners who want to participate in the program and any patient who wishes to participate in the program. Participation would have been limited to chemotherapy or radiation therapy and glaucoma patients who are not responding to conventional treatment or who are suffering severe side effects, and any other patient when medical evidence presented to the board justifies that participation. The patient's physician would have been allowed to write a prescription to be filled at a state or privately operated licensed pharmacy designated by the commissioner.

See also LD 1059.

**LD 1020**

**An Act Allowing Increased Flexibility of Swing Beds**

**ONTP**

<u>Sponsor(s)</u> GOLDTHWAIT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1020 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 and to change the level of care of a bed without requiring a certificate of need.

**LD 1021**

**An Act to Promote the Establishment of Individual Development Accounts by Low-income Families**

**ONTP**

<u>Sponsor(s)</u> TREAT KONTOS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1021 proposed to authorize families receiving AFDC to establish individual development accounts that would be used to help the family become self-sufficient.

See LD 1716, Public Law 1997, chapter 518 on family development accounts.



**LD 1044**

**An Act to Clarify Requirements Pertaining to the Maine Certificate of Need Act**

**PUBLIC 242**

Sponsor(s)  
FULLER  
PINGREE

Committee Report  
OTP-AM

Amendments Adopted  
H-302

LD 1044 proposed to add a definition to the Maine Certificate of Need Act to clarify when the transfer of ownership of a health care facility is subject to certificate of need CON review.

**Committee Amendment "A" (H-302)** This amendment proposed to replace the original bill with language more specifically targeting the special class of management agreements that effectively transfer control of a health care facility in such a manner that a certificate of need review would have been triggered if the transfer had been accomplished by purchase. It would add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 242 extends certificate of need review to transfers of management of health care facilities that would require CON review if the transfer had been by purchase.

**LD 1046**

**Resolve, to Study Registration for In-home Personal Care and Support Workers**

**RESOLVE 29  
EMERGENCY**

Sponsor(s)  
FULLER  
PENDLETON P

Committee Report  
OTP-AM

Amendments Adopted  
H-284

LD 1046 proposed to establish the Task Force on Criminal Background Checks for Home Care Providers to study the implementation of a statewide criminal record check of home care providers.

**Committee Amendment "A" (H-284)** This amendment proposed to strike out the entire resolve and establish the Task Force on Registration of In-home Personal Care and Support Workers to study the registration of personal care and support workers who work in homes, assisted living centers, residential care facilities and supported living facilities.

***Enacted law summary***

Resolves 1997, chapter 29 establishes the Task Force on Registration of In-home Personal Care and Support Workers to study registration of personal care and support workers who work in homes, assisted living centers, residential care facilities and supported living facilities. The resolve takes effect May 16, 1997. The task force is required to report by January 1, 1998, to the Health and Human Services Committee.

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

LD 1059 proposed to create an affirmative defense to a charge of possession or cultivation of marijuana provided a licensed physician has recommended in writing use of the drug to alleviate negative medical symptoms and a number of other requirements are met including notification to law enforcement agencies. The bill would have required a minor to have the consent of a parent or legal guardian. It would have required the Attorney General to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 1999 on the experience of prosecuting authorities with claims of affirmative defense. The bill would have provided professional protection to physicians who recommended the use of marijuana to their patients.

**Committee Amendment "A" (S-219)** proposed to replace the bill. It would have enacted an affirmative defense to the civil infraction of possession of marijuana for persons suffering from glaucoma or nausea or vomiting as a result of AIDS or chemotherapy or radiation therapy for treatment of cancer. It would have required registration with the Department of Public Safety by persons using marijuana for medical purposes. The amendment would have added a fiscal note to the bill.

See also LD 1006.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON P COLWELL	OTP-AM	S-67

LD 1063 proposed to allow professional or registered nurses and advanced practice registered nurses employed by licensed home health care or hospice agencies in the course of employment to possess and administer certain preapproved noncontrolled prescription drugs according to written protocols developed by their employers through their medical advisory committees.

**Committee Amendment "A" (S-67)** This amendment proposed to place the new subchapter of the bill in the Maine Pharmacy Act. It would designate the Board of Commissioners of the Profession of Pharmacy to make the rules on the possession of noncontrolled prescription drugs by a professional nurse or an advanced practice registered nurse employed by a home health care provider. In the making of rules, it would require the Board of Commissioners of the Profession of Pharmacy to consult with the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the State Board of Nursing, the Maine Hospice Council, the Department of Human Services and the Home Care Alliance of Maine. It would add a fiscal note to the bill.

### *Enacted law summary*

Public Law 1997, chapter 109 comprises the provisions of the Committee Amendment. It amends the Maine Pharmacy Act to allow nurses employed by home health care providers to possess and administer noncontrolled prescription drugs. It requires rulemaking by the Board of Commissioners of the Profession of Pharmacy on the possession of noncontrolled prescription drugs by professional and advanced practice nurses employed by home health care providers.

**LD 1066                      An Act to Amend the Prehearing Settlement Process                      PUBLIC 218**

<u>Sponsor(s)</u> JOYNER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-286
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LD 1066 proposed to permit the Department of Human Services to formalize a prehearing settlement process.

**Committee Amendment "A" (H-286)** proposed to substitute more standard language for the adoption of rules, change the rules from major substantive rules to routine technical rules and add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 218 comprises the provisions of the Committee Amendment. It permits the Department of Human Services to adopt rules to establish a pre-hearing settlement process for DHS administrative processes.

**LD 1108                      An Act Regarding Medicaid Reimbursement for Nursing Facility Care                      ONTP**

<u>Sponsor(s)</u> JENKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1108 proposed to allow a nursing facility resident who is determined eligible for Medicaid and who is temporarily absent from the facility to reserve occupancy for a reasonable period of time and provide for payment to the nursing facility at the rate paid for residential care.

**LD 1112                      An Act to Require Mental Health Hospitals to Accept into Care Former Patients Who Refuse to Take Medication                      ONTP**

<u>Sponsor(s)</u> BENOIT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1112 proposed to require the admission to a state mental health institute of an involuntarily committed patient who, while receiving care from a nonstate mental health facility, refuses to take medication prescribed for the treatment of the patient's mental illness.

**LD 1113**

**An Act to Require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to Report the Facts of an Unnatural Death of a Patient under the Care of the Department to the Legislature**

**CARRIED OVER**

Sponsor(s)  
BENOIT

Committee Report

Amendments Adopted

LD 1113 proposes to require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to disclose information concerning the death from unnatural causes of a patient admitted to a state mental health institute to the Joint Standing Committee on Health and Human Services. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1114**

**Resolve, to Extend the Protections against Spousal Impoverishment under the Medicaid Program**

**RESOLVE 42  
EMERGENCY**

Sponsor(s)  
PINGREE  
KONTOS

Committee Report  
OTP-AM

Amendments Adopted  
S-197

LD 1114 proposed to require the Department of Human Services to amend its rules to extend spousal support protections to the spouse of a resident of a cost-reimbursed residential care facility to the same extent as is now available to the spouse of a nursing facility resident. The bill would require that the department, in consultation with the Long-term Care Steering Committee and other interested groups, examine the support available under different long-term care programs to the spouses and families of single and married long-term care recipients and to make recommendations for ensuring greater equity in the income and resource protections extended to individuals who are similarly situated.

**Committee Amendment "A" (S-197)** proposed to delete the requirement on spousal protection and to add to the study duties of the Commissioner of Human Services and the Long-term Care Steering Committee. It would change the initial report date to January 1, 1998 and add a fiscal note to the bill.

***Enacted law summary***

Resolves 1997, chapter 42 comprises the provisions of the bill and the Committee Amendment. It requires the Commissioner of Human Services and the Long-term Care Steering Committee to study medical and financial eligibility screening and the availability and development of long-term care options. It requires an interim report by January 1, 1998, and a final report by November 1, 1998, to the Health and Human Services Committee. The resolve takes effect May 30, 1997.

**LD 1117**

**An Act to Assist Low-income Parents to Obtain Access to Education**

**ONTP**

Sponsor(s)  
PINGREE  
KONTOS

Committee Report  
ONTP

Amendments Adopted

LD 1117 proposed to establish the Parents as Scholars Program to offer an alternative to the aid to families with dependent children program for low-income parents who want to participate in an education or training program for 2 to 4 years. The bill would establish the Parents as Scholars Joint Planning Committee to aid in implementing the Parents as Scholars Program.

See LD 1896, Public Law 1997, chapter 530, sections B-1 and B-2, as they enact 22 MRSA chapter 1054-B.

**LD 1133**

**Resolve, to Ensure Quality Care to Residents of Nursing Facilities through the Establishment of a Task Force on Minimum Staffing**

**RESOLVE 34  
EMERGENCY**

Sponsor(s)  
ETNIER  
PINGREE

Committee Report  
OTP-AM

Amendments Adopted  
H-304

LD 1133 proposed to direct the Department of Human Services to convene a task force to study current departmental rules concerning minimum staffing levels required of nursing facilities with the purpose of recommending to the department how those rules might be amended to better meet the needs of residents of nursing facilities. The task force would consist of representatives of the Department of Human Services, residents of nursing facilities or families of residents, agencies who serve residents and their families and providers of nursing facility services.

**Committee Amendment "A" (H-304)** proposed to allow the Commissioner of Human Services to add persons other than those representatives named in the resolve to the task force on minimum staffing established in the resolve. It would add a fiscal note to the resolve.

***Enacted law summary***

Resolve 1997, chapter 34 comprises the provisions of the bill and the Committee Amendment. It directs the Department of Human Services to convene a task force on staffing levels in nursing facilities. It directs the task force to report to the Health and Human Services Committee within 90 days of the effective date. The resolve takes effect May 22, 1997.

**LD 1153**

**An Act to Require that Day Care Facilities for Children and Infants Be Smoke Free**

**PUBLIC 150**

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

LD 1153 proposed to extend the prohibition on smoking in homes used as day care homes to prohibit smoking in rooms adjacent to those in which children are being cared for.

***Enacted law summary***

Public Law 1997, chapter 150 comprises the provisions of the bill. It prohibits smoking in private homes used as day care homes in rooms that are adjacent to rooms used for day care.

**LD 1176**

**An Act to Provide Continuity and Flexibility for Long-term Care**

**PUBLIC 488**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT GAGNE	OTP-AM	S-233

LD 1176 proposed to provide for a uniform system of reimbursement for long-term care, based on the relative severity of a patient's needs and to allow a facility to obtain a single license to provide both nursing home care and residential care and to provide that a licensed nursing home may also provide residential care under its preexisting license.

**Committee Amendment "A" (S-233)** proposed to replace the bill. It would require the Commissioner of Human Services to adopt rules to provide a single license to facilities providing nursing home and assisted living services and provide coordinated life safety code inspection.

***Enacted law summary***

Public Law 1997, chapter 488 comprises the provisions of the Committee Amendment. It provides the option of single licensure for nursing homes providing assisted living services and coordinated life safety code inspection and licensing inspection.

**LD 1199**                      **An Act to Ensure Adequate Nutrition and Support for Low-income Legal Immigrants**                      **CARRIED OVER**

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

LD 1199 proposes to provide state assistance to aged, blind and disabled legal immigrants who will no longer be eligible for assistance from the federal Supplemental Security Income Program as a result of changes in federal law. It provides food assistance to low-income households no longer eligible for the federal Food Stamp Program. It requires the Department of Human Services to help legal immigrants seeking to become naturalized citizens to achieve that status. The bill was carried over to the Second Regular Session of the 118th Legislature.

See also LD 1896, Public Law 1997, chapter 530, as it enacted 22 MRSA §3762, subsection 3, paragraph B, subparagraph 2 for assistance to certain noncitizens.

**LD 1201**                      **Resolve, to Review Medicines in the Elderly Low-cost Drug Card Program**                      **ONTP**

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

LD 1201 proposed to direct the Department of Human Services and the Bureau of Taxation to jointly appoint a work group to review and update the prescription and nonprescription drugs available through the Elderly Low-cost Drug Card Program.

**LD 1211**                      **An Act to Reduce Teenage Smoking by Increasing the Tax on Cigarettes to Fund an Advertising Campaign**                      **ONTP**

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

LD 1211 proposed to direct the Department of Human Services to carry out an ongoing advertising campaign aimed at the prevention and cessation of tobacco use by teenagers. The program is funded by a cigarette tax increase of \$.25 per pack.

See also committee bills, LD 1887 and LD 1888 and Governor King's bill, LD 1898.

See also LD 1904, Public Law 1997, chapter 560.

**LD 1224**

**An Act to Require Minimum Standards for State-funded Child Care Providers**

**ONTP**

Sponsor(s)  
PARADIS  
PIEH

Committee Report  
ONTP

Amendments Adopted

LD 1224 proposed to create an advanced level of certification for home baby-sitting services for providers who provide services for which state funding is received. The advanced level of certification would require a background check, training in cardiopulmonary resuscitation and first aid, infection control and immunization requirements and an inspection by the local fire department. A provider without advanced certification would be allowed to provide services for which state funding is received for 2 months while seeking advanced certification.

See also committee bill, LD 1893, Public Law 1997, chapter 494, as it enacts 22 MRSA §8302-B. This provision of the law requires a background check and health and safety and physical premises safety and information on training opportunities information and permits inspection by the department.

**LD 1225**

**An Act to Amend the Maine Children's Trust Incorporated**

**PUBLIC 149**

Sponsor(s)  
CLEVELAND

Committee Report  
OTP

Amendments Adopted

LD 1225 proposed to amend the laws regarding the Maine Children's Trust Incorporated. The definition of "income" would be amended to exclude funds received from sources other than the tax checkoff. Restrictions on the use of federal grant funds would be eliminated.

***Enacted law summary***

Public Law 1997, chapter 149 comprises the provisions of the bill. It allows the Maine Children's Trust to increase its board size. It removes restrictions on using federal grants and allows funds other than tax checkoff funds to be outside the definition of income and free of the restriction that administrative expenses be restricted to a percentage of income.

**LD 1230**

**An Act Concerning the Outdoor Gathering Laws**

**ONTP**

Sponsor(s)  
BENOIT  
MERES

Committee Report  
ONTP MAJ  
OTP MIN

Amendments Adopted

LD 1230 proposed to amend the mass gathering laws by establishing health and safety rules to regulate mass outdoor gatherings.



**LD 1241**

**Resolve, to Improve the Delivery and Financing of Long-term Care**

**INDEF PP**

Sponsor(s)  
BENNETT  
WINSOR

Committee Report  
OTP-AM

Amendments Adopted

LD 1241 proposed to eliminate occupancy-related penalties applied to nursing facilities with 60 or fewer beds in the reimbursement principles and to correct a technical reading of the days awaiting placement provision of the statute. It proposed to eliminate reductions in payment currently used as a means of sanctioning facilities for paperwork errors. It proposed to require that the forms now used to calculate case mix adjustments for payment purposes and the forms used to determine medical eligibility must be combined, so that a single set of forms and protocols is required for both purposes. It proposed to require that nursing facilities perform these assessments in accordance with guidelines by the Department of Human Services. It proposed to require the department to provide a means for facilities to gain access to data concerning quality and efficiency.

**Committee Amendment "A" (S-208)** proposed to replace the bill. It would have required the Commissioner of Human Services to adopt rules amending the principles of reimbursement for nursing facilities to apply an occupancy adjustment to facilities with 60 or fewer beds when the annual level of occupancy is less than 85% and added an appropriation and a fiscal note.

See also LD 1138, Public Law 1997, chapter 395, Part N-1 and N-2, which contains the 85% adjustment factor provision similar to the Committee Amendment and an appropriation of \$37,245 in FY 1997-98.

**LD 1255**

**An Act to Simplify Child Care Regulation in Maine**

**ONTP**

Sponsor(s)  
TOWNSEND

Committee Report  
ONTP

Amendments Adopted

LD 1255 proposed to require licensing of all family child care homes by July 30, 1999. The bill would have continued to allow individuals to care for up to 2 children unrelated to the care provider without being licensed. It would not have affected individuals caring for children of relatives.

See LD 1893, the committee bill on child care regulation, enacted as Public Law 1997, chapter 494.

**LD 1275**

**An Act to Allow a Separate, Nonsmoking Area for a Beano or Bingo Game**

**PUBLIC 232**

Sponsor(s)  
DUNLAP  
CATHCART

Committee Report  
OTP-AM

Amendments Adopted  
H-285

LD 1275 proposed to provide that an organization licensed to conduct beano or bingo games may establish a nonsmoking area in a room or outdoor area separate from the area where numbers are called if that room or outdoor

area had a master board, a public address system and an employee of the licensee present at all times during a beano or bingo game.

**Committee Amendment "A" (H-285)** This amendment proposed to replace the bill. It would allow beano or bingo games to have nonsmoking areas that are visible to the smoking areas and that have public address systems and master boards, electric flashboards or chalkboards and a member of the licensee present. The amendment would add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 232 comprises the provisions of the Committee Amendment. It allows beano and bingo games to establish separate non-smoking areas with public address systems, master boards, electric flashboards or chalkboards and a member of the licensee present.

**LD 1291                      An Act to Prohibit Nursing Homes from Charging Private-payor Patients More Than Medicaid Patients                      ONTP**

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

LD 1291 proposed to provide that nursing homes that accept Medicaid patients may not charge higher fees to private pay residents.

See also LD 657, Resolves 1997, chapter 81, establishing the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities.

**LD 1302                      An Act to Amend the Aid to Families with Dependent Children Program                      CARRIED OVER**

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

LD 1302 proposes to authorize the Department of Human Services to continue Maine's AFDC program, using money from the Temporary Assistance for Needy Families block grant funds. It further establishes that in Maine there will be no time limit on receipt of aid to families with dependent children and that victims of domestic violence who would have difficulty participating in ASPIRE-JOBS are exempt from such participation. This bill also proposes to place in state law the due process and fairness protections that are currently part of the AFDC program, but have been repealed from federal law. This bill was carried over to the Second Regular Session of the 118th Legislature.

See also LD 1896, Public Law 1997, chapter 530, the committee bill on welfare reform.

**LD 1326**

**An Act to Clarify the Responsibilities of the Institute Councils of the Augusta Mental Health Institute and the Bangor Mental Health Institute**

**PUBLIC 365**

<u>Sponsor(s)</u> MARVIN MITCHELL B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-585
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LD 1326 proposed to establish boards of directors for the Augusta Mental Health Institute and the Bangor Mental Health Institute to work with the institute councils and to oversee the institutes, including the institutes' systems for assessing and improving the quality of care, management of risk and liability and safety plans.

**Committee Amendment "A" (H-585)** proposed to replace the bill. It would change the title and clarify and add to the responsibilities of the mental institute quality improvement councils established by the Department of Mental Health, Mental Retardation and Substance Abuse Services, giving them evaluation and advice functions resembling those of boards of directors. It would clarify the duties of the 7 area quality improvement councils and add a fiscal note.

*Enacted law summary*

Public Law 1997, chapter 365, comprises the provisions of the Committee Amendment. It clarifies the duties of the state mental health institute quality improvement councils and the 7 other area councils.

**LD 1348**

**Resolve, to Direct the Department of Human Services to Include Vouchers for Personal Hygiene Products with Food Stamps**

**ONTP**

<u>Sponsor(s)</u> GERRY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1348 proposed to direct the Department of Human Services to administer, with the food stamp program, a voucher system for the purchase of personal hygiene products, such as laundry soap and toothpaste.

**LD 1364**

**An Act to Establish Ratios for Direct-care Providers to Nursing Home Residents**

**ONTP**

<u>Sponsor(s)</u> BAKER C	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1364 proposed to require the Department of Human Services to establish the specific ratios for direct care nursing staff to patients in nursing facilities.

See also LD 1133, Resolves 1997, chapter 34, directing the Department of Human Services to convene a task force on minimum staffing levels in nursing facilities.

**LD 1369**                      **An Act Concerning Due Process Regarding Certified Nursing Assistants**                      **ONTP**

<u>Sponsor(s)</u> BAKER C	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1369 proposed to require the Department of Human Services to adopt rules providing certain due process rights to a certified nursing assistant confronted with specific documented findings of abuse, neglect or misappropriation of property under the Maine Revised Statutes, Title 22, section 1812-G.

See also LD 1046, Resolves 1997, chapter 29, establishing the Task Force on Registration for In-home Personal Care and Support Workers.

**LD 1380**                      **An Act to Clarify and Facilitate Transfers of Health Care Facility Capacity**                      **ONTP**

<u>Sponsor(s)</u> MURRAY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1380 proposed to amend the certificate of need laws as they apply to nursing facilities, freeing from review changes in bed number among different facilities under unified control.

**LD 1381**                      **Resolve, to Require a Study of Training in Sudden Infant Death Syndrome**                      **RESOLVE 33**

<u>Sponsor(s)</u> KILKELLY MITCHELL J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-154
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LD 1381 proposed to require a training course in sudden infant death syndrome as part of the Maine Fire Training and Education Program as a basic training requirement for law enforcement officers and as part of the minimum licensing and relicensing requirements for emergency medical services persons.

**Committee Amendment "A" (S-154)** proposed to replace the bill. It would direct the Commissioner of Public Safety to convene a study group to examine issues related to training in sudden infant death syndrome and require a report and any recommended legislation to be submitted to the Joint Standing Committee on Health and Human Services by December 1, 1997.

***Enacted law summary***

Resolves 1997, chapter 33 comprises the provisions of the Committee Amendment. It provides for the Commissioner of Public Safety to convene a study group on training in sudden infant death syndrome with a report to the Health and Human Services Committee by December 1, 1997.

**LD 1403**                      **An Act to Require Consent of a Legal Guardian for the Provision of Prescription Contraception to a Minor**                      **DIED IN CONCURRENCE**

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

LD 1403 proposed to require physicians or others legally qualified to provide medically accepted contraceptive supplies or procedures to obtain consent from a legal guardian of a minor before providing prescription contraceptive supplies or procedures to the minor.

**Committee Amendment "A" (H-472)** proposed to replace the bill. It would have clarified that the current requirements applicable to minor access to health care apply to prescription contraceptive supplies. It would have separated those supplies from the general rules applicable to family planning services.

**House Amendment "A" (H-490)** proposed to require physicians or others legally qualified to provide contraceptive supplies or procedures to notify the legal guardian of a person under 14 years of age before providing such supplies or procedures to that person.

**LD 1411**                      **An Act to Facilitate Disbursement of and Accounting for Issuances of Food Supplement Benefits**                      **ONTP**

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

LD 1411 proposed to require the Department of Human Services to institute a system of issuing food supplement benefits through an electronic debit card.

**LD 1413**                      **An Act to Maintain the Augusta Mental Health Institute and the Bangor Mental Health Institute**                      **ONTP**

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

LD 1413 proposed to require that AMHI and BMHI continue to operate, to set standards for acting superintendents at those hospitals, to require the use of standardized forms and to set standards for admission to the mental health institutes.

**Committee Amendment "A" (H-692)** is the minority report of the committee. It would have amended the bill by deleting the provision on qualifications of acting superintendents and added a limit of 6 months for a person to serve as acting superintendent.

**LD 1427                      An Act to Create Quality Employment and Business Ownership Opportunities for Social Assistance Recipients                      PUBLIC 484 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	S-342

LD 1427 proposed to establish the Quality Employment Opportunities and Business Ownership Opportunities program, a demonstration project of the Department of Human Services and the Department of Economic and Community Development. Grants would be made by the departments to eligible organizations under the program.

**Committee Amendment "A" (S-342)** proposed to establish the Quality Employment and Business Ownership Opportunities program. The amendment would add an emergency preamble and emergency clause and restrict eligible participants to persons receiving TANF. It would add the Department of Labor to the cooperating departments and reduce the time for the demonstration project to 2 years. It would require the departments and grantees to provide a progress report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Business and Economic Development by March 15, 1998 and a final report, including recommendations on continuation of the program, by January 15, 2000. It would add a fiscal note and provide funding of \$300,000 per year for the grant program. The law takes effect June 11, 1997.

***Enacted law summary***

Public Law 1997, chapter 484 comprises the provisions of the bill and the committee amendment. It establishes a 2-year pilot project, the Quality Employment and Business Ownership Opportunities program to aid persons receiving TANF assistance in obtaining employment. It requires an interim report by 3/15/98 and a final report by 1/1/2000.

**LD 1432                      Resolve, to Encourage Nonprofit Entities to Work Together in a Community P.R.I.D.E. Program                      ONTP**

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

LD 1432 proposed to require the Departments of Human Services, Mental Health, Mental Retardation and Substance Abuse Services, Economic and Community Development, Education, and Labor to encourage nonprofit entities to work together in a statewide community Personal Responsibility In Daily Effort "P.R.I.D.E." program to more effectively help residents of this State to secure adequate food and clothing and counseling, child care, educational, job training and medical services.

**LD 1439**

**Resolve, Requiring the Office of Vital Statistics to Conduct a Study of Medical Treatment Records Disposition**

**ONTP**

Sponsor(s)  
SNOWE-MELLO  
KANE

Committee Report  
ONTP

Amendments Adopted

LD 1439 proposed to require the Department of Human Services, Office of Vital Statistics to conduct a study to determine the appropriate disposition of medical treatment records of a deceased patient or of a patient who has moved without a forwarding address and to report back to the Joint Standing Committee on Health and Human Services no later than January 1, 1998.

**LD 1492**

**An Act to Provide Recipients of All Assisted Living Programs and Services Residents' Rights and Equivalent Reporting and Enforcement Opportunities**

**PUBLIC 260**

Sponsor(s)  
PINGREE

Committee Report  
OTP

Amendments Adopted

LD 1492 proposed to extend the private right of action now available to residents of licensed nursing facilities and licensed assisted living facilities to all individuals receiving assisted living programs and services. The bill proposed to clarify that assisted living services rules describing residents' rights adopted by the Department of Human Services apply to all providers of assisted living services whether licensed or unlicensed.

***Enacted law summary***

Public Law 1997, chapter 260 comprises the provisions of the bill. It applies the rights of nursing home residents to residents in assisted living facilities.

**LD 1496**

**An Act to Streamline the Long-term Care Regulatory System**

**ONTP**

Sponsor(s)  
BENNETT  
GAGNE

Committee Report  
ONTP

Amendments Adopted

LD 1496 proposed to eliminate occupancy-related penalties for all nursing facilities, to correct a technical reading of the days-awaiting-placement provision of the statute to eliminate reductions in payment currently used to sanction facilities for paperwork errors, to require the department to give facilities access to aggregate data concerning quality and efficiency, case mix, resource use and other factors, and to establish a Task Force to Study the Delivery of Long-term Care in Maine. It also proposed to require the Department of Human Services to amend its rules to extend spousal support protections to the spouse of a resident of a cost-reimbursed residential care facility, to amend the medical eligibility for Medicaid reimbursement for nursing facility care and to grant eligibility for services required on 3 consecutive days in that period.

**LD 1526**

**An Act to Redefine the Community Services of the Mental Health System**

**PUBLIC 371**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS MITCHELL J	OTP-AM	S-257

LD 1526 proposed to define "major mental illness" and extend the requirement for delivering local mental health services to persons who may not be under the authority of the department but who have a major mental illness. The bill would have required the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to review other states' laws regarding the provision of such services and to report to the Legislature on implementing the extension of local mental health services to persons not under the department's authority.

**Committee Amendment "A" (S-257)** proposed to require the mental health system quality improvement councils to put together plans for the delivery of services to adults and children with major mental illness. It would require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to report by January 1, 1998 on recommendations and legislation that would be necessary to provide services to adults and children with major mental illness. It would replace the definition of major mental illness with a definition to be adopted by the department. It would delete a reference in the study of service delivery systems to the laws of Missouri.

*Enacted law summary*

Public Law 1997, chapter 371 comprises the provisions of the bill and the Committee Amendment. It adds planning for children's services and oversight of the delivery of services to persons who have a major mental illness to the duties of the quality improvement councils. It requires a report by 1/1/98 to the Health and Human Services Committee on the operation of the quality, improvement councils and the delivery of services to persons who have a major mental illness.

**LD 1541**

**Resolve, Directing the Department of Human Services to Apply for a Waiver to Enable People with Disabilities to Purchase Medicaid Health Insurance**

**RESOLVE 59**

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

LD 1541 proposed to require the Department of Human Services to allow people with disabilities to purchase Medicaid coverage on a sliding fee basis if they work at least 10 hours per week and their employers do not offer adequate health care insurance. The resolve would have permitted the purchase of coverage for children with disabilities whose parents work and required the department to seek a federal waiver to permit federal Medicaid funding.

**Committee Amendment "A" (H-583)** proposed to direct the Department of Human Services to apply for a waiver to enable people with disabilities who are covered by the Medicaid program to purchase health care coverage under



the Medicaid program. It proposed to require that the waiver program be revenue-neutral and added appropriation and allocation sections and a fiscal note to the bill.

*Enacted law summary*

Resolves 1997, chapter 59 directs the Department of Human Services to apply for a Medicaid waiver to make Medicaid coverage available to people with disabilities who are working and to children with disabilities whose parents work. The program is required to be revenue neutral.

**LD 1570                      An Act to Require Tobacco Manufacturers to Disclose Ingredients Contained within Tobacco Products                      CARRIED OVER**

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

LD 1570 proposed to require manufacturers of cigarettes and smokeless tobacco to disclose annually in reports to the Department of Human Services added ingredients and nicotine yield ratings. This legislation is modeled on recently enacted Massachusetts law. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1575                      An Act to Make Health Provider Data More Accessible to the Public                      ONTP**

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

LD 1575 proposed to require the Maine Health Data Organization to collect and make public data identified by providers on rates of morbidity, infection, mortality and surgery.

**LD 1576                      An Act to Require that Life-support Systems in Medical Facilities Have Back-up Generators                      ONTP**

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

LD 1576 proposed to require a hospital or other medical care institution that maintains a life-support system or life-support equipment to maintain a back-up power generator to ensure the uninterrupted operation of the system or equipment.

**LD 1584**

**An Act Regarding Confidentiality of Information Concerning Residents of Certain Facilities**

**PUBLIC 342**

Sponsor(s)  
WINN

Committee Report  
OTP-AM

Amendments Adopted  
H-412

LD 1584 proposed to direct the Department of Human Services to require residential care facilities, congregate housing services programs, drug treatment centers and children's homes to develop policies for releasing nontreatment information about residents to guardians and certain public agencies modeled on confidentiality policies developed by the department. The bill would have required the Interdepartmental Council to develop a plan for the informal exchange of information about children receiving residential services.

**Committee Amendment "A" (H-412)** proposed to require that the Department of Human Services to establish by rule confidentiality guidelines for releasing nontreatment information about minor residents in residential care facilities, congregate housing, drug treatment centers and children's homes to law enforcement agencies, schools, parents, guardians or other appropriate public agencies. The amendment would add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 342 comprises the provisions of the Committee Amendment. It directs the Department of Human Services to adopt model confidentiality guidelines regarding information on minor residents of residential care facilities, congregate housing, drug treatment centers and children's homes.

**LD 1585**

**An Act to Provide Additional Adoption Assistance to State Employees**

**CARRIED OVER**

Sponsor(s)  
SPEAR

Committee Report

Amendments Adopted

LD 1585 proposes to establish an additional adoption assistance program for employees of this State who adopt children. Benefits are proposed to be limited to actual costs of adoption, including but not limited to medical costs not covered by insurance, fees of licensed adoption agencies, fees for the court process and attorneys and fees for investigations. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1620**

**An Act to Amend the Laws Regarding Intervenor Status for Foster Parents in Certain Cases of the Department of Human Services**

**PUBLIC 343**

Sponsor(s)  
MCALEVEY  
MITCHELL B

Committee Report  
OTP-AM

Amendments Adopted  
H-411

LD 1620 proposed to change the requirement for becoming an intervenor in child protection proceeding for foster parents by decreasing the requirement of having the child in the foster parent's home from one year to 90 days.

**Committee Amendment "A" (H-411)** proposed to amend the bill, setting the requirement for becoming an intervenor at 120 days.

*Enacted law summary*

Public Law 1997, chapter 343 comprises the provisions of the bill and the Committee Amendment. It decreases the time period for a foster parent to obtain intervenor status in court from 365 days to 120 days.

**LD 1627**                      **An Act to Promote Healthy Maine Families**                      **ONTP**

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

LD 1627 proposed to promote the Youth Smoking Prevention Fund to reduce the prevalence of tobacco use and abuse by Maine youth, to increase the number of children and working adults eligible for Medicaid and to provide prescription drug benefits to the qualified elderly. The bill would have increased the tax on tobacco products and dedicated the funding from the increase to the Youth Smoking Prevention Fund and to the expanded Medicaid program, which is funded out of a new Healthy Families Fund.

See also committee bills, LD 1886 and 1887 and Governor King's bill, LD 1898.

See also LD 1904, Public Law 1997, chapter 560.

**LD 1634**                      **An Act to Provide Information to Consumers of Health Care**                      **PUBLIC 337**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON P NASS	OTP-AM	S-200

LD 1634 proposed to provide consumers the freedom to choose any licensed home health care provider available in their area. It would have required hospitals to provide to patients who require home health care a list of licensed home health care providers with a disclosure of any financial interest of the hospital in those agencies.

**Committee Amendment "A" (S-200)** proposed to require that hospitals and nursing facilities provide for patients or residents who need nursing facility care or home health care information about the providers in the area and disclose any financial connection between that entity and or nursing facility or home health provider.

*Enacted law summary*

Public Law 1997 chapter 337 comprises the provisions of the Committee Amendment. It requires hospitals and nursing facilities to give information about home health and nursing home providers of services and about financial connections to all residents or patients being discharged who need those services.

**LD 1663**

**An Act to Ensure the Appropriate Treatment of Autism**

**ONTP**

<u>Sponsor(s)</u> SMALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1663 proposed to establish guidelines concerning the method, frequency and intensity of intervention that is provided to an individual with autism. The bill would have required that a task force be established to set qualifications for persons that provide intervention for individuals diagnosed with autism and would have set standards for the practitioners who treat autism.

**LD 1673**

**An Act to Amend the Child and Family Services and Child Protection Act**

**PUBLIC 328**

<u>Sponsor(s)</u> MARVIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-430
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LD 1673 proposed to enable the Commissioner of Human Services to release information pertaining to child abuse or neglect when criminal action had been taken as a result of abuse or neglect or where public disclosure of an abuse and neglect case had already occurred.

**Committee Amendment "A" (H-430)** proposed to allow the Attorney General to advise the Commissioner of Human Services in making a decision whether to release child welfare information and to add the age of the child to information that may be released. The amendment would require agreement of the guardian ad litem and the commissioner for children under 13 years of age and agreement of the guardian ad litem, the child and the commissioner for children 13 years of age or older when the information released contains the name and age of the child. It also proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 328 comprises the provisions of the bill and the Committee Amendment. It allows the Commissioner of Human Services to release limited child protective information in limited circumstances. It provides for advice from the Attorney General to the Commissioner regarding the release of information.

**LD 1677**

**An Act to Improve Children's Health**

**CARRIED OVER**

<u>Sponsor(s)</u> LONGLEY MITCHELL E		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1677 proposes to establish the Children's Health Care Program to maximize the access of children to primary, preventive and acute health care; health programs; and information about illness, prevention of illness and health

maintenance. The program would be administered by the Commissioner of Human Services and the advisory committee on Medicaid.

The bill also proposed to establish a tobacco use reduction initiative, administered by the Commissioner of Human Services in cooperation with the Director of the Bureau of Public Health, to educate the public, particularly persons under 19 years of age, regarding the risks of tobacco use.

The initiatives proposed by this bill would be funded by increases in the cigarette tax, the tax on smokeless tobacco and the tax on other tobacco products. The bill was carried over to the Second Regular Session of the 118th Legislature.

See LD 1887 and 1888 and Governor King's bill, LD 1898. See also LD 1904, Public Law 1997, chapter 560.

**LD 1684**                      **Resolve, to Establish 2 Pilot Projects to Promote Innovations in and Improve Long-term Care**                      **HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT FULLER	OTP-AM	S-256 S-406 MICHAUD

LD 1684 proposed to direct the Department of Human Services to apply for a waiver to establish demonstration projects to provide long-term care services, health care and housing in flexible arrangements from a number of providers. It would have required the establishment of a working group to advise the department. The demonstration projects would have been designed to increase choice and control for consumers of long-term care services and housing. The pilot projects would have operated for a minimum of 2 years. Reports would have been due to the Governor and the Legislature on January 1, 1998 and January 1, 1999.

**Committee Amendment "A" (S-256)** proposed to change the date of the application for a waiver to July 1, 1998. It would have required any savings under the waiver to be used to increase coverage for consumers of long-term care services. It would have set an implementation date 180 days from the date of the granting of the waiver. It would have changed the length of the pilot projects from 2 years to 3 years and added an appropriation, allocation sections and a fiscal note to the resolve.

**House Amendment "A" to Committee Amendment "A" (H-708)** proposed to clarify a reporting date.

**Senate Amendment "A" to Committee Amendment "A" (S-406)** proposed to eliminate the appropriation and allocation sections.

The bill was amended by S-256 and S-406 was enacted by the Legislature, but is being held unsigned by the Governor.

**LD 1691**

**An Act to Significantly Reduce Smoking and Tobacco Use among the Young People of Maine**

**ONTP**

Sponsor(s)  
MITCHELL J

Committee Report  
ONTP

Amendments Adopted

LD 1691 proposed to establish a self-funded program to reduce dramatically the use of tobacco products by young people in this State, and to fund other health care, tax relief and business transition programs the Legislature considers appropriate. It would have raised tobacco taxes \$1 per pack of cigarettes and dedicated the funds for health care, anti-smoking campaigns, increased enforcement and held harmless the General Fund tobacco tax revenues.

See also committee bills, LD 1886 and 1887 and Governor King's bill, LD 1898. See also LD 1904, Public Law 1997, chapter 560.

**LD 1693**

**An Act to Amend the Maine Health Data Organization Laws**

**PUBLIC 525  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted  
H-206 MITCHELL, J  
S-369 MICHAUD

LD 1693, which was a committee bill reported pursuant to joint order, proposed to correct 2 unintended omissions in the Maine Health Data Organization's enabling legislation. It would have added radiological facilities to the definition of health care facility, and services is added to the statutory section requiring ambulatory data to be filed by health care providers. Both additions would maintain the status quo and require no additional providers to submit data. This bill proposed to allow any interest that is generated from the dedicated revenues to remain in the dedicated account. It would have changed the designation of rules adopted by the Maine Health Data Organization board from major substantive rules to routine technical rules. It would have provided for permanent funding from fees charged by the organization and from assessments on providers of health care services and insurers. It would have added emergency language to ensure that a method of permanent funding is provided and the organization is authorized to conduct its business.

**House Amendment "A" (H-206)** proposed to add a fiscal note to the bill.

**Senate Amendment "A" (S-369)** proposed to undedicate the interest income earned on the Maine Health Data Organization dedicated fund balances.

***Enacted law summary***

Public Law 1997, Chapter 525 comprises the provisions of the bill and House Amendment "A" and Senate Amendment "A". It includes radiological facilities as health care facilities and broadens ambulatory surgical data to include services. It designates organization rules as routine technical rules. It provides for permanent funding.

**LD 1700**

**An Act to Simplify the Process for Applying for State Services for People with Disabilities**

**INDEF PP**

Sponsor(s)  
WATSON  
HARRIMAN

Committee Report  
OTP-AM

Amendments Adopted

LD 1700 proposed to require the Department of Human Services to establish a central clearinghouse of information concerning all state or federal assistance programs for providing services to people with disabilities and to create and make available a single application form to be used by the department to determine an applicant's eligibility for any state or federal assistance program.

**Committee Amendment "A" (H-702)** proposed to replace the bill. It would have required the State to develop an automated service delivery system for providing information on services available to persons with disabilities, including information on eligibility for state and, to the extent possible, federal assistance programs by July 1, 2000. The amendment would have required the system to guard consumer confidentiality and to provide primary service coordinators to work with the consumers and providers of services and added a fiscal note to the bill.

**LD 1701**

**An Act to Promote Economic Independence for Low-income Families**

**PUBLIC 284**

Sponsor(s)  
GREEN  
PARADIS

Committee Report  
OTP

Amendments Adopted

LD 1701 proposed to require the Department of Human Services to contract with a nonprofit corporation such as Women Unlimited to provide nontraditional job training and placement services for persons receiving assistance under the temporary assistance to needy families program.

***Enacted law summary***

Public Law 1997, chapter 284 comprises the provisions of the bill. It requires the Department of Human Services to contract for non-traditional job training and placement services for TANF recipients.

**LD 1703**

**An Act to Prohibit Smoking in Restaurants**

**ONTP**

Sponsor(s)  
ETNIER  
MILLS

Committee Report  
ONTP

Amendments Adopted

LD 1703 proposed to include a restaurant in the definition of "public place" where smoking is prohibited. Smoking would have been permitted in a Class A lounge or in a separate, enclosed area of a restaurant that is used primarily for the service of alcoholic beverages.

See also LD 413.

**LD 1706**                      **An Act to Review Registration of Certified Nursing Assistants**                      **PUBLIC 465**

<u>Sponsor(s)</u> BRUNO		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1706 proposed to require a listed nursing assistant's name on the CNA Registry to be annotated with any criminal convictions except those Class D and Class E convictions over 10 years old that did not involve as a victim a patient, client or resident of a health care entity. The bill would require the department to verify the credentials and training of all certified nursing assistants and all health care institutions to check with the registry before hiring any certified nursing assistants.

*Enacted law summary*

Public Law 1997, chapter 465 requires annotation on the CNA registry of criminal convictions except old Class D and E convictions not pertinent to CNA employment. It requires DHS to verify the credentials and trainings of all CNAs and required health care facilities to check the CNA registry prior to hiring.

**LD 1715**                      **An Act to Conform the State Revolving Loan Fund for Drinking Water with the 1996 Amendments to the Federal Safe Drinking Water Act**                      **PUBLIC 555  
EMERGENCY**

<u>Sponsor(s)</u> MITCHELL E		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-522
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LD 1715 proposed to conform the state revolving loan fund with the 1996 amendments to the federal Safe Drinking Water Act of 1996.

**Committee Amendment "A" (H-522)** proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 555 comprises the provisions of the bill and the Committee Amendment. It amends the provisions of the Maine Municipal Bond Bank laws and the Safe Drinking Water Revolving Loan Fund Laws to conform with federal law. The law takes effect June 12, 1997.



<u>Sponsor(s)</u> KONTOS GOLDTHWAIT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-704
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LD 1716 proposed to establish the Family Development Account Program to be administered by the Department of Economic and Community Development to provide eligible families and individuals with an opportunity to establish special savings accounts for money that may be used for education, home ownership or small business capitalization.

**Committee Amendment "A" (H-704)** proposed to replace the bill, combining the provisions of the bill with provisions of LD 1021. It would restrict account holders to persons below 200% of the federal poverty level. It would allow administrative expenses of 15% and add a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-728)** proposed to provide for reimbursement for legislators serving on the Advisory Committee on Family Development Accounts. This amendment was not accepted.

*Enacted law summary*

Public Law 1997, chapter 518 comprises the provisions of the Committee Amendment. It allows families below 200% of the federal poverty level to open family development accounts to save for specific purposes. Assets in the account are not counted as assets for the purposes of TANF or general assistance. Matching contributions may be made through the community development organization that administers the accounts. Administrative expenses in the community development organization are limited to 15% of the family development account reserve fund.

<u>Sponsor(s)</u> DAGGETT COWGER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1722 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop and maintain a fully responsive mental health system that provides a continuum of mental health care, including the state mental health facilities.

<u>Sponsor(s)</u> FULLER	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1737 proposes to establish safeguards for maintaining the confidentiality, security and integrity of health care information. It establishes requirements for confidentiality and authorization by patients for disclosure of their health care information and exceptions to the requirement of authorization. It removes the requirement that HIV information be treated differently from other health information and enhances the confidentiality of the medical record. This bill was carried over to the Second Regular Session of the 118th Legislature.

See also LD 1779.

**LD 1743                      Resolve, Regarding Consumer-directed Personal Assistance Services and Respite Services                      ONTP**

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

LD 1743 proposed to require that consumer-directed personal assistance services be made available to consumers who are able to self-direct the management of that care and to consumers who need the assistance of an unpaid steward to manage the care. The resolve would have required that respite care be made consumer-directed when possible.

**LD 1744                      Resolve, to Plan for Services for Children with Mental Health Needs                      RESOLVE 80**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON P KANE	OTP-AM	S-334 S-401 MICHAUD

LD 1744 proposed to require the Departments of Human Services and Mental Health, Mental Retardation and Substance Abuse Services to develop community-based acute crisis stabilization beds for children and to report annually on the progress of the development.

**Committee Amendment "A" (S-334)** proposed to replace the bill, requiring the Departments of Corrections, Education, Human Services and Mental Health, Mental Retardation and Substance Abuse Services to work together to design a comprehensive plan for the delivery of children's mental health services. It would require the Departments of Human Services and Mental Health, Mental Retardation and Substance Abuse Services to adopt changes in the Medicaid rules to establish a gatekeeper for children's mental health services and to report periodically to a subcommittee of the Joint Standing Committee on Health and Human Services on their progress. The amendment would add a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-401)** proposed to limit the subcommittee to 4 meetings and allowed per diem and reimbursement for expenses for legislators. It would add an appropriation section.

*Enacted law summary*

Resolves 1997, chapter 80 comprises the provisions of the Committee Amendment and Senate Amendment "A". It requires the Departments of Corrections, Education, Human Services and Mental Health, Mental Retardation and Substance Abuse Services to develop a plan for children's mental health services, to establish a gatekeeper for those services and to report periodically on their progress to a subcommittee of the Health and Human Services Committee.

**LD 1750                      An Act Concerning the Rights of Children with Special Needs                      CARRIED OVER**

<u>Sponsor(s)</u> MITCHELL J		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1750 proposes to outline principles of operation that the Department of Mental Health, Mental Retardation and Substance Abuse Services, in cooperation with the Departments of Human Services, Education and Corrections, must adhere to in developing and delivering services to children with special needs. It would require the department biennially to provide an assessment to the parent or guardian of a child with special needs identifying that child's special needs and the resources necessary to meet those needs and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to report annually to the Legislature on the individual assessments performed, the needs identified and the estimated costs to meet those needs. It establishes the Interdepartmental Children's Ombudsmen to advocate for the rights and dignity of children with special needs, receive complaints, resolve disputes, act as information sources and make recommendations. This bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1757                      An Act to Further Maine's Welfare Reform Initiatives and Establish                      ONTP  
Maine's Temporary Assistance for Needy Families Program**

<u>Sponsor(s)</u> PARADIS LOVETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1757 proposed to establish the TANF program to replace the AFDC program. These changes were required as the result of the passage by the Federal Government of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

See Committee bill, LD 1896, Public Law 1997, chapter 530.

**LD 1762                      Resolve, Establishing the Task Force to Evaluate the Creation of a                      ONTP  
Centralized State Office of Advocacy Services**

<u>Sponsor(s)</u> ROWE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1762 proposed to establish the Task Force to Evaluate the Creation of a Centralized State Office of Advocacy Services.

**LD 1776**

**An Act to Establish Guidelines for Putting Certain Social Service Contracts out to Bid**

**PUBLIC 381**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT KANE	OTP-AM	S-282

LD 1776 proposed to prohibit a performance-based contract under the Department of Mental Health, Mental Retardation and Substance Abuse Services from being put out to bid solely because of the amount or duration of the contract. The bill would have required the Department of Mental Health, Mental Retardation and Substance Abuse Services to establish guidelines, with assistance from social service agencies, as to when contracts should be sent out for rebidding.

**Committee Amendment "A" (S-282)** This amendment proposed to replace the original bill to bring contracts under the Office of Substance Abuse in line with mental health contracts within the Department of Mental Health, Mental Retardation and Substance Abuse Services.

***Enacted law summary***

Public Law 1997, chapter 381 comprises the provisions of the Committee Amendment. It provides uniformity for mental health and substance abuse contracts in the manner in which they are put out to bid and re-bid within the Department of Mental Health, Mental Retardation and Substance Abuse Services.

**LD 1779**

**An Act Regarding Access to Medical Information**

**CARRIED OVER**

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

LD 1779 proposes to create the Medical Privacy Act of 1997 that establishes a right to privacy with respect to health information, including genetic information. It helps to ensure the confidentiality of computerized or electronically transferred health information and restricts the gathering of aggregate health information for financial gain or other purposes without an individual's knowledge or consent. The bill also provides individuals with access to health information of which they are the subject, and the power to challenge the accuracy and completeness of, amend or correct records containing that information.

The bill further provides that an individual's interest in the privacy of health information may not be overridden without notice and consent, except in limited circumstances, including when a person is in danger; disclosure to a health oversight agency in cases concerning fraud; protection of individuals from harm, abuse, neglect, or exploitation; public health risks; and disclosure to health researchers within certain parameters. It also provides for disclosure of health information for judicial, law enforcement and administrative purposes pursuant to requirements governing subpoenas, warrants, court orders, and in certain other cases involving legal claims. The bill establishes civil penalties and a private right of action of individuals aggrieved by conduct in violation of the act.

The bill requires that an advisory group be appointed by the department to review all proposed rules and assist the department in establishing the standards for compliance with the rules. The group is also directed to review further modifications to the Medical Privacy Act of 1997 to ensure efficient and confidential electronic exchange of protected health information and to make recommendations to bring certain existing laws into compliance.

The bill provides that the act does not preempt, supersede or modify the operation of certain existing state laws. It amends existing laws concerning the collection, use and dissemination of health information to render them consistent with the act and repeals other laws that are inconsistent. The bill was carried over to the Second Regular Session of the 118th Legislature.

See also LD 1737.

**LD 1790                      An Act to Control Browntail Moths**

**PUBLIC 215  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J AMERO	OTP-AM	H-469

LD 1790 proposed to allow the Director of the Bureau of Health to declare infestations of the browntail moth in populated areas a public health nuisance. Following notice to the landowners and their consent, municipalities would have been allowed to conduct aerial spraying of pesticides to control the moths, as long as the municipalities complied with the notification and consent regulations of the Board of Pesticides Control. If a landowner refused to consent to aerial spraying the landowner would have been required to remove any moth infestation on that landowner's land and pay the additional costs of removal incurred by consenting landowners or the municipality. If the additional costs were not paid following a written demand, the municipality would have been allowed a supplemental tax.

**Committee Amendment "A" (H-469)** proposed to limit the obligations of nonconsenting landowners for additional browntail moth control costs. It would have added a requirement that the notice to landowners identify the chemical to be sprayed for browntail moth control and a requirement of 24-hour notice of the date of spraying, subject to weather conditions. The amendment would add an emergency preamble, an emergency clause and a fiscal note to the bill. It also proposed to change the collection of costs from a supplemental tax to a service charge.

***Enacted law summary***

Public Law 1997, chapter 215 comprises the provisions of the bill and the Committee Amendment. It provides a procedure for municipalities to address browntail moth infestations. It requires notice to landowners and notice of the date of spraying, subject to weather conditions. It allows for the collection of costs from nonconsenting owners through a service fee. The law takes effect May 16, 1997.

**LD 1792**

**An Act to Decrease Young Adult and Adolescent Pregnancies**

**ONTP**

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

LD 1792 proposed to create the Young Adult and Adolescent Pregnancy Task Force to assist in decreasing the number of young adult and adolescent pregnancies. The task force would have been required to develop and implement a series of measures, including a public relations program and a mentoring program, and to study measures used in California and Tennessee to achieve specified pregnancy reduction goals as recommended by the Healthy Maine 2000 Project of the Department of Human Services, Bureau of Health.

**LD 1814**

**An Act to Improve the Delivery of Mental Health Services in Maine**

**PUBLIC 423**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY FULLER	OTP-AM	S-312

LD 1814 proposed to give the Department of Mental Health, Mental Retardation and Substance Abuse Services oversight authority over all providers of mental health services that receive General Fund and Medicaid money and to authorize the department to establish rules to govern local service networks. The bill proposed to define the State's role in providing a safety net of services for people with mental illness.

**Committee Amendment "A" (S-312)** proposed to clarify the application of professional standards to nonmembers of the local service networks. It would specify the responsibility of the Department of Mental Health, Mental Retardation and Substance Abuse Services to provide a safety net of services for adult mental health consumers. It would require the department to collect data on mental health service utilization and unmet needs.

***Enacted law summary***

Public Law 1997, chapter 423 comprises the provisions of the Committee Amendment. It clarifies that the Department of Mental Health, Mental Retardation and Substance Abuse Services oversees the local service networks regarding the delivery of mental health services. It requires the department to collect data on mental health needs and services. It defines the department's responsibility to provide a safety net of mental health services for adults.

**LD 1817**

**An Act to Amend the Laws Governing the Maine Health and Higher Educational Facilities Authority**

**PUBLIC 385  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J CAREY	OTP-AM	H-473

LD 1817 proposed to allow the Maine Health and Higher Educational Facilities Authority to act as a conduit for eligible borrowers to purchase commodities in bulk and to allow it to purchase electricity on behalf of eligible borrowers if utility deregulation laws are enacted. The bill would create a lease financing program in the MHHEFA identical to the one created by the Legislature for use by local governments through the Maine Municipal Bond Bank.

**Committee Amendment "A" (H-473)** proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 385 comprises the provisions of the bill and the Committee Amendment. It allows the Maine Health and Higher Educational Facilities Authority to act as a conduit for the purchase of commodities and utility services. It creates a lease financing program within MHHEFA. The law takes effect May 31, 1997.

**LD 1859**

**An Act to Prevent Hunger Among Unemployed Maine Workers**

**P & S 38  
EMERGENCY**

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

The new federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 limits food stamp program eligibility for certain unemployed individuals to 3 months in a 3-year period. The act authorizes the United States Department of Agriculture to grant waivers of this provision to states for areas that do not have a sufficient number of jobs for individuals subject to this provision. Maine has already received a waiver for 8 counties and the Penobscot Nation. LD 1859 proposed to require the department to seek a waiver of 3 additional areas on the basis of insufficient jobs: Kennebec County, Penobscot County and the Sanford labor market area. It would instruct the department to seek a waiver for certain categories of individuals who, because of particular hardships, are unlikely to find jobs.

Additionally, this bill would require the Department of Human Services to coordinate with other public and nonprofit agencies to develop and supervise volunteer placements for persons who would otherwise become ineligible for food stamps and would require the department to arrange for an independent evaluation of the social and economic impact of this new provision on individuals losing assistance, municipalities and the Maine economy.

**Committee Amendment "A" (H-584)** proposed to add a requirement that nonprofit agencies assisting in the creation, administration and supervision of volunteer community placements for current or former food stamp recipients also provide volunteer placement services and that they be paid on a contract basis based on the volunteer placements completed. The amendment would replace the provision requiring the Department of Human Services to identify and locate persons who lose food stamp eligibility and to evaluate the impact of those lost benefits with a requirement that the department, to the extent feasible, identify and locate those persons. It would authorize the department to set up a dedicated account for receiving public and private funds to be used for evaluation purposes and add a fiscal note to the bill.

*Enacted law summary*

Private and Special Law 1997, chapter 38 comprises the provisions of the bill and the Committee Amendment. It directs the Department of Human Services to apply for an additional food stamp waiver on the basis of job insufficiency and requires the department to work with community agencies on the coordination of food stamp volunteer work. It requires DHS to participate in an evaluation of the food stamp 3 mo. - 3 yr. provision if funds become available.

**LD 1877**                      **Resolve, Regarding Legislative Review of Chapter 6: Regulations Relating to Coordination and Oversight of Patient Care Services by Unlicensed Health Care Assistive Personnel, a Major Substantive Rule of the Maine State Board of Nursing**                      **RESOLVE 53 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1877 proposed to authorize Board of Nursing Rule Chapter 6: Regulations Relating to Coordination and Oversight of Patient Care Services by Unlicensed Health Care Assistive Personnel, a major substantive rule.

***Enacted law summary***

Resolves 1997, chapter 53 authorizes the Board to adopt the Board of Nursing Rule Chapter 6, the rules on coordination and oversight by professional nurses of patient care services provided by unlicensed health care assistive personnel. The resolve takes effect June 9, 1997.

**LD 1881**                      **Resolve, Regarding Legislative Review of Portions of Chapter II, Section 67: Nursing Facilities Services, Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services, Bureau of Medical Services**                      **RESOLVE 54 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1881 proposed to authorize relevant portions of Department of Human Services Rule Chapter II, Section 67: Nursing Facilities Services, Maine Medical Assistance Manual, a major substantive rule.

***Enacted law summary***

Resolves 1997, chapter 54, authorizes the Department to adopt Rule Chapter II, section 67, the rules on the supplemental dementia screening tool addition to the MED '96 assessment for long-term care services. The resolve takes effect June 9, 1997.



**LD 1887**

**An Act Regarding Health and the Prevention of Smoking**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	H-723 MITCHELL J S-412 PARADIS

LD 1887, which is the report of the majority of the committee, would have required the Department of Human Services to apply for approval to expand Medicaid coverage to children whose family income is up to 200% of the federal poverty level and to apply for a waiver to provide coverage for the elderly in a Medicaid prescription drug program to elderly whose income is up to 150%. It would have appropriated funds for the children's Medicaid coverage and funds for the elderly Medicaid prescription drug program. It would have added 2 children's advocates to the Medicaid Advisory Committee. It would have established the Tobacco Prevention and Control Program to provide an antismoking campaign specially targeted to youth through community-based education programs and increased law enforcement efforts against illegal transportation, distribution and sale of cigarettes and tobacco products. It would have established the Tobacco Prevention and Control Council to provide review and advice to the Department of Human Services, Bureau of Health. It would have appropriated \$10,000,000 per fiscal year to this campaign. It would have raised cigarette taxes 18.5 mills per cigarette, which translates into 37 cents per pack. It would have dedicated revenue and allocated funds for expenditures.

See also LD 1888 and Governor King's bill, LD 1898. See also LD 1904, Public Law 1977, chapter 560.

**LD 1888**

**An Act to Decrease Smoking Among Maine Youth, Young Adults and Adults**

**DIED ON  
ADJOURNMENT**

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

LD 1888, which is the report of the minority of the Joint Standing Committee on Health and Human Services, proposed to establish the Smoking Prevention Program within the Department of Human Services to provide a comprehensive antismoking campaign that includes education and media campaigns and increased enforcement of tobacco control laws. The maximum amount to be expended on the program in a year would have been \$1,500,000. It would have established the Smoking Prevention Fund to receive funds from a voluntary income tax check-off, private funds and grants and matching funds appropriated by the Legislature of up to \$500,000 per year. It would have provided start-up funds of \$250,000 from the General Fund. It would have dedicated revenue and allocated funds for expenditures and included a fiscal note. LD 1887, the majority report of the committee was enacted by the Legislature, later vetoed by the Governor.

See also LD 1887 and Governor King's bill LD 1896. See also LD 1904, Public Law 1997, chapter 560.

[Sponsor\(s\)](#)[Committee Report](#)[Amendments Adopted](#)

LD 1893 is the report of the Joint Standing Committee on Health and Human Services. It would require a home day care provider who cares for more than 2 unrelated children under 13 years of age to be certified and a day care center to be licensed and directs the Commissioner of Human Services to adopt rules regulating home day care providers and day care centers. It would allow a home day care provider to care for children in the custody of the provider in addition to those children counted as day care children. It proposed to amend current law on day care facilities by renaming them day care centers and lowering the age of the children cared for from under 16 years of age to under 13 years of age. It would have required the Office of the State Fire Marshal to inspect a day care center, nursery school or premises of a certified home day care provider at least every 2 years. It would require uncertified providers of care for one or 2 children whose care is paid for by state or federal funds to pass a background check, a check for involvement with child protective services and a motor vehicle record check. It would require the Department of Human Services to provide information to those providers about health and safety, physical premises safety and training opportunities in health and safety, first aid and cardiopulmonary resuscitation and early care and education. It would allow the department to inspect the site and added a fiscal note.

#### *Enacted law summary*

Public Law 1997, chapter 494 requires a home day care provider who cares for more than 2 unrelated children under 13 years of age to be certified and a day care center to be licensed and directs the Commissioner of Human Services to adopt rules regulating home day care providers and day care centers. It allows a home day care provider to care for children in the custody of the provider in addition to those children counted as day care children. It amends current law on day care facilities by renaming them day care centers and lowering the age of the children cared for from under 16 years of age to under 13 years of age. It requires the Office of the State Fire Marshal to inspect a day care center, nursery school or premises of a certified home day care provider at least every 2 years. It requires uncertified providers of care for one or 2 children whose care is paid for by state or federal funds to pass a background check, a check for involvement with child protective services and a motor vehicle record check. It requires the Department of Human Services to provide information to those providers about health and safety, physical premises safety and training opportunities in health and safety, first aid and cardiopulmonary resuscitation and early care and education. It allows the department to inspect the site.

[Sponsor\(s\)](#)[Committee Report](#)[Amendments Adopted](#)

LD 1896, the committee report, proposed to establish the Temporary Assistance for Needy Families program, TANF, to replace the Aid for Families with Dependent Children, AFDC, that is administered by the Department of Human Services. Federal participation in the AFDC program ended with the passage of federal welfare reform legislation, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. The bill proposed to do the following.

1. Direct the Department of Human Services to work collaboratively on child care services, employment and vocational services, education and mental health, mental retardation and substance abuse services and economic development.
2. Direct the Department of Human Services to administer the TANF program in a manner that continues the \$50 pass through of child support, provide medical and financial assistance to certain noncitizens, provide benefits to certain families based on incapacity of a parent, provide assistance to dependent children 19 to 21 years of age who are still in secondary school, provide assistance to pregnant women and continue the special housing allowance.
3. Continue the philosophical underpinning of AFDC, promoting support by both parents, moving families to sustainable employment, using job training partnerships and minimizing teenage pregnancies.
4. Provide transitional support services for Medicaid and transportation expenses for persons leaving TANF and provide child care assistance for those families and other low-income families.
5. Specify procedural requirements for applications, decisions and appeals regarding TANF assistance and rulemaking.
6. Provide an opportunity for a good cause determination regarding domestic violence and consider such a determination in the offering of services and the participation requirements.
7. Provide for the treatment of lump sum income by families, allowing use of the income for specified purposes without disqualification from TANF.
8. Require annual reports to the Legislature on the TANF program and notification to the Legislature on applications for federal waivers.
9. Broaden the current use of the family contract between the department and the TANF recipient and home visits of TANF applicants and recipients, allow the department to verify eligibility and require information on the earned income tax credit.
10. Establish an increased earned income disregard for TANF recipients in 8 counties, funded with state funds.
11. Maintain the requirements that minor parents live in a home supervised by an adult, except in certain circumstances, and receive their benefits in voucher form.
12. Require the department to provide an alternative aid program to help families avoid TANF assistance and an emergency assistance program for help with basic necessities.
13. Require the department to provide education on nutrition, food preparation and home and money management.
14. Maintain the provisions applicable to AFDC on receipt of federal grants, payments to guardians or conservators, inalienability of assistance, parental responsibility, fraud and disbursements.
15. Changes the ASPIRE-JOBS program into the ASPIRE-TANF program, adding provisions for good cause determinations regarding domestic violence and incentives for agencies to work with families facing multiple barriers to obtaining employment.

16. Maintain the family planning peer education initiative in ASPIRE-TANF.
17. Maintain the Interdepartmental Welfare Reform Committee, changing its focus to working with businesses regarding education and job placement.
18. Change the AFDC Advisory Council into the TANF Advisory Council, adding a subcommittee on the Parents as Scholars Program and postsecondary education.

This bill would have established the Parents as Scholars Program, a separate state-funded program providing assistance to parents pursuing 2-year and 4-year postsecondary degrees and allocate and appropriate funds from state and federal sources.

This bill would be emergency legislation and would take effect when enacted.

### ***Enacted law summary***

Public Law 1997, Chapter 530, comprises the provisions of the bill, without amendment. See bill description.

This law establishes the Temporary Assistance for Needy Families program, TANF, to replace the Aid for Families with Dependent Children, AFDC, that is administered by the Department of Human Services. Federal participation in the AFDC program ended with the passage of federal welfare reform legislation, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. The bill does the following.

1. Direct the Department of Human Services to work collaboratively on child care services, employment and vocational services, education and mental health, mental retardation and substance abuse services and economic development.
2. Direct the Department of Human Services to administer the TANF program in a manner that continues the \$50 pass through of child support, provide medical and financial assistance to certain noncitizens, provide benefits to certain families based on incapacity of a parent, provide assistance to dependent children 19 to 21 years of age who are still in secondary school, provide assistance to pregnant women and continue the special housing allowance.
3. Continue the philosophical underpinning of AFDC, promoting support by both parents, moving families to sustainable employment, using job training partnerships and minimizing teenage pregnancies.
4. Provide transitional support services for Medicaid and transportation expenses for persons leaving TANF and provide child care assistance for those families and other low-income families.
5. Specify procedural requirements for applications, decisions and appeals regarding TANF assistance and rulemaking.
6. Provide an opportunity for a good cause determination regarding domestic violence and consider such a determination in the offering of services and the participation requirements.
7. Provide for the treatment of lump sum income by families, allowing use of the income for specified purposes without disqualification from TANF.

8. Require annual reports to the Legislature on the TANF program and notification to the Legislature on applications for federal waivers.
9. Broaden the current use of the family contract between the department and the TANF recipient and home visits of TANF applicants and recipients, allow the department to verify eligibility and require information on the earned income tax credit.
10. Establish an increased earned income disregard for TANF recipients in 8 counties, funded with state funds.
11. Maintain the requirements that minor parents live in a home supervised by an adult, except in certain circumstances, and receive their benefits in voucher form.
12. Require the department to provide an alternative aid program to help families avoid TANF assistance and an emergency assistance program for help with basic necessities.
13. Require the department to provide education on nutrition, food preparation and home and money management.
14. Maintain the provisions applicable to AFDC on receipt of federal grants, payments to guardians or conservators, inalienability of assistance, parental responsibility, fraud and disbursements.
15. Changes the ASPIRE-JOBS program into the ASPIRE-TANF program, adding provisions for good cause determinations regarding domestic violence and incentives for agencies to work with families facing multiple barriers to obtaining employment.
16. Maintain the family planning peer education initiative in ASPIRE-TANF.
17. Maintain the Interdepartmental Welfare Reform Committee, changing its focus to working with businesses regarding education and job placement.
18. Change the AFDC Advisory Council into the TANF Advisory Council, adding a subcommittee on the Parents as Scholars Program and postsecondary education.

This bill establishes the Parents as Scholars Program, a separate state-funded program providing assistance to parents pursuing 2-year and 4-year postsecondary degrees and allocates and appropriates funds from state and federal sources. This law takes effect June 12, 1997.

**LD 1898**

**An Act to Discourage Smoking by Maine's Youth**

**INDEF PP**

Sponsor(s)  
CAMERON

Committee Report

Amendments Adopted

LD 1898 proposed to provide for an increase in the cigarette tax rate to 37 mills per cigarette in order to fund a Tobacco Prevention and Control Program and would have deposited the balance of the revenue generated by the increase in the cigarette tax to the tax relief fund.

See also LDs 1887 and 1888.

See also LD 1904, Public Law 1997, chapter 560.

**LD 1904**                      **An Act to Discourage Smoking, Provide Tax Relief and Improve the Health of Maine Citizens**                      **PUBLIC 560**

<u>Sponsor(s)</u> MITCHELL E		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1904 proposed to do the following.

1. Increase the tax on cigarettes 37¢ per pack to 74¢ and create a Tobacco Tax Relief Fund to receive the revenue from the increase in the tax on cigarettes. Except for the funding of the Tobacco Prevention and Control Program, no other revenue from the increase would be expended without the recommendation of the joint standing committee of the Legislature having jurisdiction over tax matters and the approval of the Legislature.
2. Establish the Maine Commission on Children's Health Care to assess the current unmet health care needs of the children of this State and make recommendations on fulfilling those needs.
3. Establish the Children's Health Reserve Account to provide \$8,000,000 in funding for children's health services, as recommended by the State Budget Officer and approved by the Governor.
4. Establish the Tobacco Prevention and Control Program to prevent the State's youths from using tobacco products and to assist youths and adults who currently smoke cigarettes and use other tobacco products to discontinue the use of tobacco products. The program would be funded through a portion of the revenue from the increase in tax on cigarettes.
5. Establish the Task Force on Improving Access to Prescription Drugs for the Elderly to determine and recommend methods for improving access to prescription drugs for elderly citizens of the State.
6. Establish the Health Care Fund for Maine Citizens to receive any award or settlement that results from an action against the tobacco industry.

**House Amendment "A" (H-772)** proposed to replace the bill and to increase the penalties for merchants who sell tobacco to minors and the penalties for minors and who smoke in public. The amendment was not accepted.

***Enacted law summary***

Public Law 1997, chapter 560 comprises the provisions of the bill. See bill description.

## Joint Standing Committee on Health and Human Services

### SUBJECT INDEX

#### *Aging and Long Term Care*

##### Enacted

<b>LD 146</b>	<b>Resolve, to Establish the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings</b>	<b>RESOLVE 71</b>
<b>LD 657</b>	<b>Resolve, to Establish the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities</b>	<b>RESOLVE 81 EMERGENCY</b>
<b>LD 851</b>	<b>An Act to Provide Reimbursement to Spouses Serving as Personal Care Attendants</b>	<b>PUBLIC 509 EMERGENCY</b>
<b>LD 991</b>	<b>An Act to Address Issues Raised by the Select Committee to Study Rate Increases in Nursing Homes</b>	<b>PUBLIC 329</b>
<b>LD 1114</b>	<b>Resolve, to Extend the Protections against Spousal Impoverishment under the Medicaid Program</b>	<b>RESOLVE 42 EMERGENCY</b>
<b>LD 1133</b>	<b>Resolve, to Ensure Quality Care to Residents of Nursing Facilities through the Establishment of a Task Force on Minimum Staffing</b>	<b>RESOLVE 34 EMERGENCY</b>
<b>LD 1176</b>	<b>An Act to Provide Continuity and Flexibility for Long-term Care</b>	<b>PUBLIC 488</b>
<b>LD 1492</b>	<b>An Act to Provide Recipients of All Assisted Living Programs and Services Residents' Rights and Equivalent Reporting and Enforcement Opportunities</b>	<b>PUBLIC 260</b>
<b>LD 1877</b>	<b>Resolve, Regarding Legislative Review of Chapter 6: Regulations Relating to Coordination and Oversight of Patient Care Services by Unlicensed Health Care Assistive Personnel, a Major Substantive Rule of the Maine State Board of Nursing</b>	<b>RESOLVE 53 EMERGENCY</b>

<b>LD 1881</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter II, Section 67: Nursing Facilities Services, Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services, Bureau of Medical Services</b>	<b>RESOLVE 54 EMERGENCY</b>
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**Not Enacted**

<b>LD 108</b>	<b>An Act to Amend the Criteria for Reimbursement by the Medicaid Program for Nursing Facility Residents</b>	<b>ONTP</b>
<b>LD 303</b>	<b>An Act to Prohibit Nursing Facilities from Disposing of Medications of Patients Temporarily Absent from the Facilities</b>	<b>ONTP</b>
<b>LD 388</b>	<b>An Act to Ensure State Payment to Nursing Homes of Costs Associated with State Adult Protection Custody Orders</b>	<b>ONTP</b>
<b>LD 394</b>	<b>An Act to Preserve Senior Volunteerism</b>	<b>INDEF PP</b>
<b>LD 443</b>	<b>An Act to Require Criminal Background Checks for Home Health Care Workers</b>	<b>ONTP</b>
<b>LD 642</b>	<b>An Act to Extend the Time Period Used by the Department of Human Services in Determining Medical Eligibility for Medicaid Reimbursement for Residents of Nursing Facilities</b>	<b>ONTP</b>
<b>LD 689</b>	<b>An Act to Exempt Veteran Residents of the Maine Veterans' Homes from the Provisions on Medical Assessment of Eligibility for Medicaid Reimbursement</b>	<b>ONTP</b>
<b>LD 829</b>	<b>An Act to Require Total Care Cost Analysis in the "MED 94" Assessment</b>	<b>ONTP</b>
<b>LD 960</b>	<b>An Act to Repeal Medicaid Estate Recovery Laws</b>	<b>ONTP</b>
<b>LD 1020</b>	<b>An Act Allowing Increased Flexibility of Swing Beds</b>	<b>ONTP</b>
<b>LD 1108</b>	<b>An Act Regarding Medicaid Reimbursement for Nursing Facility Care</b>	<b>ONTP</b>
<b>LD 1201</b>	<b>Resolve, to Review Medicines in the Elderly Low-cost Drug Card Program</b>	<b>ONTP</b>



<b>LD 1241</b>	<b>Resolve, to Improve the Delivery and Financing of Long-term Care</b>	<b>INDEF PP</b>
<b>LD 1291</b>	<b>An Act to Prohibit Nursing Homes from Charging Private-payor Patients More Than Medicaid Patients</b>	<b>ONTP</b>
<b>LD 1364</b>	<b>An Act to Establish Ratios for Direct-care Providers to Nursing Home Residents</b>	<b>ONTP</b>
<b>LD 1369</b>	<b>An Act Concerning Due Process Regarding Certified Nursing Assistants</b>	<b>ONTP</b>
<b>LD 1380</b>	<b>An Act to Clarify and Facilitate Transfers of Health Care Facility Capacity</b>	<b>ONTP</b>
<b>LD 1496</b>	<b>An Act to Streamline the Long-term Care Regulatory System</b>	<b>ONTP</b>
<b>LD 1750</b>	<b>An Act Concerning the Rights of Children with Special Needs</b>	<b>CARRIED OVER</b>

*Children's Services*

Enacted

<b>LD 932</b>	<b>An Act Regarding Foster Parent Insurance</b>	<b>PUBLIC 46</b>
<b>LD 1002</b>	<b>An Act Directing the Department of Human Services to Submit an Annual Report on Children in Foster Care and on Adoption of Children in the Care and Custody of the Department</b>	<b>PUBLIC 322</b>
<b>LD 1153</b>	<b>An Act to Require that Day Care Facilities for Children and Infants Be Smoke Free</b>	<b>PUBLIC 150</b>
<b>LD 1225</b>	<b>An Act to Amend the Maine Children's Trust Incorporated</b>	<b>PUBLIC 149</b>
<b>LD 1381</b>	<b>Resolve, to Require a Study of Training in Sudden Infant Death Syndrome</b>	<b>RESOLVE 33</b>
<b>LD 1584</b>	<b>An Act Regarding Confidentiality of Information Concerning Residents of Certain Facilities</b>	<b>PUBLIC 342</b>

<b>LD 1620</b>	<b>An Act to Amend the Laws Regarding Intervenor Status for Foster Parents in Certain Cases of the Department of Human Services</b>	<b>PUBLIC 343</b>
<b>LD 1673</b>	<b>An Act to Amend the Child and Family Services and Child Protection Act</b>	<b>PUBLIC 328</b>
<b>LD 1744</b>	<b>Resolve, to Plan for Services for Children with Mental Health Needs</b>	<b>RESOLVE 80</b>
<b>LD 1893</b>	<b>An Act Regarding Child Care Regulation</b>	<b>PUBLIC 494</b>
<b>LD 1896</b>	<b>An Act Regarding Temporary Assistance for Needy Families and Welfare Reform</b>	<b>PUBLIC 530 EMERGENCY</b>
<b><u>Not Enacted</u></b>		
<b>LD 153</b>	<b>An Act to Provide Social Services to Children in Need of Services and State Supervision</b>	<b>CARRIED OVER</b>
<b>LD 391</b>	<b>An Act to Allow Volunteer Work in a State Licensed Day-care Facility to Fulfill Requirements of the ASPIRE-JOB Program and to Establish a Statewide Toll-free Telephone Line for Reporting Welfare Fraud</b>	<b>ONTP</b>
<b>LD 664</b>	<b>An Act Regarding the Regulation of Day Care Facilities and Home Baby-sitting Services</b>	<b>ONTP</b>
<b>LD 771</b>	<b>An Act to Require That the Department of Human Services Bring Criminal Charges Promptly against a Custodian When a Child is Removed under Court Order</b>	<b>ONTP</b>
<b>LD 787</b>	<b>Resolve, to Establish the Task Force on Youth and Families</b>	<b>INDEF PP</b>
<b>LD 790</b>	<b>An Act to Provide Health Insurance Coverage to Children in Maine</b>	<b>ONTP</b>
<b>LD 1224</b>	<b>An Act to Require Minimum Standards for State-funded Child Care Providers</b>	<b>ONTP</b>
<b>LD 1255</b>	<b>An Act to Simplify Child Care Regulation in Maine</b>	<b>ONTP</b>
<b>LD 1403</b>	<b>An Act to Require Consent of a Legal Guardian for the Provision of Prescription Contraception to a Minor</b>	<b>DIED IN CONCURRENCE</b>

<b>LD 1585</b>	<b>An Act to Provide Additional Adoption Assistance to State Employees</b>	<b>CARRIED OVER</b>
<b>LD 1627</b>	<b>An Act to Promote Healthy Maine Families</b>	<b>ONTP</b>
<b>LD 1663</b>	<b>An Act to Ensure the Appropriate Treatment of Autism</b>	<b>ONTP</b>
<b>LD 1677</b>	<b>An Act to Improve Children's Health</b>	<b>CARRIED OVER</b>
<b>LD 1792</b>	<b>An Act to Decrease Young Adult and Adolescent Pregnancies</b>	<b>ONTP</b>

### *Departmental Organization and Administration*

#### Enacted

<b>LD 802</b>	<b>An Act to Clarify Liability Coverage</b>	<b>PUBLIC 154</b>
<b>LD 1002</b>	<b>An Act Directing the Department of Human Services to Submit an Annual Report on Children in Foster Care and on Adoption of Children in the Care and Custody of the Department</b>	<b>PUBLIC 322</b>
<b>LD 1044</b>	<b>An Act to Clarify Requirements Pertaining to the Maine Certificate of Need Act</b>	<b>PUBLIC 242</b>
<b>LD 1066</b>	<b>An Act to Amend the Prehearing Settlement Process</b>	<b>PUBLIC 218</b>
<b>LD 1275</b>	<b>An Act to Allow a Separate, Nonsmoking Area for a Beano or Bingo Game</b>	<b>PUBLIC 232</b>
<b>LD 1326</b>	<b>An Act to Clarify the Responsibilities of the Institute Councils of the Augusta Mental Health Institute and the Bangor Mental Health Institute</b>	<b>PUBLIC 365</b>
<b>LD 1620</b>	<b>An Act to Amend the Laws Regarding Intervenor Status for Foster Parents in Certain Cases of the Department of Human Services</b>	<b>PUBLIC 343</b>
<b>LD 1693</b>	<b>An Act to Amend the Maine Health Data Organization Laws</b>	<b>PUBLIC 525 EMERGENCY</b>
<b>LD 1715</b>	<b>An Act to Conform the State Revolving Loan Fund for Drinking Water with the 1996 Amendments to the Federal Safe Drinking Water Act</b>	<b>PUBLIC 555 EMERGENCY</b>

<b>LD 1776</b>	<b>An Act to Establish Guidelines for Putting Certain Social Service Contracts out to Bid</b>	<b>PUBLIC 381</b>
<b>LD 1790</b>	<b>An Act to Control Browntail Moths</b>	<b>PUBLIC 215 EMERGENCY</b>
<b>LD 1817</b>	<b>An Act to Amend the Laws Governing the Maine Health and Higher Educational Facilities Authority</b>	<b>PUBLIC 385 EMERGENCY</b>
<b>LD 1896</b>	<b>An Act Regarding Temporary Assistance for Needy Families and Welfare Reform</b>	<b>PUBLIC 530 EMERGENCY</b>
<b><u>Not Enacted</u></b>		
<b>LD 122</b>	<b>An Act to Repeal the Funding for the Family Planning Association of Maine</b>	<b>ONTP</b>
<b>LD 129</b>	<b>An Act to Require That All Medicaid Funds Be Controlled by a Single State Agency</b>	<b>ONTP</b>
<b>LD 394</b>	<b>An Act to Preserve Senior Volunteerism</b>	<b>INDEF PP</b>
<b>LD 422</b>	<b>An Act to Improve the Delivery of Substance Abuse Services in Maine</b>	<b>ONTP</b>
<b>LD 917</b>	<b>Resolve, to Establish a Coordinated Information Referral System and a Single Intake System for the Department of Corrections, the Department of Education, the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Public Safety</b>	<b>INDEF PP</b>
<b>LD 1113</b>	<b>An Act to Require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to Report the Facts of an Unnatural Death of a Patient under the Care of the Department to the Legislature</b>	<b>CARRIED OVER</b>
<b>LD 1439</b>	<b>Resolve, Requiring the Office of Vital Statistics to Conduct a Study of Medical Treatment Records Disposition</b>	<b>ONTP</b>
<b>LD 1575</b>	<b>An Act to Make Health Provider Data More Accessible to the Public</b>	<b>ONTP</b>
<b>LD 1585</b>	<b>An Act to Provide Additional Adoption Assistance to State Employees</b>	<b>CARRIED OVER</b>

<b>LD 1691</b>	<b>An Act to Significantly Reduce Smoking and Tobacco Use among the Young People of Maine</b>	<b>ONTP</b>
<b>LD 1700</b>	<b>An Act to Simplify the Process for Applying for State Services for People with Disabilities</b>	<b>INDEF PP</b>
<b>LD 1762</b>	<b>Resolve, Establishing the Task Force to Evaluate the Creation of a Centralized State Office of Advocacy Services</b>	<b>ONTP</b>

### *Health Care*

#### Enacted

<b>LD 301</b>	<b>An Act to Provide Representation for Dentists on the Board of the Maine Health Data Organization</b>	<b>PUBLIC 53</b>
<b>LD 851</b>	<b>An Act to Provide Reimbursement to Spouses Serving as Personal Care Attendants</b>	<b>PUBLIC 509 EMERGENCY</b>
<b>LD 991</b>	<b>An Act to Address Issues Raised by the Select Committee to Study Rate Increases in Nursing Homes</b>	<b>PUBLIC 329</b>
<b>LD 998</b>	<b>Resolve, to Establish the Commission to Study the Certificate of Need Laws</b>	<b>RESOLVE 82 EMERGENCY</b>
<b>LD 1044</b>	<b>An Act to Clarify Requirements Pertaining to the Maine Certificate of Need Act</b>	<b>PUBLIC 242</b>
<b>LD 1046</b>	<b>Resolve, to Study Registration for In-home Personal Care and Support Workers</b>	<b>RESOLVE 29 EMERGENCY</b>
<b>LD 1063</b>	<b>An Act Allowing Registered Nurses Employed by Licensed Home Health Care Agencies to Possess and Administer Certain Noncontrolled Prescription Drugs under Certain Conditions</b>	<b>PUBLIC 109</b>
<b>LD 1114</b>	<b>Resolve, to Extend the Protections against Spousal Impoverishment under the Medicaid Program</b>	<b>RESOLVE 42 EMERGENCY</b>
<b>LD 1133</b>	<b>Resolve, to Ensure Quality Care to Residents of Nursing Facilities through the Establishment of a Task Force on Minimum Staffing</b>	<b>RESOLVE 34 EMERGENCY</b>

<b>LD 1492</b>	<b>An Act to Provide Recipients of All Assisted Living Programs and Services Residents' Rights and Equivalent Reporting and Enforcement Opportunities</b>	<b>PUBLIC 260</b>
<b>LD 1541</b>	<b>Resolve, Directing the Department of Human Services to Apply for a Waiver to Enable People with Disabilities to Purchase Medicaid Health Insurance</b>	<b>RESOLVE 59</b>
<b>LD 1584</b>	<b>An Act Regarding Confidentiality of Information Concerning Residents of Certain Facilities</b>	<b>PUBLIC 342</b>
<b>LD 1693</b>	<b>An Act to Amend the Maine Health Data Organization Laws</b>	<b>PUBLIC 525 EMERGENCY</b>
<b>LD 1706</b>	<b>An Act to Review Registration of Certified Nursing Assistants</b>	<b>PUBLIC 465</b>
<b>LD 1877</b>	<b>Resolve, Regarding Legislative Review of Chapter 6: Regulations Relating to Coordination and Oversight of Patient Care Services by Unlicensed Health Care Assistive Personnel, a Major Substantive Rule of the Maine State Board of Nursing</b>	<b>RESOLVE 53 EMERGENCY</b>
<b>LD 1881</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter II, Section 67: Nursing Facilities Services, Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services, Bureau of Medical Services</b>	<b>RESOLVE 54 EMERGENCY</b>

**Not Enacted**

<b>LD 572</b>	<b>An Act to Implement Recommendations of the Commission to Study Poverty Among Working Parents Concerning Medicaid Eligibility</b>	<b>ONTP</b>
<b>LD 579</b>	<b>An Act to Ensure Equal Treatment of Lawful Aliens in Providing Medical Assistance and Aid to Needy Families</b>	<b>ONTP</b>
<b>LD 644</b>	<b>Resolve, to Require a Plan for a Register of Nonlicensed Persons Who Provide Health Care Services</b>	<b>ONTP</b>
<b>LD 733</b>	<b>An Act to Require Medicaid to Pay for Intravenous Drug Therapy at Home</b>	<b>ONTP</b>
<b>LD 790</b>	<b>An Act to Provide Health Insurance Coverage to Children in Maine</b>	<b>ONTP</b>

<b>LD 939</b>	<b>An Act to Require Certain Employees of Health Care Facilities to Wear Identification Badges</b>	<b>DIED BETWEEN BODIES</b>
<b>LD 1006</b>	<b>An Act to Legalize Marijuana for Medical Purposes</b>	<b>ONTP</b>
<b>LD 1020</b>	<b>An Act Allowing Increased Flexibility of Swing Beds</b>	<b>ONTP</b>
<b>LD 1059</b>	<b>An Act to Establish the Maine Compassionate Use Act</b>	<b>INDEF PP</b>
<b>LD 1112</b>	<b>An Act to Require Mental Health Hospitals to Accept into Care Former Patients Who Refuse to Take Medication</b>	<b>ONTP</b>
<b>LD 1201</b>	<b>Resolve, to Review Medicines in the Elderly Low-cost Drug Card Program</b>	<b>ONTP</b>
<b>LD 1291</b>	<b>An Act to Prohibit Nursing Homes from Charging Private-payor Patients More Than Medicaid Patients</b>	<b>ONTP</b>
<b>LD 1364</b>	<b>An Act to Establish Ratios for Direct-care Providers to Nursing Home Residents</b>	<b>ONTP</b>
<b>LD 1369</b>	<b>An Act Concerning Due Process Regarding Certified Nursing Assistants</b>	<b>ONTP</b>
<b>LD 1380</b>	<b>An Act to Clarify and Facilitate Transfers of Health Care Facility Capacity</b>	<b>ONTP</b>
<b>LD 1439</b>	<b>Resolve, Requiring the Office of Vital Statistics to Conduct a Study of Medical Treatment Records Disposition</b>	<b>ONTP</b>
<b>LD 1627</b>	<b>An Act to Promote Healthy Maine Families</b>	<b>ONTP</b>
<b>LD 1743</b>	<b>Resolve, Regarding Consumer-directed Personal Assistance Services and Respite Services</b>	<b>ONTP</b>

***Income Maintenance***

**Enacted**

<b>LD 302</b>	<b>An Act to Study Job Creation for Welfare Recipients</b>	<b>P &amp; S 6</b>
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<b>LD 334</b>	<b>Resolve, to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to an Annual Report Card on Poverty</b>	<b>RESOLVE 36</b>
<b>LD 913</b>	<b>An Act to Provide Additional Operating Funds for Homeless Shelters</b>	<b>PUBLIC 552</b>
<b>LD 1427</b>	<b>An Act to Create Quality Employment and Business Ownership Opportunities for Social Assistance Recipients</b>	<b>PUBLIC 484 EMERGENCY</b>
<b>LD 1701</b>	<b>An Act to Promote Economic Independence for Low-income Families</b>	<b>PUBLIC 284</b>
<b>LD 1716</b>	<b>An Act to Establish Family Development Accounts</b>	<b>PUBLIC 518 EMERGENCY</b>
<b>LD 1859</b>	<b>An Act to Prevent Hunger Among Unemployed Maine Workers</b>	<b>P &amp; S 38 EMERGENCY</b>
<b>LD 1896</b>	<b>An Act Regarding Temporary Assistance for Needy Families and Welfare Reform</b>	<b>PUBLIC 530 EMERGENCY</b>

**Not Enacted**

<b>LD 333</b>	<b>An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Child Care Funding</b>	<b>ONTP</b>
<b>LD 391</b>	<b>An Act to Allow Volunteer Work in a State Licensed Day-care Facility to Fulfill Requirements of the ASPIRE-JOB Program and to Establish a Statewide Toll-free Telephone Line for Reporting Welfare Fraud</b>	<b>ONTP</b>
<b>LD 445</b>	<b>An Act to Assist Low-income Working Parents</b>	<b>ONTP</b>
<b>LD 559</b>	<b>Resolve, to Make Maine Welfare Laws Conform to Federal Welfare Laws</b>	<b>ONTP</b>
<b>LD 572</b>	<b>An Act to Implement Recommendations of the Commission to Study Poverty Among Working Parents Concerning Medicaid Eligibility</b>	<b>ONTP</b>
<b>LD 579</b>	<b>An Act to Ensure Equal Treatment of Lawful Aliens in Providing Medical Assistance and Aid to Needy Families</b>	<b>ONTP</b>



<b>LD 603</b>	<b>An Act to Establish a Residency Requirement for General Assistance</b>	<b>ONTP</b>
<b>LD 696</b>	<b>An Act to Assist 2-parent Families in which At Least One Parent Is Incapacitated</b>	<b>ONTP</b>
<b>LD 819</b>	<b>An Act to Continue to Provide Emergency Assistance to Low- income Families with Children</b>	<b>ONTP</b>
<b>LD 912</b>	<b>An Act to Ensure Access to Child Support for Low-income Children</b>	<b>ONTP</b>
<b>LD 1021</b>	<b>An Act to Promote the Establishment of Individual Development Accounts by Low-income Families</b>	<b>ONTP</b>
<b>LD 1117</b>	<b>An Act to Assist Low-income Parents to Obtain Access to Education</b>	<b>ONTP</b>
<b>LD 1199</b>	<b>An Act to Ensure Adequate Nutrition and Support for Low-income Legal Immigrants</b>	<b>CARRIED OVER</b>
<b>LD 1302</b>	<b>An Act to Amend the Aid to Families with Dependent Children Program</b>	<b>CARRIED OVER</b>
<b>LD 1348</b>	<b>Resolve, to Direct the Department of Human Services to Include Vouchers for Personal Hygiene Products with Food Stamps</b>	<b>ONTP</b>
<b>LD 1411</b>	<b>An Act to Facilitate Disbursement of and Accounting for Issuances of Food Supplement Benefits</b>	<b>ONTP</b>
<b>LD 1432</b>	<b>Resolve, to Encourage Nonprofit Entities to Work Together in a Community P.R.I.D.E. Program</b>	<b>ONTP</b>
<b>LD 1757</b>	<b>An Act to Further Maine's Welfare Reform Initiatives and Establish Maine's Temporary Assistance for Needy Families Program</b>	<b>ONTP</b>

*Medicaid*

**Enacted**

<b>LD 374</b>	<b>An Act to Consider Cost-effectiveness When Providing Medicaid Coverage for Dental Services</b>	<b>PUBLIC 159</b>
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<b>LD 851</b>	<b>An Act to Provide Reimbursement to Spouses Serving as Personal Care Attendants</b>	<b>PUBLIC 509 EMERGENCY</b>
<b>LD 1114</b>	<b>Resolve, to Extend the Protections against Spousal Impoverishment under the Medicaid Program</b>	<b>RESOLVE 42 EMERGENCY</b>
<b>LD 1541</b>	<b>Resolve, Directing the Department of Human Services to Apply for a Waiver to Enable People with Disabilities to Purchase Medicaid Health Insurance</b>	<b>RESOLVE 59</b>

**Not Enacted**

<b>LD 108</b>	<b>An Act to Amend the Criteria for Reimbursement by the Medicaid Program for Nursing Facility Residents</b>	<b>ONTP</b>
<b>LD 126</b>	<b>An Act to Limit Medicaid Coverage for Methadone Rehabilitation to One Year</b>	<b>ONTP</b>
<b>LD 130</b>	<b>An Act to Provide Financial Incentives to a Company That Hires and Provides Health Insurance Benefits to a Medicaid Recipient</b>	<b>ONTP</b>
<b>LD 179</b>	<b>An Act to Clarify Medicaid Reimbursement for Acadia Hospital Corporation</b>	<b>ONTP</b>
<b>LD 530</b>	<b>An Act to Extend Medicaid Coverage to Certain Children</b>	<b>ONTP</b>
<b>LD 572</b>	<b>An Act to Implement Recommendations of the Commission to Study Poverty Among Working Parents Concerning Medicaid Eligibility</b>	<b>ONTP</b>
<b>LD 579</b>	<b>An Act to Ensure Equal Treatment of Lawful Aliens in Providing Medical Assistance and Aid to Needy Families</b>	<b>ONTP</b>
<b>LD 642</b>	<b>An Act to Extend the Time Period Used by the Department of Human Services in Determining Medical Eligibility for Medicaid Reimbursement for Residents of Nursing Facilities</b>	<b>ONTP</b>
<b>LD 733</b>	<b>An Act to Require Medicaid to Pay for Intravenous Drug Therapy at Home</b>	<b>ONTP</b>
<b>LD 790</b>	<b>An Act to Provide Health Insurance Coverage to Children in Maine</b>	<b>ONTP</b>
<b>LD 960</b>	<b>An Act to Repeal Medicaid Estate Recovery Laws</b>	<b>ONTP</b>

**LD 1108**            **An Act Regarding Medicaid Reimbursement for Nursing Facility Care**            **ONTP**

**LD 1291**            **An Act to Prohibit Nursing Homes from Charging Private-payor Patients More Than Medicaid Patients**            **ONTP**

***Mental Health***

**Enacted**

**LD 1326**            **An Act to Clarify the Responsibilities of the Institute Councils of the Augusta Mental Health Institute and the Bangor Mental Health Institute**            **PUBLIC 365**

**LD 1526**            **An Act to Redefine the Community Services of the Mental Health System**            **PUBLIC 371**

**LD 1744**            **Resolve, to Plan for Services for Children with Mental Health Needs**            **RESOLVE 80**

**LD 1814**            **An Act to Improve the Delivery of Mental Health Services in Maine**            **PUBLIC 423**

**Not Enacted**

**LD 106**            **Resolve, Establishing the Commission to Review the Effectiveness of Statewide Confidentiality Laws Dealing with the Care of People with Mental Illness**            **INDEF PP**

**LD 455**            **An Act to Create a Compliance Plan for Certain Residents of Mental Health Facilities**            **ONTP**

**LD 888**            **An Act to Provide for Notification to Local Officials upon the Release of Potentially Violent Patients from State Mental Health Institutions**            **ONTP**

**LD 1112**            **An Act to Require Mental Health Hospitals to Accept into Care Former Patients Who Refuse to Take Medication**            **ONTP**

**LD 1413**            **An Act to Maintain the Augusta Mental Health Institute and the Bangor Mental Health Institute**            **ONTP**

**LD 1722**            **An Act to Ensure Quality Care for Persons with Mental Illness**            **ONTP**

*Mental Retardation and Other Departmental Disabilities*

Enacted

<b>LD 581</b>	<b>Resolve, to Establish the Commission to Determine the Adequacy of Services to Persons with Mental Retardation</b>	<b>RESOLVE 79 EMERGENCY</b>
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Not Enacted

<b>LD 641</b>	<b>Resolve, to Establish the Study Group on Pay Equity Among Providers of Mental Health and Mental Retardation Services</b>	<b>ONTP</b>
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<b>LD 1700</b>	<b>An Act to Simplify the Process for Applying for State Services for People with Disabilities</b>	<b>INDEF PP</b>
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<b>LD 1750</b>	<b>An Act Concerning the Rights of Children with Special Needs</b>	<b>CARRIED OVER</b>
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*Miscellaneous*

Enacted

<b>LD 158</b>	<b>An Act to Preserve Roadside Springs</b>	<b>PUBLIC 45</b>
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<b>LD 301</b>	<b>An Act to Provide Representation for Dentists on the Board of the Maine Health Data Organization</b>	<b>PUBLIC 53</b>
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<b>LD 374</b>	<b>An Act to Consider Cost-effectiveness When Providing Medicaid Coverage for Dental Services</b>	<b>PUBLIC 159</b>
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<b>LD 412</b>	<b>An Act to Require the Purchaser of Tobacco Products to Produce Suitable Identification</b>	<b>PUBLIC 305</b>
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<b>LD 1114</b>	<b>Resolve, to Extend the Protections against Spousal Impoverishment under the Medicaid Program</b>	<b>RESOLVE 42 EMERGENCY</b>
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**LD 1859**                    **An Act to Prevent Hunger Among Unemployed Maine Workers**                    **P & S 38  
EMERGENCY**

**LD 1904**                    **An Act to Discourage Smoking, Provide Tax Relief and Improve the Health of Maine Citizens**                    **PUBLIC 560**

**Not Enacted**

**LD 394**                    **An Act to Preserve Senior Volunteerism**                    **INDEF PP**

**LD 413**                    **An Act to Ban All Smoking within Workplaces, Restaurants and Public Accommodations**                    **DIED BETWEEN  
BODIES**

**LD 441**                    **An Act to Prohibit Family Planning Agencies from Using State Funds for Certain Expenses Related to Abortion Services**                    **ONTP**

**LD 443**                    **An Act to Require Criminal Background Checks for Home Health Care Workers**                    **ONTP**

**LD 1006**                    **An Act to Legalize Marijuana for Medical Purposes**                    **ONTP**

**LD 1059**                    **An Act to Establish the Maine Compassionate Use Act**                    **INDEF PP**

**LD 1887**                    **An Act Regarding Health and the Prevention of Smoking**                    **VETO  
SUSTAINED**

**LD 1888**                    **An Act to Decrease Smoking Among Maine Youth, Young Adults and Adults**                    **DIED ON  
ADJOURNMENT**

**LD 1898**                    **An Act to Discourage Smoking by Maine's Youth**                    **INDEF PP**

***Public Health***

**Enacted**

**LD 158**                    **An Act to Preserve Roadside Springs**                    **PUBLIC 45**

**LD 301**                    **An Act to Provide Representation for Dentists on the Board of the Maine Health Data Organization**                    **PUBLIC 53**

<b>LD 412</b>	<b>An Act to Require the Purchaser of Tobacco Products to Produce Suitable Identification</b>	<b>PUBLIC 305</b>
<b>LD 1153</b>	<b>An Act to Require that Day Care Facilities for Children and Infants Be Smoke Free</b>	<b>PUBLIC 150</b>
<b>LD 1275</b>	<b>An Act to Allow a Separate, Nonsmoking Area for a Beano or Bingo Game</b>	<b>PUBLIC 232</b>
<b>LD 1381</b>	<b>Resolve, to Require a Study of Training in Sudden Infant Death Syndrome</b>	<b>RESOLVE 33</b>
<b>LD 1492</b>	<b>An Act to Provide Recipients of All Assisted Living Programs and Services Residents' Rights and Equivalent Reporting and Enforcement Opportunities</b>	<b>PUBLIC 260</b>
<b>LD 1541</b>	<b>Resolve, Directing the Department of Human Services to Apply for a Waiver to Enable People with Disabilities to Purchase Medicaid Health Insurance</b>	<b>RESOLVE 59</b>
<b>LD 1584</b>	<b>An Act Regarding Confidentiality of Information Concerning Residents of Certain Facilities</b>	<b>PUBLIC 342</b>
<b>LD 1715</b>	<b>An Act to Conform the State Revolving Loan Fund for Drinking Water with the 1996 Amendments to the Federal Safe Drinking Water Act</b>	<b>PUBLIC 555 EMERGENCY</b>
<b>LD 1877</b>	<b>Resolve, Regarding Legislative Review of Chapter 6: Regulations Relating to Coordination and Oversight of Patient Care Services by Unlicensed Health Care Assistive Personnel, a Major Substantive Rule of the Maine State Board of Nursing</b>	<b>RESOLVE 53 EMERGENCY</b>
<b>LD 1904</b>	<b>An Act to Discourage Smoking, Provide Tax Relief and Improve the Health of Maine Citizens</b>	<b>PUBLIC 560</b>

**Not Enacted**

<b>LD 413</b>	<b>An Act to Ban All Smoking within Workplaces, Restaurants and Public Accommodations</b>	<b>DIED BETWEEN BODIES</b>
<b>LD 1006</b>	<b>An Act to Legalize Marijuana for Medical Purposes</b>	<b>ONTP</b>
<b>LD 1059</b>	<b>An Act to Establish the Maine Compassionate Use Act</b>	<b>INDEF PP</b>
<b>LD 1201</b>	<b>Resolve, to Review Medicines in the Elderly Low-cost Drug Card Program</b>	<b>ONTP</b>

<b>LD 1211</b>	<b>An Act to Reduce Teenage Smoking by Increasing the Tax on Cigarettes to Fund an Advertising Campaign</b>	<b>ONTP</b>
<b>LD 1230</b>	<b>An Act Concerning the Outdoor Gathering Laws</b>	<b>ONTP</b>
<b>LD 1369</b>	<b>An Act Concerning Due Process Regarding Certified Nursing Assistants</b>	<b>ONTP</b>
<b>LD 1570</b>	<b>An Act to Require Tobacco Manufacturers to Disclose Ingredients Contained within Tobacco Products</b>	<b>CARRIED OVER</b>
<b>LD 1575</b>	<b>An Act to Make Health Provider Data More Accessible to the Public</b>	<b>ONTP</b>
<b>LD 1576</b>	<b>An Act to Require that Life-support Systems in Medical Facilities Have Back-up Generators</b>	<b>ONTP</b>
<b>LD 1627</b>	<b>An Act to Promote Healthy Maine Families</b>	<b>ONTP</b>
<b>LD 1691</b>	<b>An Act to Significantly Reduce Smoking and Tobacco Use among the Young People of Maine</b>	<b>ONTP</b>
<b>LD 1703</b>	<b>An Act to Prohibit Smoking in Restaurants</b>	<b>ONTP</b>
<b>LD 1737</b>	<b>An Act to Provide for Confidentiality of Health Care Information</b>	<b>CARRIED OVER</b>
<b>LD 1779</b>	<b>An Act Regarding Access to Medical Information</b>	<b>CARRIED OVER</b>
<b>LD 1743</b>	<b>Resolve, Regarding Consumer-directed Personal Assistance Services and Respite Services</b>	<b>ONTP</b>
<b>LD 1887</b>	<b>An Act Regarding Health and the Prevention of Smoking</b>	<b>VETO SUSTAINED</b>
<b>LD 1898</b>	<b>An Act to Discourage Smoking by Maine's Youth</b>	<b>INDEF PP</b>

*Substance Abuse*

**Enacted**

<b>LD 412</b>	<b>An Act to Require the Purchaser of Tobacco Products to Produce Suitable Identification</b>	<b>PUBLIC 305</b>
<b>LD 1153</b>	<b>An Act to Require that Day Care Facilities for Children and Infants Be Smoke Free</b>	<b>PUBLIC 150</b>

<b>LD 1275</b>	<b>An Act to Allow a Separate, Nonsmoking Area for a Beano or Bingo Game</b>	<b>PUBLIC 232</b>
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**Not Enacted**

<b>LD 126</b>	<b>An Act to Limit Medicaid Coverage for Methadone Rehabilitation to One Year</b>	<b>ONTP</b>
<b>LD 422</b>	<b>An Act to Improve the Delivery of Substance Abuse Services in Maine</b>	<b>ONTP</b>
<b>LD 1006</b>	<b>An Act to Legalize Marijuana for Medical Purposes</b>	<b>ONTP</b>
<b>LD 1059</b>	<b>An Act to Establish the Maine Compassionate Use Act</b>	<b>INDEF PP</b>
<b>LD 1627</b>	<b>An Act to Promote Healthy Maine Families</b>	<b>ONTP</b>
<b>LD 1691</b>	<b>An Act to Significantly Reduce Smoking and Tobacco Use among the Young People of Maine</b>	<b>ONTP</b>
<b>LD 1703</b>	<b>An Act to Prohibit Smoking in Restaurants</b>	<b>ONTP</b>



## Joint Standing Committee on Inland Fisheries and Wildlife

**LD 17**                      **An Act Regarding Funding for the Extended Responsibilities of the Department of Inland Fisheries and Wildlife**                      **PUBLIC 112**

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

LD 17 proposed that the Commissioner of Inland Fisheries and Wildlife submit an annual report to the Legislature that identified all extended responsibility services provided by the Department of Inland Fisheries and Wildlife to individuals who do not pay any fees for those services. The report proposed to include a cost estimate for those services for separate consideration by the Legislature.

***Enacted law summary***

Public Law 1997, chapter 112 requires the Commissioner of Inland Fisheries and Wildlife to submit an annual report to the Legislature that identifies all extended responsibility services provided by the Department of Inland Fisheries and Wildlife to individuals who do not pay any fees for those services. The report must include a cost estimate for those services that will be separately considered by the Legislature.

**LD 22**                      **An Act to Designate 2 Weekends When a Person May Fish without a License**                      **PUBLIC 113**

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

LD 22 proposed that the Commissioner of Inland Fisheries and Wildlife designate 2 "free fishing weekends" each year; one during ice fishing season and one during open water fishing season.

***Enacted law summary***

Public Law 1997, chapter 113 requires the Commissioner of Inland Fisheries and Wildlife to designate 2 "free fishing weekends" each year; one during ice fishing season and one during open water fishing season.

**LD 26**

**An Act to Clarify Use of Tree Stands**

**PUBLIC 243**

<u>Sponsor(s)</u> HALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-177
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LD 26 proposed to clarify that any type of stand, including stands constructed with nails, could be built with landowner permission; proposed to remove the requirement that hunters must have landowner permission to use portable tree stands; and proposed to remove the requirement that all tree stands must be taken down within 10 days of the end of the season.

**Committee Amendment "A" (S-177)** proposed to remove a provision from the bill that allowed a hunter to erect and use a portable tree stand without the permission of the landowner. The amendment also adds a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 243 allows tree stands and tree ladders to be constructed with the permission of the landowner.

**LD 53**

**An Act to Amend the Laws Regarding the Expanded Archery Deer Hunting Season**

**PUBLIC 471  
EMERGENCY**

<u>Sponsor(s)</u> WHEELER G	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-318
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LD 53 proposed to allow a person who killed a deer during the special archery season for deer to hunt and kill a 2nd deer with a firearm during the regular firearm season for deer.

**Committee Amendment "A" (H-318)** proposed to replace the bill, change the title of the bill and make the bill an emergency.

The amendment proposed to repeal the expanded archery deer hunting season on April 1, 1999, allowing that season to occur only in 1997 and 1998, unless further action is taken by the Legislature.

The amendment also proposed to allow a person 10 years of age or older and under 16 years of age to hunt with a bow and arrow during the expanded archery deer hunting season under the existing junior hunting license.

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

***Enacted law summary***

Public Law 1997, chapter 471 amends the expanded archery deer hunting season on created in Part I of PL 1997, c. 24. This law repeals allows that season to occur only in 1997 and 1998, unless further action is taken by the Legislature. It also allows a person 10 years of age or older and under 16 years of age to hunt with a bow and arrow during the expanded archery deer hunting season under the existing junior hunting license. This law is effective on June 11, 1997.

**LD 68**

**An Act to Lower the Age for Free Fishing and Hunting Licenses**

**ONTP**

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

LD 68 proposed to lower the age for free licenses for hunting, trapping and fishing from 70 to 65 years of age.

**LD 81**

**An Act to Improve the State's Moose Hunt**

**ONTP**

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

LD 81 proposed that the Department of Inland Fisheries and Wildlife change the moose lottery to give applicants who were unsuccessful in previous lotteries a better chance of winning.

**LD 82**

**An Act to Allow Field Testing of Unregistered Snowmobiles Repaired by Licensed Snowmobile Repair Shops**

**PUBLIC 451**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP MAJ	H-99
PARADIS	OTP-AM MIN	S-255 HALL

LD 82 proposed to allow a business that repairs snowmobiles to purchase a license from the Department of Inland Fisheries and Wildlife that allows the owner of the shop to lawfully field test an unregistered snowmobile repaired by that shop. Operating an unregistered snowmobile for the purpose of field testing repairs is not allowed under current law.

The annual fee for the snowmobile repair shop license was proposed to be set by the Department of Inland Fisheries and Wildlife in an amount not to exceed \$15, the current annual fee for a snowmobile dealer's license.

**Committee Amendment "A" (H-99)**, the minority report of the Joint Standing Committee on Inland Fisheries and Wildlife, proposed to add an appropriation and a fiscal note to the bill.

**Senate Amendment "A" (S-255)** proposed that registration of a snowmobile not be required to field test repairs to a snowmobile if the snowmobile is tested on the premises of the snowmobile repair shop when the snowmobile repair shop is open and the snowmobile is not owned by the snowmobile repair shop or any repair shop employee.

***Enacted law summary***

Public Law 1997, chapter 451 allows a business that repairs snowmobiles to purchase a license from the Department of Inland Fisheries and Wildlife that allows the owner of the shop to lawfully field test an unregistered snowmobile repaired by that shop.

The annual fee for the snowmobile repair shop license is set by the Department of Inland Fisheries and Wildlife and may not exceed \$15, the current annual fee for a snowmobile dealer's license.

**LD 117**                      **An Act to Change the Moose Hunting Season**                      **ONTP**

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

LD 117 proposed to set the moose hunting season as the last 6 days in October.

**LD 118**                      **An Act to Provide a Day for Resident Hunters Only at the Opening of the Moose Season**                      **ONTP**

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

LD 118 proposed to provide a day for resident hunters only to hunt moose.

**LD 123**                      **An Act to Protect Deer**                      **P & S 43**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR RUHLIN	OTP-AM    MAJ OTP-AM    MIN	H-97

LD 123 proposed to provide that animal damage control agents need not be under the direction of officials from the Department of Inland Fisheries and Wildlife when using snares.

The bill also proposed that at least 50% of the department's animal damage control expenditures be spent to control coyotes and at least 75% of the coyote control money be spent in areas of the State where, in the department's opinion, coyote control will be most effective in rebuilding the deer herd.

**Committee Amendment "A" (H-97)**, the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife, replaces the bill. The amendment proposed to transfer \$10,000 in each fiscal year of the upcoming biennium from the Department of Inland Fisheries and Wildlife's carrying account to that department's Bureau of Resource Management for the purpose of supplementing existing resources budgeted for the control of coyotes.

The amendment also proposed to require that Commissioner of Inland Fisheries and Wildlife report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by April 1, 1999 on the total expenditures by the department for coyote control and the effectiveness of those expenditures on rebuilding the deer herd.

***Enacted law summary***

Public and Special Law 1997, chapter 43 transfers \$10,000 in each fiscal year of the upcoming biennium from the Department of Inland Fisheries and Wildlife's carrying account to that department's Bureau of Resource Management for the purpose of supplementing existing resources budgeted for the control of coyotes.

The amendment also requires that Commissioner of Inland Fisheries and Wildlife to report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by April 1, 1999 on the total expenditures by the department for coyote control and the effectiveness of those expenditures on rebuilding the deer herd.

**LD 152                      An Act to Create a 3-Person Regional Fisheries and Wildlife                      CARRIED OVER  
Advisory Council within Each Resource Management  
Administrative Region**

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

LD 152 proposes to reorganize the Inland Fisheries and Wildlife Advisory Council from 10 members based on county representation to 7 members selected from the resource management regions established by the Department of Inland Fisheries and Wildlife.

The bill also proposes to create a 3-member regional council within each resource management region for the purpose of enhancing local input into fisheries and wildlife issues of local and statewide interest. The member of the state advisory council from each region is a member and chair of that region's local council with the other 2 members of a regional council selected by the advisory council. Regional councils are required to hold at least 2 meetings each calendar year and to provide reasonable public notice of each meeting. All members serve without compensation.

The bill also proposes to repeal an existing provision of law granting the Commissioner of Inland Fisheries and Wildlife voting authority for the purpose of breaking a tie. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 155                      An Act to Amend the Laws Regarding Hunting from a Public Paved                      PUBLIC 116  
Way**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON	OTP-AM	S-80

LD 155 proposed to repeal the prohibition on hunting within 10 feet of the edge of the pavement on a paved way.

**Committee Amendment "A" (S-80)** proposed to clarify that the prohibition on hunting from or near a public paved way and possessing a firearm on a paved way apply to public paved roads.

***Enacted law summary***

Public Law 1997, chapter 116 clarifies that the prohibition on hunting from or near a public paved way and possessing a firearm on a paved way applies only to public paved roads.

**LD 176                      An Act to Reduce Snowmobile Registration Fees for Certain Nonresidents                      ONTP**

<u>Sponsor(s)</u> JONES SL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 176 proposed to allow the State to charge the resident a resident's snowmobile registration fee to a non-resident if the nonresident owns property in this State and purchased the snowmobile in this State or if the nonresident is a member of snowmobile club in this State.

**LD 182                      An Act to Give an Antlerless Deer Permit to a Person Who Kills 5 or More Coyotes                      INDEF PP**

<u>Sponsor(s)</u> HALL		<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN		<u>Amendments Adopted</u> S-65
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LD 182 proposed to give an antlerless deer permit to a person who kills 5 coyotes or more in a calendar year by hunting or trapping.

**Committee Amendment "A" (S-65)**, the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife, proposed that coyotes be tagged in order to be considered towards an antlerless deer permit and that one ear of a tagged coyote be removed and disposed of in the presence of the tagging agent. A \$1 fee must be paid to the tagging agent, of which 75¢ must be sent by the tagging agent to the Department of Inland Fisheries and Wildlife. The antlerless deer permit provision is offered in 1998 and 1999 and is repealed on December 31, 1999.

**LD 183                      An Act to Require the Department of Inland Fisheries and Wildlife to Provide Transportation Tags with Big Game Hunting Licenses                      PUBLIC 463**

<u>Sponsor(s)</u> HALL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-187
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LD 183 proposed that the Commissioner of Inland Fisheries and Wildlife include deer and bear transportation tags as part of big game hunting licenses issued after October 1, 1997.

**Committee Amendment "A" (S-187)** proposed that the provisions of the bill be effective for big game hunting licenses issued for calendar year 1998 and thereafter. It also adds an appropriation section and a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 463 requires deer and bear transportation tags to be part of big game hunting licenses issued for calendar year 1998 and thereafter.

**LD 191**                      **An Act to Require a Guide for Certain Nonresident Aliens Hunting in the State**                      **ONTP**

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

LD 191 proposed to require that a nonresident alien be accompanied by a guide while hunting in this State. Persons who fell within this requirement could jointly hire a guide, provided that the total number of clients for any one guide did not exceed 3 persons.

Violation of this requirement is a Class E crime by operation of the Maine Revised Statutes, Title 12, section 7901.

**LD 203**                      **An Act Regarding Trap-tending Requirements**                      **PUBLIC 283**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PAUL HALL	OTP	H-400 PAUL

LD 203 proposed to change the trap-tending requirement for killer-type traps set in organized towns by requiring that these traps be tended at least once every 3 days. This change in the trap-tending laws will not apply to under ice water sets for beaver and muskrat during the winter months. Current law proposed to require that all traps set in organized towns, except under ice water sets for beaver and muskrat, be tended by the trapper at least once in every calendar day. In the unorganized townships, all foothold traps set on land must be tended each day, but killer-type traps and water sets need be visited only once in every 5-day period.

**House Amendment "A" (H-400)** corrects an error in punctuation.

*Enacted law summary*

Public Law 1997, chapter 283 requires that all traps set in organized towns, except under ice water sets for beaver and muskrat, be tended by the trapper at least once in every calendar day. In the unorganized townships, all foothold traps set on land must be tended each day, but killer-type traps and water sets need be visited only once in every 5-day period. The bill changes the trap-tending requirement for killer-type traps set in organized towns and requires that these traps be tended at least once every 3 days. This change in the trap-tending laws will not apply to under ice water sets for beaver and muskrat during the winter months.

**LD 208**                      **An Act to Limit Personal Watercraft**                      **ONTP**

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

LD 208 proposed to prohibit the use of personal watercraft on waters entirely within the jurisdiction of the Maine Land Use Regulation Commission.

**LD 210**                      **An Act to Allow Limited Hunting of Anterless Deer with an Ordinary Hunting License**                      **ONTP**

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

LD 210 proposed that the Commissioner of Inland Fisheries and Wildlife designate 3 areas in the State in which a person may lawfully take an anterless deer without a permit during the first 2 weeks of the open season on deer.

**LD 225**                      **An Act to Exempt Watercraft Powered by Electric Motors from Registration Fees**                      **ONTP**

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

LD 225 proposed to exempt the owner of a watercraft powered by an electric motor from registration fees.

**LD 251**                      **An Act to Change the Dates of the Moose Hunting Season**                      **ONTP**

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

LD 251 proposed to set the moose hunting season as the last 6 days in September.



<u>Sponsor(s)</u> STEDMAN MITCHELL B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-314
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LD 252 proposed that the Commissioner of Inland Fisheries and Wildlife establish policies and procedures for the use of fish that the commissioner determines should be destroyed or reduced in population.

**Committee Amendment "A" (H-314)** proposed to replace the bill and to require the Commissioner of Inland Fisheries and Wildlife solicit bids prior to issuing a permit allowing a person to completely eliminate a fish population. Bids are encouraged for all other permits allowing the taking of wild fish for the purpose of avoiding injury to game fish.

*Enacted law summary*

Public Law 1997, chapter 255 requires the Commissioner of Inland Fisheries and Wildlife to solicit bids prior to issuing a permit allowing a person to completely eliminate a fish population. Bids are encouraged for all other permits allowing the taking of wild fish for the purpose of avoiding injury to game fish.

<u>Sponsor(s)</u> MACK	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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LD 281 proposed to repeal the law that prohibits hunting wild animals and wild birds on Sunday.

<u>Sponsor(s)</u> TRIPP	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 283 proposed to repeal the law requiring that each snowmobile be equipped with a brake light.

<u>Sponsor(s)</u> PERKINS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 337 proposed to amend the twilight hunting law to allow hunting until 15 minutes after sunset.

**LD 338**

**An Act Regarding the Funding of Search and Rescues by the Department of Inland Fisheries and Wildlife**

**INDEF PP**

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

LD 338 proposed to require that search and rescue efforts conducted by the Department of Inland Fisheries and Wildlife be specifically budgeted for and paid by the General Fund.

**LD 368**

**An Act to Allow the Department of Inland Fisheries and Wildlife to Create Lifetime Fishing and Hunting Licenses** **CARRIED OVER**

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

LD 368 proposes that the Commissioner of Inland Fisheries and Wildlife establish and maintain an endowment fund to allow the issuance of lifetime hunting and fishing licenses. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 369**

**An Act to Limit the Landowner Deer Permit System to One Application per Household**

**ONTP**

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

LD 369 proposed to limit the number of permits issued to such landowners to one permit per household. Current law authorizes the Commissioner of Inland Fisheries and Wildlife, when issuing antlerless deer permits, to give special consideration to landowners who keep their lands open.

**LD 375**

**An Act to Create a Special Senior Citizen Moose Lottery**

**ONTP**

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

LD 375 proposed that the Department of Inland Fisheries and Wildlife develop a moose lottery system for senior citizens.

**LD 377**

**An Act to Improve Wildlife Habitat**

**ONTP**

Sponsor(s)  
RUHLIN

Committee Report  
ONTP

Amendments Adopted

LD 377 proposed to allow the Commissioner of Inland Fisheries and Wildlife to enter into a cooperative wildlife management agreement with a person owning land in the Maine Land Use Regulation Commission’s jurisdiction that contains a deer wintering habitat

**LD 378**

**An Act to Amend the Hunting Laws as They Pertain to Hunting from a Vehicle**

**ONTP**

Sponsor(s)  
RUHLIN

Committee Report  
ONTP

Amendments Adopted

LD 378 proposed to allow any person limited by arthritis and similar health conditions to hunt from motor vehicles that are not in motion.

**LD 380**

**An Act to Clarify Maine's All-terrain Vehicle Laws and to Improve Competition between Maine's All-terrain Vehicle Industry and its Out-of-state Competitors**

**PUBLIC 219**

Sponsor(s)  
LIBBY

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted  
S-166

LD 380 proposed to remove the requirement that all-terrain vehicles be equipped with brake lights.

**Committee Amendment "A" (S-166)** proposed to allow new all-terrain vehicles to be sold without brake lights and to allow the operation of all-terrain vehicles without brake lights during daylight hours. This amendment also adds a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 219 allows new all-terrain vehicles to be sold without brake lights and allows the operation of all-terrain vehicles without brake lights during daylight hours.

**LD 395**

**An Act Dealing with the Registration of Snowmobiles by  
Nonresidents**

**ONTP**

Sponsor(s)  
BENOIT

Committee Report  
ONTP

Amendments Adopted

LD 395 proposed to reduce to \$20 the snowmobile registration fee paid by a nonresident who owns real estate in this State.

**LD 404**

**An Act to Amend the Laws Regarding Snowmobile Registration**

**PUBLIC 227**

Sponsor(s)  
KIEFFER  
UNDERWOOD

Committee Report  
OTP-AM

Amendments Adopted  
S-175

LD 404 proposed to define an antique snowmobile as a snowmobile more than 25 years old that is primarily used in exhibition, parades and other events of interest to the public and not used primarily for recreational or commercial purposes, to create a one-time registration fee of \$30 for antique snowmobiles and to allow that registration to be transferred to a new owner for a transfer fee of \$10.

The bill also proposed to exempt owners of antique snowmobiles from the requirement that they display their registration numbers on their snowmobile and restrict the reciprocity provisions of law pertaining to snowmobiles to states, provinces and countries sharing a common border with Maine.

**Committee Amendment "A" (S-175)** proposed to clarify that the antique snowmobile registration applies only to residents and to make the \$30 antique snowmobile registration fee proposed in the bill valid until the ownership of the snowmobile is transferred to another person. Upon the transfer of ownership, the new owner may reregister the snowmobile as an antique snowmobile by paying another \$30 antique snowmobile registration fee.

The amendment also proposed to allocate the antique snowmobile registration fee in the same manner as regular resident snowmobile registration fees are allocated and to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 227 allows a resident of the State to register a snowmobile that is more than 25 years old as an antique snowmobile for a one-time fee of \$30. An antique snowmobile registration allows that machine to be used primarily for exhibition, parades and other events of interest to the public and not for recreational or commercial purposes. This law also exempts owners of antique snowmobiles from the requirement that they display their registration numbers on their snowmobile and restrict the reciprocity provisions of law pertaining to snowmobiles to states, provinces and countries sharing a common border with Maine.

**LD 416**

**An Act to Amend the Definition of Personal Watercraft, to Prohibit the Imprudent Operation of Watercraft on Inland Waters of the State and to Assess the Effectiveness of Industry-sponsored Watercraft Safety Training and Education Programs**

**PUBLIC 540**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM	H-768 COMM OF CONF

LD 416 proposed to increase the minimum age from 12 to 16 years of age for operating personal watercraft, to require the Department of Inland Fisheries and Wildlife to license businesses engaged in the rental of personal watercraft and, after January 1, 1998, to make it unlawful for a person to register or operate a personal watercraft without first completing a personal watercraft safety and education course offered by the department or by qualified individuals or businesses operating under contract with the department.

The bill also proposed to prohibit wake jumping by personal watercraft operators and to require personal watercraft rental agents to affix safety decals to each personal watercraft rental.

**Committee of Conference Amendment “A” (H-768)** the unanimous report of a Committee of Conference requested by the House of Representatives, proposed to replace the bill and all its amendments. This amendment proposed to update the definition of personal watercraft to include jet propelled vessels less than 14 feet and to create a civil violation for the imprudent operation of a watercraft on inland waters that is enforceable either by a law enforcement officer or by an individual through a private nuisance action. Current law allows any law enforcement officer to enforce fish and wildlife laws.

The amendment also proposed to require the Commissioner of Inland Fisheries and Wildlife to work with personal watercraft distributors, dealers, rental agents and users to promote industry sponsored safety and education programs and to assess the rate of participation and the effectiveness of industry sponsored personal watercraft safety training programs and educational materials. The Commissioner is also required to report to the First Regular Session of the 119th Legislature on the number of prosecutions of this law by law enforcement officers and the number of nuisance actions taken for imprudent operation of watercraft.

***Enacted law summary***

Public Law 1997, chapter 540, the conference committee report, was enacted without change.

**LD 425**

**An Act to Require a Person Applying for a Moose Permit to Possess a Hunting License**

**ONTP**

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

LD 425 proposed to require that an applicant for a moose hunting permit possess a valid hunting license.

**LD 439**                      **An Act to Amend the Laws Governing Hunting Licenses for Residents 70 Years of Age and Older**                      **ONTP**

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

LD 439 proposed to allow residents 70 years of age and older to hunt antlerless deer without a permit.

**LD 473**                      **An Act to Amend Maine's Hunting Laws for Nonresidents**                      **ONTP**

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

LD 473 proposed to require that nonresidents be accompanied by a licensed Maine guide while hunting bear prior to the open season on deer.

**LD 498**                      **An Act to Reallocate Environmental Registration License Plate Revenue**                      **ONTP**

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

LD 498 proposed to redistribute funds that are received through the sale of the environmental registration plates.

**LD 519**                      **An Act to Promote Water Skiing in the State**                      **PUBLIC 277  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT	OTP-AM    MAJ ONTP      MIN	H-368 H-388    UNDERWOOD

LD 519 proposed to allow a person to operate a watercraft at a speed greater than headway speed within the water safety zone when participating in water-ski tournaments or practices sanctioned by a national water-skiing association.

**Committee Amendment "A" (H-368)** proposed to replace the bill and make the bill an emergency.

The amendment proposed to authorize the Commissioner of Inland Fisheries and Wildlife to permit a water-skiing course within the water safety zone. The water safety zone includes all inland waters within 200 feet of any shoreline of the mainland or an island. Boats using a permitted water-skiing course, either for practice or during an

exhibition, are allowed to operate at greater than headway speed within the water safety zone. The proposed annual fee for a permit is \$25.

The amendment also proposed to require that an applicant obtain the permission of all property owners within 75 feet of any buoy associated with the water-skiing course as a condition of obtaining a permit. The amendment also specifies certain dimensional and other safety requirements that apply to any course permitted by the commissioner.

The amendment also proposed to repeal the permitting authority on March 31, 1999 and to add a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-388)** proposed to require that notice must be given to all municipalities that have jurisdiction over a body of water before a permit is issued for a water-skiing course on that body of water.

***Enacted law summary***

Public Law 1997, chapter 277 allows the Department of Inland Fisheries and Wildlife to issue permits for the use and operation of water skiing courses within the 200 foot water safety zone. It is effective on May 27, 1997.

**LD 520                      An Act to Require the Use of Helmets on Whitewater Rafting Trips                      ONTP**

<u>Sponsor(s)</u> BULL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 520 proposed to require whitewater guides and passengers in a whitewater craft wear a properly fitting protective helmet while on rivers with rapids classified as Class III or higher.

**LD 562                      An Act to Amend the Laws Pertaining to Moose Hunting                      ONTP**

<u>Sponsor(s)</u> BENOIT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 562 proposed that the open season on moose be from the second Monday in October to the following Saturday and that hunting within 500 yards of a sand or salt shed be prohibited.

**LD 580                      An Act Relating to the Designation of Species As Endangered or Threatened                      DIED IN CONCURRENCE**

<u>Sponsor(s)</u> FISK RAND	<u>Committee Report</u> ONTP    MAJ OTP    MIN	<u>Amendments Adopted</u>
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LD 580 proposed to give the Commissioner of Inland Fisheries and Wildlife the authority to designate wildlife species as endangered or threatened.

**LD 588                      An Act to Require Free Access to Waters Stocked with Fish Raised by the State                      ONTP**

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

LD 588 proposed that fish or fish spawn raised by the State may not be introduced in any inland waters unless free access to the public is available whenever these waters are open to fishing.

**LD 610                      An Act to Amend the Moose Hunting Permit Laws                      ONTP**

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

LD 610 proposed to increase from 1500 to 3000 the number of moose permits that may be issued by the Department of Inland Fisheries and Wildlife in calendar years 1998 and 1999.

The bill also proposed to limit eligibility for moose permit applications in 1998 or 1999 only to persons who possess a valid Maine hunting license, if the person is a resident of the State, or a valid Maine big game hunting license, if the person is a nonresident or alien. Persons who are chosen in those years to receive a permit were proposed to be allowed to sell their permit back to the department for a predetermined fee for sale by the department to applicants who were not chosen in the public chance drawing.

**LD 611                      An Act to Ensure Funding for Snowmobile Law Enforcement Activities                      PUBLIC 513**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KIEFFER	OTP-AM      MAJ	H-756      KERR
UNDERWOOD	OTP-AM      MIN	H-766      UNDERWOOD
		S-270

LD 611 proposed to create a Snowmobile Enforcement Fund in the Department of Inland Fisheries and Wildlife and require that a certain amount of each resident and nonresident snowmobile registration fee collected by the department is credited to that fund. Resident snowmobile registration fees were proposed to increase from \$20 to \$25 per year and the money used to supplement other appropriations to the Bureau of Warden Service for snowmobile enforcement, safety and educational purposes.



The bill also proposed a one-time transfer of \$42,000 from the department's carrying balances account to reimburse the warden service for snowmobile enforcement expenditures that were in excess of the amount budgeted by the warden service for those purposes in fiscal year 1996-97. If that amount was not sufficient to fully reimburse the warden service for those costs, the bill proposed to authorize the State Controller to transfer additional money from the carrying balances account as necessary to fully reimburse the warden service.

This bill also proposed to require the department to budget for snowmobile enforcement activities at a level not less than the average snowmobile enforcement operations program expenditures in the previous 2 fiscal years.

**Committee Amendment "A" (S-270)**, the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife, proposed to strike the provisions in the bill that relate to resident snowmobile registrations and make technical changes to the bill to avoid conflicts with changes enacted earlier in the session by Public Law 1997, chapter 24.

**House Amendment "A" (H-766)** proposed to remove the emergency preamble and emergency clause and change the date by which the State Controller is required to transfer certain funds.

**House Amendment "B" (H-756)** proposed to authorize annual transfers from the Carrying Balance program to the General Fund as undedicated revenue.

***Enacted law summary***

Public Law 1997, chapter 513 requires that seven percent of the non-resident snowmobile registration fee be used to supplement other appropriations to the Bureau of Warden Service for snowmobile enforcement, safety and educational purposes.

**LD 746**                      **An Act Concerning the Use of Leg Hold Traps for Coyote in the Unorganized Territory**                      **ONTP**

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

LD 746 proposed to require leg hold traps set for coyote in unorganized or deorganized places to be checked at least once every 72 hours. Current law requires those traps to be visited at least once a day.

**LD 751**                      **An Act to Outlaw the Use of Eel Pots in Inland Waters**                      **CARRIED OVER**

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

LD 751 proposes to prohibit the use of eel pots in inland waters beginning in 1998. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 788**                      **An Act to Ensure That Permit Requirements are Met before the Sale of Live Fish or Fish Eggs**                      **ONTP**

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

LD 788 proposed to require that a person licensed to sell commercially grown or imported fish that a buyer has the appropriate license or permit for the buyer's intended use of the live fish or fish eggs.

**LD 789**                      **An Act to List Specific Threatened and Endangered Species**                      **PUBLIC 290**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK KILKELLY	OTP-AM    MAJ ONTP        MIN	H-367

LD 789 proposed to update the current list of state endangered and threatened species.

**Committee Amendment "A" (H-367)** proposed to add a provision to the bill requiring the Commissioner of Inland Fisheries and Wildlife to submit an annual report to the Joint Standing Committee on Inland Fisheries and Wildlife describing all current and planned programs, activities and rules relating to the conservation of endangered or threatened species. This amendment also proposed to correct a spelling error and to add a fiscal note.

*Enacted law summary*  
Public Law 1997, chapter 290 updates the statutory list of endangered and threatened species.

**LD 798**                      **An Act to Protect the Department of Inland Fisheries and Wildlife from Unfunded Mandates**                      **PUBLIC 244**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM	S-176

LD 798 proposed to require that any program or service mandated to the Department of Inland Fisheries and Wildlife be paid for by those individuals who use or benefit from the provided service or program.

**Committee Amendment "A" (S-176)** proposed to change a section number to avoid a conflict with legislation enacted earlier in this legislative session and to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 244 requires that any program or service mandated to the Department of Inland Fisheries and Wildlife be paid for by those individuals who use or benefit from the provided service or program.

**LD 799**                      **An Act to Limit the Type of Hunting Equipment Used by Hunters Who Have Already Tagged a Deer**                      **ONTP**

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

LD 799 proposed to prohibit a hunter who has already tagged a deer from hunting during an open hunting season on deer by any method other than with a shotgun and bird shot or while possessing any ammunition larger than bird shot unless the hunter is a moose permittee or subpermittee hunting in that hunter's respective zone.

**LD 823**                      **An Act to Amend the Membership of the Maine Tourism Commission**                      **PUBLIC 268**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY CHICK	OTP-AM	S-186

LD 823 proposed to establish a Maine Outdoor Recreation Council consisting of 13 members representing State Government, business interests and various public interests.

**Committee Amendment "A" (S-186)** proposed to replace the bill and change the title of the bill. The amendment proposed to add 3 new members to the Maine Tourism Commission to represent the outdoor sporting interests of the State. This amendment also adds a fiscal note.

*Enacted law summary*

Public Law 1997, chapter 268 adds 3 new members to the Maine Tourism Commission to represent the outdoor sporting interests of the State.

**LD 831**                      **An Act to Encourage Registrants of Snowmobiles to Be Members of Snowmobile Clubs**                      **ONTP**

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

LD 831 proposed to require that owners of snowmobiles who fail to provide satisfactory evidence of membership in a snowmobile club must pay an additional 10% surcharge when registering their snowmobile.

**LD 859**                      **An Act to Exempt Hunters in Elevated Stands from the Blaze Orange Clothing Requirements**                      **ONTP**

<u>Sponsor(s)</u> PERKINS DAGGETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 859 proposed to exempt hunters in elevated stands from wearing blaze orange while hunting.

**LD 895**                      **An Act to Allow Hunting on the Sunday Following Resident Only Day**                      **ONTP**

<u>Sponsor(s)</u> UNDERWOOD	<u>Committee Report</u> ONTP      MAJ OTP      MIN	<u>Amendments Adopted</u>
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LD 895 proposed to allow resident-only hunting on the Sunday preceding the open season on deer.

**LD 896**                      **An Act Increasing from 12 Hours to 18 Hours the Time Limit for Registering Deer and Bear**                      **PUBLIC 282**

<u>Sponsor(s)</u> UNDERWOOD	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-370
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LD 896 proposed to increase to 24 hours the time limit for registering deer.

**Committee Amendment "A" (H-370)** proposed to change the title of the bill, increase from 12 hours to 18 hours the time limit for registering deer and bear and add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 282 increases from 12 hours to 18 hours the time limit for registering deer and bear.

**LD 925**                      **An Act to Promote Snowmobile Safety by Restricting the Transport of Alcoholic Beverages to Sleds Pulled by Snowmobiles**                      **ONTP**

<u>Sponsor(s)</u> GREEN DAGGETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 925 proposed to prohibit the transportation of alcohol on a snowmobile.

**LD 950**

**An Act to Amend the Hunting Laws As They Pertain to Antlerless Deer**

**PUBLIC 225**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIN	OTP-AM	H-317

LD 950 proposed to give a landowner whose land is divided by a road the right to have that landowner's name placed in the lottery drawing for antlerless deer.

**Committee Amendment "A" (H-317)** proposed that any two or more pieces of land owned by the same person that are open to hunting and that would be contiguous except for being divided by one or more roads are considered contiguous for the purpose of determining that landowner's eligibility for special consideration under the antlerless deer permit program.

***Enacted law summary***

Public Law 1997, chapter 225 states that any two or more pieces of land owned by the same person that are open to hunting and that would be contiguous except for being divided by one or more roads are considered contiguous for the purpose of determining that landowner's eligibility for special consideration under the antlerless deer permit program.

**LD 952**

**An Act to Promote Commercial Aquaculture**

**ONTP**

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

LD 952 proposed that the Commissioner of Inland Fisheries and Wildlife develop policies and procedures to promote commercial fresh water aquaculture activities and the use of nongame fish species.

**LD 958**

**An Act to Require the State to Recognize Moose Hunting Permits Issued by the Passamaquoddy Tribe**

**ONTP**

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

LD 958 proposed that tribal subsistence moose hunting permits issued by the Passamaquoddy Tribe to members of the Passamaquoddy Tribe are valid and accepted by the Commissioner of Inland Fisheries and Wildlife.

**LD 959**                      **An Act to Allow Handicapped Hunters to Hunt Does without a Permit**                      **ONTP**

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

LD 959 proposed to allow physically handicapped resident hunters to hunt antlerless deer or does without a permit or license.

**LD 961**                      **An Act to Prohibit the Use of Artificial Devices by Game Wardens for the Purpose of Causing Hunting Violations**                      **ONTP**

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

LD 961 proposed to prohibit game wardens from using artificial devices to induce a person to violate any hunting laws.

**LD 993**                      **An Act to Prohibit the Stocking of Alewives in Tripp Pond**                      **PUBLIC 440  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
UNDERWOOD HALL	OTP-AM	H-316 H-387 UNDERWOOD

LD 993 proposed to prohibit stocking alewives in Trip Pond in Poland, Maine.

**Committee Amendment "A" (H-316)** proposed to prohibit the stocking of alewives in Tripp Pond in Poland, in Hogan Pond and Whitney Pond in Oxford, in any waters that drain into those ponds, in the brook that drains those ponds and in the Little Androscoggin River upstream of the Welchville dam. The amendment also proposed to repeal those provisions 90 days after the adjournment of the Second Regular Session of the 118th Legislature and to add a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-387)** proposed to clarify that only those provisions in the committee amendment that prohibit the stocking of alewives in Tripp Pond, Pond Brook and the Little Androscoggin River upstream of the Welchville Dam are repealed 90 days after the adjournment of the Second Regular Session of the 118th Legislature. The amendment also proposed to clarify that the existing prohibition on stocking alewives in Hogan Pond and Whitney Pond includes waters that drain into or out of those ponds.

***Enacted law summary***

Public Law 1997, chapter 440 prohibits the stocking of alewives in Hogan Pond and Whitney Pond or any waters that drain into or out of those ponds. The law is effective on June 10, 1997.

**LD 1051**

**An Act to Enhance the State's Moose Hunt**

**PUBLIC 490**

<u>Sponsor(s)</u> PAUL KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-151
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LD 1051 proposed to increase the maximum number of moose hunting permits to 2000, require that Maine residents purchase a Maine hunting license before entering an application in the moose lottery, allow a subpermittee to be named after the lottery drawing and to direct the Department of Inland Fisheries and Wildlife to change the moose lottery to give applicants who were unsuccessful in previous lotteries a better chance of winning.

**Committee Amendment "A" (H-151)**, the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife, proposed to increase the number of moose permits issued by the Department of Inland Fisheries and Wildlife in 1998 and subsequent years from 1500 to 2000.

This amendment also adds an appropriation section and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 490 increases the annual number of moose permits in 1998 and subsequent years from 1500 to 2000.

**LD 1098**

**An Act to Facilitate Implementation of an Automated Hunters' and Anglers' Data Base System for Hunting and Fishing Licenses and Registrations**

**PUBLIC 137**

<u>Sponsor(s)</u> CHICK KILKELLY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> H-179 CAMERON
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LD 1098 proposed to allow efficient issuance of hunting and fishing licenses and registrations through an automated computer system to be available at all inland fisheries and wildlife agent locations.

**House Amendment "A" (H-179)** was presented on behalf of the Committee on Bills in the Second Reading to correct a spelling error.

***Enacted law summary***

Public Law 1997, chapter 137 authorizes the implementation of an automated computer system at all inland fisheries and wildlife agent locations.

**LD 1102**

**An Act to Provide Funding for the Enforcement of Snowmobile  
Laws**

**ONTP**

<u>Sponsor(s)</u> CHICK KILKELLY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1102 proposed to clarify that the increase in nonresident snowmobile registration fees, as enacted by Public Law 1995, chapter 467, must be used by the Department of Inland Fisheries and Wildlife for enforcement of snowmobile laws by requesting that the nonresident snowmobile registration fee increases are credited to the General Fund and appropriated to Enforcement Operations - Inland Fisheries and Wildlife, General Fund.

The bill proposed to appropriate \$42,000 in fiscal year 1996-97 to reimburse the Bureau of Warden Service for costs incurred for snowmobile enforcement activities that were in excess of the funds appropriated for that purpose in fiscal year 1995-96 and amends the Maine Revised Statutes, Title 12, section 7824, subsection 3 so that this appropriation will take place each year.

**LD 1111**

**An Act to Protect Loons**

**PUBLIC 310**

<u>Sponsor(s)</u> CLEVELAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-202
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LD 1111 proposed to prohibit the use and possession after January 1, 1998, of artificial lures and sinkers that contain any lead or zinc and that weigh less than 2 ounces or measure less than one inch along their longest axis.

**Committee Amendment "A" (S-202)** proposed to replace the bill. The amendment proposed to allow the Commissioner of Inland Fisheries and Wildlife to accept donations of money, goods or services for the purpose of educating the public about the threat to loons and other bird species from discarded or lost lead sinkers and lures.

*Enacted law summary*

Public Law 1997, chapter 310 allows the Commissioner of Inland Fisheries and Wildlife to accept donations of money, goods or services for the purpose of educating the public about the threat to loons and other bird species from discarded or lost lead sinkers and lures.

**LD 1129**

**An Act to Allow Hunting License Vendors a 3% Fee for  
Nonresident Hunting Licenses Purchased with Credit Cards**

**ONTP**

<u>Sponsor(s)</u> DEXTER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1129 proposed to allow clerks or agents who issue hunting licenses to charge an additional fee to nonresidents who use a credit card to purchase those licenses.



**LD 1134**

**Resolve, Regarding Legislative Review of Chapter 21 (21.03), Amendments to License Agent Reporting Requirements, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife**

**RESOLVE 15  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 1134 proposed to authorize Chapter 21, a major substantive rule of the Department of Inland Fisheries and Wildlife. The proposed rule pertained to the licensing and reporting requirements of agents.

***Enacted law summary***

Resolve 1997, chapter 15 authorized the department to adopt the proposed rules as presented. This law is effective on April 18, 1997.

**LD 1137**

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999**

**PUBLIC 24**

Sponsor(s)  
KERR

Committee Report  
OTP-AM MAJ  
OTP-AM MIN

Amendments Adopted  
H-15  
H-73 KERR  
H-75 KERR  
H-108 KERR

LD 1137 was the Part I budget bill. It did not propose statutory changes to the fish and wildlife laws.

**Committee Amendment “A” (H-15)** proposed changes to a wide range of state government policy areas, including changes to the fish and wildlife laws.

Part I of Committee Amendment “A” proposed to:

Require that the Department of Inland Fisheries and Wildlife be reimbursed for administrative costs of activities performed by the department in support of federal and Other Special Revenue accounts;

Allow residents and nonresidents to purchase additional chances in the moose permit lottery. Residents would retain the right to purchase one chance for \$5 without possessing a hunting license. Residents who possess a valid big game hunting license would be eligible to purchase three chances for \$10 and six chances for \$20. Nonresidents would be eligible to purchase one chance for \$10, two chances for \$20 and six chances of \$40. Nonresidents would not be required to possess a hunting license to purchase an application;

Require an appropriation to the Department of Inland Fisheries and Wildlife to reimburse the department for administrative costs it incurs in collecting watercraft sales taxes;

Increase annual motorboat registration fees from \$4 to \$6 for a motorboat equipped with a motor of 10 horsepower or less to \$10 for a motorboat equipped with a motor between 10 and 50 horsepower and to \$15 for a motorboat equipped with a motor of greater than 50 horsepower. The amendment also proposed to increase from \$4 to \$20 the annual registration fee for a personal watercraft;

Require an appropriation to the Department of Inland Fisheries and Wildlife to reimburse the department for administrative costs associated with collection of watercraft registration fees;

Require the Department of Inland Fisheries and Wildlife to subtract the administrative costs it incurs in collecting and distributing snowmobile registration fees and dealer fees before crediting any of that revenue to the Department of Conservation or the General Fund. The amendment proposed to change the distribution formula for specific dollar amounts to percentages of money remaining after the department subtracts its administrative costs;

Require an appropriation to the Department of Inland Fisheries and Wildlife to reimburse the department for the administrative costs it incurs in collecting and distributing snowmobile taxes;

Increase the annual resident snowmobile registration fee from \$20 to \$25;

Require an appropriation to the Department of Inland Fisheries and Wildlife to reimburse the department for administrative costs incurred in collecting and distributing all-terrain vehicle registration fees. The amendment proposed to change the distribution formula from specific dollar amounts to percentages;

Require an appropriation to the Department of Inland Fisheries and Wildlife in each fiscal year to reimburse the department for administrative costs incurred in collecting all-terrain vehicle sales taxes;

Require the Commissioner of Inland Fisheries and Wildlife to achieve savings of at least \$240,000 in each fiscal year in the biennium in General Fund Personal Services by means that include postponing filling positions in the department that are or that become vacant in the department during the biennium. Any positions to be held vacant to achieve the purposes of this section would be selected by the commissioner. The commissioner would be required to detail the positions affected by this amendment and the savings achieved on a monthly basis; and

Authorize amounts in the Carrying Account to lapse to the General Fund in fiscal year 1997-98 and fiscal year 1998-99 in an amount equal to the General Fund appropriations to the department in each fiscal year minus the budget revenues of the department in each fiscal year.

**House Amendments “FF” (H-73), “HH” (H-75) and “KK” (H-108)** did not propose statutory changes to the fish and wildlife laws.

### *Enacted law summary*

Public Law 1997, chapter 24 makes the following changes to the fish and wildlife laws.

It requires that the Department of Inland Fisheries and Wildlife be reimbursed for administrative costs of activities performed by the department in support of federal and Other Special Revenue accounts.

It allows residents and nonresidents to purchase additional chances in the moose permit lottery. Residents retain the right to purchase one chance for \$5 without possessing a hunting license. Residents who possess a valid big game hunting license are eligible to purchase three chances for \$10 and six chances for \$20. Nonresidents are eligible to

purchase one chance for \$10, two chances for \$20 and six chances of \$40. Nonresidents are not required to possess a hunting license to purchase an application.

It requires an appropriation to the Department of Inland Fisheries and Wildlife to reimburse the department for administrative costs it incurs in collecting watercraft sales taxes.

It increases annual motorboat registration fees from \$4 to \$6 for a motorboat equipped with a motor of 10 horsepower or less to \$10 for a motorboat equipped with a motor between 10 and 50 horsepower and to \$15 for a motorboat equipped with a motor of greater than 50 horsepower. It also increases from \$4 to \$20 the annual registration fee for a personal watercraft.

It requires an appropriation to the Department of Inland Fisheries and Wildlife to reimburse the department for administrative costs associated with collection of watercraft registration fees.

It requires the Department of Inland Fisheries and Wildlife to subtract the administrative costs it incurs in collecting and distributing snowmobile registration fees and dealer fees before crediting any of that revenue to the Department of Conservation or the General Fund. It changes the distribution formula for specific dollar amounts to percentages of money remaining after the department subtracts its administrative costs.

It requires an appropriation to the Department of Inland Fisheries and Wildlife to reimburse the department for the administrative costs it incurs in collecting and distributing snowmobile taxes.

It increases the annual resident snowmobile registration fee from \$20 to \$25.

It requires an appropriation to the Department of Inland Fisheries and Wildlife to reimburse the department for administrative costs incurred in collecting and distributing all-terrain vehicle registration fees. It changes the distribution formula from specific dollar amounts to percentages.

It requires an appropriation to the Department of Inland Fisheries and Wildlife in each fiscal year to reimburse the department for administrative costs incurred in collecting all-terrain vehicle sales taxes.

It requires the Commissioner of Inland Fisheries and Wildlife to achieve savings of at least \$240,000 in each fiscal year in the biennium in General Fund Personal Services by means that include postponing filling positions in the department that are or that become vacant in the department during the biennium. Any positions to be held vacant to achieve the purposes of this section must be selected by the commissioner. The commissioner is required to detail the positions affected by this amendment and the savings achieved on a monthly basis.

It authorizes amounts in the Carrying Account to lapse to the General Fund in fiscal year 1997-98 and fiscal year 1998-99 in an amount equal to the General Fund appropriations to the department in each fiscal year minus the budget revenues of the department in each fiscal year.

**LD 1159**

**An Act to Open Trapping Season on Saturday**

**CARRIED OVER**

Sponsor(s)  
GOODWIN

Committee Report

Amendments Adopted

LD 1159 proposes to require that the open season on trapping begin on a Saturday. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1162                      An Act to Clarify the Duties of the Maine Atlantic Salmon Authority                      CARRIED OVER**

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

LD 1162 proposes to clarify that the Atlantic Salmon Authority has the sole authority to introduce, import, stock and rear or to permit the introduction, importation, stocking and rearing of Atlantic salmon, live or as eggs, into the State or into the inland or coastal waters of the State.

The bill also proposes to establish the Atlantic Salmon Authority as the State's liaison to federal, regional and state authorities on issues pertaining to Atlantic salmon and allows the authority to accept Atlantic salmon, live or as eggs, from hatcheries and commercial aquaculture facilities inside and outside the State if those fish or eggs meet the health and grading standards adopted by the United States Fish and Wildlife Service and the Atlantic States Marine Fisheries Commission.

The bill also proposes to prohibit any person, except commercial aquaculture facilities, from importing, transporting, possessing, rearing or stocking Atlantic salmon without a permit issued by the authority. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1186                      An Act to Ensure Hunting Safety                      ONTP**

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

LD 1186 proposed to prohibit hunting after 2 p.m. on Halloween.

**LD 1247                      An Act to Require Reflectors on Ice Fishing Shacks                      ONTP**

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

LD 1247 proposed to require that ice fishing shacks on inland and coastal waters have reflectors or reflecting tape affixed to each side of the shack at least three feet above the ice. Rental ice fishing shacks equipped with electricity were proposed to be exempted from this requirement.

**LD 1248**                      **An Act to Permit the Hunting of Birds on Sundays during a Specified Open Hunting Season**                      **ONTP**

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

LD 1248 proposed to allow the hunting of partridge and migratory game birds, including waterfowl, from the 5th Monday preceding Thanksgiving to November 30th, including Sundays. The bill also proposed to allow the Commissioner of Inland Fisheries and Wildlife, as well as the Governor, to close certain sections of the State to hunting.

**LD 1262**                      **An Act to Require Game Wardens, Biologists and State Officials to Wear Blaze Orange during Deer Hunting Season**                      **ONTP**

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

LD 1262 proposed to require game wardens and certain other state officials to wear hunter orange if they are in the woods during deer season acting in an official capacity and not participating in an undercover activity.

**LD 1284**                      **An Act to Preserve Inland and Coastal Waters and Beaches**                      **ONTP**

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

LD 1284 proposed to prohibit the operation of a personal watercraft within an area marked or buoyed for swimming, prohibit the launching of a personal watercraft from a public beach and to establish regulations governing the use and operation of certain vessels in or near areas along the coast.

**LD 1289**                      **An Act to Amend the Hunting Laws As They Pertain to Proof of Prior Hunting License in Order to Be Exempt from Taking a Hunter Safety Course**                      **ONTP**

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

LD 1289 proposed to recognize a prior hunting license, regardless of the year issued, as proof of competency for the purpose of obtaining a Maine license.

**LD 1310**                      **An Act to Encourage Hunting by Nonresidents**                      **ONTP**

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

LD 1310 proposed to make changes to certain resident and nonresident hunting licenses beginning in 1998, to establish the month of November as the open season on deer and to allow Sunday hunting season during that month.

**LD 1426**                      **An Act to Amend the Deer and Moose Hunting Laws**                      **ONTP**

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

LD 1426 proposed to allow people suffering from disabling heart or respiratory problems to hunt from motor vehicles that are not in motion and to ensure that antlerless deer permits are issued to applicants who are physically disabled or who hold a junior hunting license. The bill also proposed to require that a person be at least 15 years of age to be eligible to participate in the moose lottery and that at least five moose permits in each area open to moose hunting are reserved for applicants who are 70 years of age or older. The bill also proposed to ensure that a person with a physical disability is allowed to use a motor of two horsepower or less on a water body that otherwise is closed to the use of motors.

**LD 1464**                      **An Act Relating to Whitewater Rafting Allocations**                      **ONTP**

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

LD 1464 proposed to amend the procedure application and award procedures for whitewater rafting allocations.

**LD 1469**                      **An Act to Increase the Number of Allocated Commercial Whitewater Rafting Trips on the Kennebec River**                      **ONTP**

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

LD 1469 proposed to increase the commercial whitewater rafting recreational use limits on the Kennebec River on Saturdays from 800 commercial passengers to 1000.

**LD 1479**

**An Act to Decriminalize Various Fish and Game Violations and Enhance Collectibility of Associated Penalties**

**CARRIED OVER**

Sponsor(s)  
MILLS

Committee Report

Amendments Adopted

LD 1479 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. The bill proposes that game wardens making arrests in Cumberland County may take the defendant to any District Court serving Cumberland County, rather than being limited to the closest court. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1546**

**An Act to Require That an Adult Accompany Youths Attending Hunter Safety Programs**

**ONTP**

Sponsor(s)  
USHER  
KILKELLY

Committee Report  
ONTP

Amendments Adopted

LD 1546 proposed to require that adults accompany minors who attend a hunter safety course.

**LD 1564**

**An Act Allowing People with Disabilities to Use Open-face Fishing Rods in Fly-fishing Only Waters**

**ONTP**

Sponsor(s)  
CLEVELAND

Committee Report  
ONTP

Amendments Adopted

LD 1564 proposed to allow a person who is not able to use a fly rod due to a physical disability to fish in fly-fishing only waters using a rod and reel with a single line and fly.

**LD 1588**

**An Act Concerning Rabbit Hunting with Dogs**

**PUBLIC 280**

Sponsor(s)  
PERKINS

Committee Report  
OTP MAJ  
ONTP MIN

Amendments Adopted

LD 1588 proposed to allow rabbit hunting with dogs during the open firearm season on deer.

***Enacted law summary***

Public Law 1997, chapter 280 permits rabbit hunting with dogs during the open firearm season on deer.

Sponsor(s)  
KILKELLY  
PAUL

Committee Report  
OTP-AM

Amendments Adopted  
H-619 POULIN  
H-659 BELANGER D  
H-744 UNDERWOOD  
S-281

LD 1604, the “Omnibus” bill of the Department of Inland Fisheries and Wildlife, proposed to:

1. Amend the definition of "firearm."
2. Add a definition of "fishway" consistent with the Department of Marine Resources' definition.
3. Add "wild animal hybrids," "wild bird hybrids" and "domestic animals" to the definition of "hunt" and the provisions on closed season for hunting.
4. Clarify that firearms of any type including muzzle-loading firearms and archery equipment are subject to specific provisions of law regarding hunting without a license, hunting while intoxicated and hunting on Sunday.
5. Amend the definition of "weir."
6. Allow the department to recover costs incurred for search and rescue operations that are initiated under false reports.
7. Allow the department to use revenue generated from selling advertising space in its law books to help cover the cost of printing the books.
8. Provide for reimbursement to the Bureau of Warden Service's personal services account for services rendered to federal agencies. Revenues received must be allocated for the purpose of funding the cost of providing the services.
9. Remove outdated language and replaces it with language that is consistent with all-terrain vehicle laws in regard to other law enforcement officers enforcing snowmobile, airmobile and all-terrain vehicle laws.
10. Amend laws governing complimentary licenses for the blind, paraplegic, resident disabled war veterans, mentally retarded and resident disabled veterans to make them valid for the life of the license holder, as long as they continue to meet residency requirements.
11. Give the Commissioner of Inland Fisheries and Wildlife the authority to require that a person whose license has been revoked or suspended complete a course on outdoor ethics scheduled by the Bureau of Warden Service.
12. Amend the law governing licenses for nonresident junior hunters.
13. Clarify that the commissioner has authority to establish the muzzle-loading season.



14. Make it illegal for a licensed bait dealer to possess any species of fish that is not legal to be sold as bait and makes it possible for biologists, acting as agents of the commissioner, to inspect bait dealer shops.
15. Make it illegal for a person holding a live bait retailer's license or a smelt wholesaler's license to obtain live smelts for resale from a person who is not licensed to deal in live smelts. It also requires a person holding a smelt wholesaler's license to have and use a number 14 fish grader during the winter months while engaged in the taking of live smelts and to immediately liberate undersized smelts alive into the waters from which they were taken.
16. Clarify the difference between a license to cultivate fish and a license to harvest fish in private ponds.
17. Enact a new section of law dealing with the transportation of live fish for breeding and advertising purposes.
18. Remove live fish from the section of law dealing with transportation for breeding and advertising purposes.
19. Require that, effective January 1, 1998, any person who has not renewed that person's guide license for five consecutive years must be reexamined.
20. Correct a reference to the Advisory Board for the Licensing of Guides.
21. Allow a licensed taxidermist to purchase heads and hides of wild animals by virtue of the taxidermist license.
22. Make the examination fee and process for whitewater guides consistent with those of regular guides. It also clarifies the three-year license for whitewater guides.
23. Amend the laws governing fishing for cusk and hornpout.
24. Repeal the requirement that tree ladders and stands be removed within 10 days after the close of the hunting season for which the ladder or stand was erected.
25. Make it unlawful to possess a wild animal or wild bird taken while Sunday hunting, to discharge a firearm too close to a dwelling, to abuse another person's property, to use or possess a prohibited implement or to trespass on another person's property.
26. Clarify that anyone hunting during any firearm season on deer is required to wear two articles of hunter orange clothing.
27. Remove superfluous language from the laws regarding failure to report a hunting accident.
28. Amend the laws regarding the placing of bear bait to provide that they also apply to the trapping of bears.
29. Change the amount of time a person has to register a bear from 12 hours to 18 hours.
30. Repeal the prohibition on nonresidents trapping beaver.
31. Give the commissioner the authority to establish fees for implementing special hunting seasons in areas where the wildlife population is causing problems.

32. Give the commissioner the authority to adopt rules to implement a landowner permit system for turkey hunting.
33. Repeal the prohibition against introducing fish or fish spawn raised by the department in a private pond.
34. Require that baitfish traps be checked at least once in every seven calendar days rather than three days.
35. Amend the laws regarding fishing with illegal devices.
36. Repeal the provision regarding the illegal use of hellgramites.
37. Provide for the removal of ice shacks prior to the close of the ice fishing season.
38. Repeal the provision allowing the use of the eggs of Atlantic sea run salmon and landlocked salmon for bait.
39. Repeal a provision regarding the authority of the commissioner to permit the taking of fish to protect other fish.
40. Give the commissioner authority to collect a \$1 fee for issuance of registrations by department employees.
41. Clarify the laws governing operating a snowmobile to endanger.
42. Require the Commissioner of Inland Fisheries and Wildlife to charge a fee of \$1 in addition to the annual fee for each all-terrain vehicle registration issued by an employee of the Department of Inland Fisheries and Wildlife.
43. Clarify the age requirements for all-terrain vehicle operation.
44. Make technical changes in format to the Maine Revised Statutes, Title 12, section 7901, subsection 2.
45. Make reckless operation of a snowmobile, watercraft or all-terrain vehicle a Class D crime in order to conform to the Maine Criminal Code in which reckless conduct under Title 17-A, section 211 is a Class D crime.

**Committee Amendment "A" (S-281)** proposed to:

1. Remove sections from the bill that pertained to the definitions of firearm and hunting, hunting domestic animals, hunting without hunter orange clothing, tree ladders, registering bear, trapping beaver, turkey hunting, the taking of pickerel and perch, stocking department fish in private ponds, registering watercraft and penalties for certain hunting violations;
2. Add a provision to the search and rescue powers of the Commissioner of Inland Fisheries and Wildlife that allows the commissioner to recover search and rescue costs from the person for whom the search was conducted or from a person who knowingly gives out false information that leads to a search or rescue attempt;
3. Make the Saturday and Sunday during Father's Day weekend and the Saturday and Sunday immediately preceding President's Day "free fishing days";
4. Clarify the complimentary hunting and fishing licenses that are available to resident disabled veterans;
5. Require a person who violates a fish and wildlife law that carries a mandatory license suspension to complete an outdoor ethics course before having that license returned;
6. Repeal the provision that prohibits more than two shooting ranges in one county;

7. Clarify the licensing requirements for a person who wishes to operate a private pond for fishing;
8. Require that a person who applies for a Maine guide license or a whitewater guide license take an examination if that person has not held that license within the previous three years;
9. Clarify that a person give notice to a game warden in the event of a hunting accident or, in the event that the game warden can not be contacted, to the law enforcement officer nearest the place where the event occurred;
10. Establishes a point system for the moose lottery that gives a person one point for each consecutive year in which that person purchases a moose lottery application but is not selected to receive a permit;
11. Require ice shacks to be removed from the ice by March 15th in Androscoggin, Cumberland, Hancock, Kennebec, Lincoln, Oxford, Sagadahoc, Waldo and York counties;
12. Allow commercially prepared fish eggs from species that do not naturally occur in Maine to be used for bait;
13. Clarify what constitutes operating a snowmobile to endanger;
14. Creates an 11-member Commission to Study the Stocking of Alewives; and
15. Add an appropriation section, an allocation section and a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-619)** proposed to retain the current law regarding ice shacks.

**House Amendment "A" (H-659)** proposed to clarify that the definition of hunting equipment includes only that equipment that is permitted under the hunting laws.

**House Amendment "C" to Committee Amendment "A" (H-744)** proposed to require that the Department of Inland Fisheries and Wildlife do the Alewife study during the interim and report back to the Joint Standing Committee on Inland Fisheries and Wildlife.

***Enacted law summary***

Public Law 1997, chapter 432 incorporates the changes described above in the adopted amendments.

**LD 1611**                      **An Act to Amend Snowmobile Registration Fees and Promote Snowmobile Club Participation**                      **ONTP**

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

LD 1611 proposed to make the annual snowmobile registration fee \$35 for both residents and nonresidents, removing the current dual fee structure. It also proposed to provide a \$10 discount on the registration fee for members of a snowmobile club recognized and approved by an incorporated statewide snowmobile association,

such as the Maine Snowmobile Association, and allocates \$10 of the \$35 registration fee for nonmembers of such a club to an incorporated statewide snowmobile association, such as the Maine Snowmobile Association. The bill also proposed to exempt residents of New Brunswick, Quebec and New Hampshire from having to register snowmobiles in this State if they have registered the snowmobiles in their home states or provinces.

**LD 1704                      An Act to Require the Department of Inland Fisheries and Wildlife                      PUBLIC 312**  
**to File Monthly Revenue Reports**

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

LD 1704 proposed to require the Department of Inland Fisheries and Wildlife to submit a monthly report of revenues and expenditures to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

***Enacted law summary***

Public Law 1997, chapter 312 requires the Department of Inland Fisheries and Wildlife to submit a monthly report of revenues and expenditures to each member of the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

**LD 1736                      An Act to Register New Property for the Thorncrag Bird Sanctuary                      PUBLIC 288**  
**with the Department of Inland Fisheries and Wildlife**

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

LD 1736 proposed to add the description of land recently acquired by the Thorncrag Bird Sanctuary to the statutory description of that bird sanctuary.

***Enacted law summary***

Public Law 1997, chapter 288 adds the description of land recently acquired by the Thorncrag Bird Sanctuary to the statutory description of that bird sanctuary.

**LD 1801                      An Act to Adopt Long-range Changes in the Methods by Which                      CARRIED OVER**  
**Whitewater Rafting Trips Are Allocated among Licensees**

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

LD 1801 proposes to amend the commercial whitewater rafting laws in the following manner.

1. Setting a recreational use limit for commercial passengers on the Kennebec River of 1000 per day, effectively increasing the number of passengers allowed on Saturdays from 800 to 1000 passengers. These 200 new allocations must be auctioned by the Department of Inland Fisheries and Wildlife by December 1, 1997 and the proceeds distributed equally between the General Fund and the department.
2. Requiring the Department of Inland Fisheries and Wildlife to designate certain unallocated days during which an outfitter may carry up to 120 passengers per unallocated day.
3. Establishing a limit of 240 passengers per day on the Dead River for an outfitter.
4. Repealing the five-year term for awarded allocations and specifies that the department may suspend, revoke or reduce the number of allocations when the department determines it is advisable to do so for better management or protection of public safety and welfare. The department may also suspend or revoke the allocations of an outfitter who fails to meet certain specified requirements.
5. Repealing the current allocation procedures and the requirement that the department allocate the right to conduct whitewater trips, instead giving the department the discretion to make allocations. Allocations may be transferred between outfitters subject to approval by the department. An outfitter is required to submit reports to the department documenting river use.

The bill was carried over to the Second Regular Session of the 118th Legislature.

**Joint Standing Committee on Inland Fisheries and Wildlife**

**SUBJECT INDEX**

*Bear*

Enacted

**LD 896**                    **An Act Increasing from 12 Hours to 18 Hours the  
Time Limit for Registering Deer and Bear**                    **PUBLIC 282**    **Page 434**

Not Enacted

None

*Boating*

Enacted

**LD 1137**                    **An Act Making Unified Appropriations and  
Allocations for the Expenditures of State  
Government, General Fund and Other Funds, and  
Changing Certain Provisions of the Law Necessary to  
the Proper Operations of State Government for the  
Fiscal Years Ending June 30, 1998 and June 30, 1999**                    **PUBLIC 24**    **Page 439**

Not Enacted

**LD 225**                    **An Act to Exempt Watercraft Powered by Electric  
Motors from Registration Fees**                    **ONTP**    **Page 421**

*Deer*

Enacted

**LD 53**                    **An Act to Amend the Laws Regarding the Expanded  
Archery Deer Hunting Season**                    **PUBLIC 471**    **Page 415**  
**EMERGENCY**

**LD 896**                    **An Act Increasing from 12 Hours to 18 Hours the  
Time Limit for Registering Deer and Bear**                    **PUBLIC 282**    **Page 434**

<b>LD 950</b>	<b>An Act to Amend the Hunting Laws As They Pertain to Antlerless Deer</b>	<b>PUBLIC 225</b>	<b>Page 434</b>
<b>LD 1588</b>	<b>An Act Concerning Rabbit Hunting with Dogs</b>	<b>PUBLIC 280</b>	<b>Page 445</b>
<b><u>Not Enacted</u></b>			
<b>LD 182</b>	<b>An Act to Give an Antlerless Deer Permit to a Person Who Kills 5 or More Coyotes</b>	<b>INDEF PP</b>	<b>Page 419</b>
<b>LD 210</b>	<b>An Act to Allow Limited Hunting of Anterless Deer with an Ordinary Hunting License</b>	<b>ONTP</b>	<b>Page 421</b>
<b>LD 369</b>	<b>An Act to Limit the Landowner Deer Permit System to One Application per Household</b>	<b>ONTP</b>	<b>Page 423</b>
<b>LD 439</b>	<b>An Act to Amend the Laws Governing Hunting Licenses for Residents 70 Years of Age and Older</b>	<b>ONTP</b>	<b>Page 427</b>
<b>LD 799</b>	<b>An Act to Limit the Type of Hunting Equipment Used by Hunters Who Have Already Tagged a Deer</b>	<b>ONTP</b>	<b>Page 432</b>
<b>LD 895</b>	<b>An Act to Allow Hunting on the Sunday Following Resident Only Day</b>	<b>ONTP</b>	<b>Page 433</b>
<b>LD 959</b>	<b>An Act to Allow Handicapped Hunters to Hunt Does without a Permit</b>	<b>ONTP</b>	<b>Page 435</b>
<b>LD 1310</b>	<b>An Act to Encourage Hunting by Nonresidents</b>	<b>ONTP</b>	<b>Page 443</b>

### *Department Administration*

#### **Enacted**

<b>LD 17</b>	<b>An Act Regarding Funding for the Extended Responsibilities of the Department of Inland Fisheries and Wildlife</b>	<b>PUBLIC 112</b>	<b>Page 414</b>
<b>LD 123</b>	<b>An Act to Protect Deer</b>	<b>P &amp; S 43</b>	<b>Page 417</b>
<b>LD 252</b>	<b>An Act Regarding Destruction of Fish Populations</b>	<b>PUBLIC 255</b>	<b>Page 422</b>
<b>LD 798</b>	<b>An Act to Protect the Department of Inland Fisheries and Wildlife from Unfunded Mandates</b>	<b>PUBLIC 244</b>	<b>Page 432</b>

<b>LD 823</b>	<b>An Act to Amend the Membership of the Maine Tourism Commission</b>	<b>PUBLIC 268</b>	<b>Page 432</b>
<b>LD 950</b>	<b>An Act to Amend the Hunting Laws As They Pertain to Antlerless Deer</b>	<b>PUBLIC 225</b>	<b>Page 434</b>
<b>LD 993</b>	<b>An Act to Prohibit the Stocking of Alewives in Tripp Pond</b>	<b>PUBLIC 440</b> <b>EMERGENCY</b>	<b>Page 436</b>
<b>LD 1098</b>	<b>An Act to Facilitate Implementation of an Automated Hunters' and Anglers' Data Base System for Hunting and Fishing Licenses and Registrations</b>	<b>PUBLIC 137</b>	<b>Page 437</b>
<b>LD 1137</b>	<b>An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999</b>	<b>PUBLIC 24</b>	<b>Page 439</b>
<b>LD 1604</b>	<b>An Act to Revise Certain Provisions of Fish and Wildlife Laws</b>	<b>PUBLIC 432</b> <b>EMERGENCY</b>	<b>Page 445</b>
<b>LD 1704</b>	<b>An Act to Require the Department of Inland Fisheries and Wildlife to File Monthly Revenue Reports</b>	<b>PUBLIC 312</b>	<b>Page 450</b>
<b><u>Not Enacted</u></b>			
<b>LD 152</b>	<b>An Act to Create a 3-Person Regional Fisheries and Wildlife Advisory Council within Each Resource Management Administrative Region</b>	<b>CARRIED OVER</b>	<b>Page 418</b>
<b>LD 338</b>	<b>An Act Regarding the Funding of Search and Rescues by the Department of Inland Fisheries and Wildlife</b>	<b>INDEF PP</b>	<b>Page 423</b>
<b>LD 368</b>	<b>An Act to Allow the Department of Inland Fisheries and Wildlife to Create Lifetime Fishing and Hunting Licenses</b>	<b>CARRIED OVER</b>	<b>Page 423</b>
<b>LD 377</b>	<b>An Act to Improve Wildlife Habitat</b>	<b>ONTP</b>	<b>Page 424</b>
<b>LD 498</b>	<b>An Act to Reallocate Environmental Registration License Plate Revenue</b>	<b>ONTP</b>	<b>Page 427</b>
<b>LD 588</b>	<b>An Act to Require Free Access to Waters Stocked with Fish Raised by the State</b>	<b>ONTP</b>	<b>Page 429</b>



<b>LD 952</b>	<b>An Act to Promote Commercial Aquaculture</b>	<b>ONTP</b>	<b>Page 435</b>
<b>LD 961</b>	<b>An Act to Prohibit the Use of Artificial Devices by Game Wardens for the Purpose of Causing Hunting Violations</b>	<b>ONTP</b>	<b>Page 435</b>
<b>LD 1262</b>	<b>An Act to Require Game Wardens, Biologists and State Officials to Wear Blaze Orange during Deer Hunting Season</b>	<b>ONTP</b>	<b>Page 443</b>

### *Endangered Species*

**Enacted**

<b>LD 789</b>	<b>An Act to List Specific Threatened and Endangered Species</b>	<b>PUBLIC 290</b>	<b>Page 431</b>
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**Not Enacted**

<b>LD 580</b>	<b>An Act Relating to the Designation of Species As Endangered or Threatened</b>	<b>DIED IN CONCURRENCE</b>	<b>Page 429</b>
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### *Enforcement*

**Enacted**

None

**Not Enacted**

<b>LD 961</b>	<b>An Act to Prohibit the Use of Artificial Devices by Game Wardens for the Purpose of Causing Hunting Violations</b>	<b>ONTP</b>	<b>Page 435</b>
<b>LD 1262</b>	<b>An Act to Require Game Wardens, Biologists and State Officials to Wear Blaze Orange during Deer Hunting Season</b>	<b>ONTP</b>	<b>Page 443</b>
<b>LD 1479</b>	<b>An Act to Decriminalize Various Fish and Game Violations and Enhance Collectibility of Associated Penalties</b>	<b>CARRIED OVER</b>	<b>Page 444</b>

### *Fishing*

**Enacted**

<b>LD 22</b>	<b>An Act to Designate 2 Weekends When a Person May Fish without a License</b>	<b>PUBLIC 113</b>	<b>Page 414</b>
<b>LD 252</b>	<b>An Act Regarding Destruction of Fish Populations</b>	<b>PUBLIC 255</b>	<b>Page 422</b>
<b>LD 1111</b>	<b>An Act to Protect Loons</b>	<b>PUBLIC 310</b>	<b>Page 438</b>

**Not Enacted**

<b>LD 588</b>	<b>An Act to Require Free Access to Waters Stocked with Fish Raised by the State</b>	<b>ONTP</b>	<b>Page 429</b>
<b>LD 751</b>	<b>An Act to Outlaw the Use of Eel Pots in Inland Waters</b>	<b>CARRIED OVER</b>	<b>Page 431</b>
<b>LD 788</b>	<b>An Act to Ensure That Permit Requirements are Met before the Sale of Live Fish or Fish Eggs</b>	<b>ONTP</b>	<b>Page 431</b>
<b>LD 1247</b>	<b>An Act to Require Reflectors on Ice Fishing Shacks</b>	<b>ONTP</b>	<b>Page 442</b>
<b>LD 1564</b>	<b>An Act Allowing People with Disabilities to Use Open-face Fishing Rods in Fly-fishing Only Waters</b>	<b>ONTP</b>	<b>Page 445</b>

*Guides*

**Enacted**

None

**Not Enacted**

<b>LD 191</b>	<b>An Act to Require a Guide for Certain Nonresident Aliens Hunting in the State</b>	<b>ONTP</b>	<b>Page 420</b>
<b>LD 473</b>	<b>An Act to Amend Maine's Hunting Laws for Nonresidents</b>	<b>ONTP</b>	<b>Page 427</b>

## *Hunting: Miscellaneous*

### Enacted

<b>LD 26</b>	<b>An Act to Clarify Use of Tree Stands</b>	<b>PUBLIC 243</b>	<b>Page 415</b>
<b>LD 155</b>	<b>An Act to Amend the Laws Regarding Hunting from a Public Paved Way</b>	<b>PUBLIC 116</b>	<b>Page 418</b>
<b>LD 183</b>	<b>An Act to Require the Department of Inland Fisheries and Wildlife to Provide Transportation Tags with Big Game Hunting Licenses</b>	<b>PUBLIC 463</b>	<b>Page 419</b>
<b>LD 1588</b>	<b>An Act Concerning Rabbit Hunting with Dogs</b>	<b>PUBLIC 280</b>	<b>Page 445</b>

### Not Enacted

<b>LD 191</b>	<b>An Act to Require a Guide for Certain Nonresident Aliens Hunting in the State</b>	<b>ONTP</b>	<b>Page 420</b>
<b>LD 281</b>	<b>An Act to Allow Hunting on Sunday</b>	<b>ONTP</b>	<b>Page 422</b>
<b>LD 337</b>	<b>An Act to Extend the Hunting Day</b>	<b>ONTP</b>	<b>Page 422</b>
<b>LD 378</b>	<b>An Act to Amend the Hunting Laws as They Pertain to Hunting from a Vehicle</b>	<b>ONTP</b>	<b>Page 424</b>
<b>LD 859</b>	<b>An Act to Exempt Hunters in Elevated Stands from the Blaze Orange Clothing Requirements</b>	<b>ONTP</b>	<b>Page 433</b>
<b>LD 1129</b>	<b>An Act to Allow Hunting License Vendors a 3% Fee for Nonresident Hunting Licenses Purchased with Credit Cards</b>	<b>ONTP</b>	<b>Page 438</b>
<b>LD 1186</b>	<b>An Act to Ensure Hunting Safety</b>	<b>ONTP</b>	<b>Page 442</b>
<b>LD 1248</b>	<b>An Act to Permit the Hunting of Birds on Sundays during a Specified Open Hunting Season</b>	<b>ONTP</b>	<b>Page 442</b>
<b>LD 1289</b>	<b>An Act to Amend the Hunting Laws As They Pertain to Proof of Prior Hunting License in Order to Be Exempt from Taking a Hunter Safety Course</b>	<b>ONTP</b>	<b>Page 443</b>
<b>LD 1310</b>	<b>An Act to Encourage Hunting by Nonresidents</b>	<b>ONTP</b>	<b>Page 443</b>
<b>LD 1426</b>	<b>An Act to Amend the Deer and Moose Hunting Laws</b>	<b>ONTP</b>	<b>Page 444</b>

**LD 1546**                    **An Act to Require That an Adult Accompany Youths Attending Hunter Safety Programs**                    **ONTP**    **Page 445**

*Licensing*

Enacted

**LD 183**                    **An Act to Require the Department of Inland Fisheries and Wildlife to Provide Transportation Tags with Big Game Hunting Licenses**                    **PUBLIC 463**    **Page 419**

**LD 1098**                    **An Act to Facilitate Implementation of an Automated Hunters' and Anglers' Data Base System for Hunting and Fishing Licenses and Registrations**                    **PUBLIC 137**    **Page 437**

**LD 1134**                    **Resolve, Regarding Legislative Review of Chapter 21 (21.03), Amendments to License Agent Reporting Requirements, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife**                    **RESOLVE 15**    **Page 438**  
**EMERGENCY**

**LD 1137**                    **An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999**                    **PUBLIC 24**    **Page 439**

Not Enacted

**LD 68**                    **An Act to Lower the Age for Free Fishing and Hunting Licenses**                    **ONTP**    **Page 416**

**LD 368**                    **An Act to Allow the Department of Inland Fisheries and Wildlife to Create Lifetime Fishing and Hunting Licenses**                    **CARRIED OVER**    **Page 423**

**LD 439**                    **An Act to Amend the Laws Governing Hunting Licenses for Residents 70 Years of Age and Older**                    **ONTP**    **Page 427**

**LD 1129**                    **An Act to Allow Hunting License Vendors a 3% Fee for Nonresident Hunting Licenses Purchased with Credit Cards**                    **ONTP**    **Page 438**

**LD 1289**                    **An Act to Amend the Hunting Laws As They Pertain to Proof of Prior Hunting License in Order to Be Exempt from Taking a Hunter Safety Course**                    **ONTP**    **Page 443**

*Miscellaneous*

Enacted

**LD 519**                    **An Act to Promote Water Skiing in the State**                    **PUBLIC 277**    **Page 702**  
**EMERGENCY**

**LD 1736**                    **An Act to Register New Property for the Thorncrag Bird Sanctuary with the Department of Inland Fisheries and Wildlife**                    **PUBLIC 288**    **Page 427**

Not Enacted

None

*Moose*

Enacted

**LD 1051**                    **An Act to Enhance the State's Moose Hunt**                    **PUBLIC 490**    **Page 436**

**LD 1137**                    **An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999**                    **PUBLIC 24**    **Page 439**

Not Enacted

**LD 81**                    **An Act to Improve the State's Moose Hunt**                    **ONTP**    **Page 416**

**LD 117**                    **An Act to Change the Moose Hunting Season**                    **ONTP**    **Page 417**

**LD 118**                    **An Act to Provide a Day for Resident Hunters Only at the Opening of the Moose Season**                    **ONTP**    **Page 417**

**LD 251**                    **An Act to Change the Dates of the Moose Hunting Season**                    **ONTP**    **Page 421**

<b>LD 375</b>	<b>An Act to Create a Special Senior Citizen Moose Lottery</b>	<b>ONTP</b>	<b>Page 423</b>
<b>LD 425</b>	<b>An Act to Require a Person Applying for a Moose Permit to Possess a Hunting License</b>	<b>ONTP</b>	<b>Page 426</b>
<b>LD 562</b>	<b>An Act to Amend the Laws Pertaining to Moose Hunting</b>	<b>ONTP</b>	<b>Page 428</b>
<b>LD 610</b>	<b>An Act to Amend the Moose Hunting Permit Laws</b>	<b>ONTP</b>	<b>Page 429</b>
<b>LD 958</b>	<b>An Act to Require the State to Recognize Moose Hunting Permits Issued by the Passamaquoddy Tribe</b>	<b>ONTP</b>	<b>Page 435</b>

*Recreational Vehicles: Snowmobiles/ATV's & Personal Watercraft*

Enacted

<b>LD 82</b>	<b>An Act to Allow Field Testing of Unregistered Snowmobiles Repaired by Licensed Snowmobile Repair Shops</b>	<b>PUBLIC 451</b>	<b>Page 416</b>
<b>LD 380</b>	<b>An Act to Clarify Maine's All-terrain Vehicle Laws and to Improve Competition between Maine's All-terrain Vehicle Industry and its Out-of-state Competitors</b>	<b>PUBLIC 219</b>	<b>Page 424</b>
<b>LD 404</b>	<b>An Act to Amend the Laws Regarding Snowmobile Registration</b>	<b>PUBLIC 227</b>	<b>Page 425</b>
<b>LD 416</b>	<b>An Act to Amend the Definition of Personal Watercraft, to Prohibit the Imprudent Operation of Watercraft on Inland Waters of the State and to Assess the Effectiveness of Industry-sponsored Watercraft Safety Training and Education Programs</b>	<b>PUBLIC 540</b>	<b>Page 426</b>
<b>LD 611</b>	<b>An Act to Ensure Funding for Snowmobile Law Enforcement Activities</b>	<b>PUBLIC 513</b>	<b>Page 430</b>
<b>LD 1137</b>	<b>An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999</b>	<b>PUBLIC 24</b>	<b>Page 439</b>

**Not Enacted**

<b>LD 176</b>	<b>An Act to Reduce Snowmobile Registration Fees for Certain Nonresidents</b>	<b>ONTP</b>	<b>Page 419</b>
<b>LD 208</b>	<b>An Act to Limit Personal Watercraft</b>	<b>ONTP</b>	<b>Page 421</b>
<b>LD 283</b>	<b>An Act to Repeal the Brake Light Requirement on Snowmobiles</b>	<b>ONTP</b>	<b>Page 422</b>
<b>LD 395</b>	<b>An Act Dealing with the Registration of Snowmobiles by Nonresidents</b>	<b>ONTP</b>	<b>Page 425</b>
<b>LD 831</b>	<b>An Act to Encourage Registrants of Snowmobiles to Be Members of Snowmobile Clubs</b>	<b>ONTP</b>	<b>Page 433</b>
<b>LD 925</b>	<b>An Act to Promote Snowmobile Safety by Restricting the Transport of Alcoholic Beverages to Sleds Pulled by Snowmobiles</b>	<b>ONTP</b>	<b>Page 434</b>
<b>LD 1102</b>	<b>An Act to Provide Funding for the Enforcement of Snowmobile Laws</b>	<b>ONTP</b>	<b>Page 437</b>
<b>LD 1284</b>	<b>An Act to Preserve Inland and Coastal Waters and Beaches</b>	<b>ONTP</b>	<b>Page 433</b>
<b>LD 1611</b>	<b>An Act to Amend Snowmobile Registration Fees and Promote Snowmobile Club Participation</b>	<b>ONTP</b>	<b>Page 449</b>

***Salmon***

**Enacted**

**None**

**Not Enacted**

<b>LD 1162</b>	<b>An Act to Clarify the Duties of the Maine Atlantic Salmon Authority</b>	<b>CARRIED OVER</b>	<b>Page 441</b>
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## *Trapping*

### Enacted

**LD 203**                    **An Act Regarding Trap-tending Requirements**                    **PUBLIC 283**    **Page 420**

### Not Enacted

**LD 746**                    **An Act Concerning the Use of Leg Hold Traps for Coyote in the Unorganized Territory**                    **ONTP**    **Page 431**

**LD 1159**                    **An Act to Open Trapping Season on Saturday**                    **CARRIED OVER**    **Page 441**

## *Whitewater Rafting*

### Enacted

None

### Not Enacted

**LD 520**                    **An Act to Require the Use of Helmets on Whitewater Rafting Trips**                    **ONTP**    **Page 428**

**LD 1464**                    **An Act Relating to Whitewater Rafting Allocations**                    **ONTP**    **Page 444**

**LD 1469**                    **An Act to Increase the Number of Allocated Commercial Whitewater Rafting Trips on the Kennebec River**                    **ONTP**    **Page 444**

**LD 1801**                    **An Act to Adopt Long-range Changes in the Methods by Which Whitewater Rafting Trips Are Allocated among Licensees**                    **CARRIED OVER**    **Page 450**





## Joint Standing Committee on Judiciary

**LD 1**                      **An Act to Extend the Reporting Deadline for a Study by the Family Law Advisory Commission of the Statutes and Awards and Allocations Concerning Parental Rights and Responsibilities**                      **PUBLIC 2  
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1 proposed to extend the deadline for the Family Law Advisory Commission's study on the statutes and practices of awards and allocations concerning parental rights and responsibilities to January 30, 1997.

### *Enacted law summary*

Public Law 1997, chapter 2 extends the deadline for the Family Law Advisory Commission's report to January 30, 1997. The legislative recommendations are contained in LD 1053, Public Law 1997, chapter 187. This law takes effect retroactively to December 15, 1996.

**LD 4**                      **An Act to Preserve the Life of Viable Fetuses**                      **ONTP**

<u>Sponsor(s)</u> AHEARNE PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 4 proposed to require an abortion to be performed in a manner that is best calculated to preserve the life of the fetus and to require that a second physician be present to provide all appropriate care to the fetus after birth.

**LD 8**                      **An Act to Amend the Laws Specifying When an Indictment in a Criminal Case Is Not Required**                      **PUBLIC 4**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 8 proposed that an indictment in a criminal case not be required if a prosecution utilizing a charging instrument other than an indictment is expressly authorized by rule of court.

### *Enacted law summary*

Public Law 1997, chapter 4 provides that an indictment in a criminal case is not required if court rules expressly authorize the use of a different charging instrument.

**LD 10**

**An Act to Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 393  
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		S-411

LD 10, the “Errors Bill,” proposed to make technical corrections in the laws of Maine.

**Committee Amendment "A" (S-411)** proposed to make corrections to the bill and to add several more corrections. Part C proposed corrections that can be considered substantive.

**Senate Amendment “A” to Committee Amendment "A" (S-418)** proposed to amend the motorcycle registration plates to read “DRIVE SAFELY” rather than the grammatically incorrect “DRIVE SAFE.” (not adopted)

*Enacted law summary*

Public Law 1997, chapter 393 makes corrections in the Maine laws. This law takes effect June 5, 1997.

**LD 23**

**An Act to Amend the Laws Governing Admission to Mental Health Institutions**

**ONTP**

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

LD 23 proposed to allow medication of a patient in a state mental health institute or nonstate mental health institution during the first 72 hours after voluntary or emergency involuntary admission only in certain circumstances. The bill proposed to shorten the time period for filing emergency commitment papers from five business days to three business days. It proposed to require that the person undergoing commitment or the person's counsel be provided with written notice of the right to choose a physician or psychologist for an examination. See also LD 1806.

**LD 25**

**Resolve, to Extend the Reporting Deadline of the Task Force on Tribal-State Relations**

**RESOLVE 1  
EMERGENCY**

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

LD 25 proposed to extend the reporting deadline for the Task Force on Tribal-State Relations.

***Enacted law summary***

Resolves 1997, chapter 1 extends the reporting deadline for the Task Force on Tribal-State Relations. The legislative recommendations of the Task Force are printed as LD 1269. This resolve takes effect retroactively to December 15, 1996.

**LD 29                      An Act to Amend the Wrongful Death Laws                      CARRIED OVER**

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

LD 29 proposes to eliminate the current damage cap of \$150,000 that may be awarded in wrongful death actions for loss of comfort, society and companionship and the current damage cap of \$75,000 that may be awarded in punitive damages. This bill has been carried over to the Second Regular Session.

**LD 30                      An Act to Exclude Intentional Tort Claims from the Application of                      CARRIED OVER  
the Maine Workers' Compensation Act of 1992**

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

LD 30 proposes to allow an employee to pursue an action outside of the Maine Workers' Compensation Act of 1992 for injuries arising out of an intentional act against that employee. The bill is intended to address the decision in Li v. C.N. Brown Company, 645 A.2d 606 (Me. 1994), where an employee's death resulted from her intentional exposure to a robbery by her employer. This bill has been carried over to the Second Regular Session.

**LD 35                      An Act to Prohibit the Photographing or Transmittal of Jury                      DIED BETWEEN  
Deliberations                      BODIES**

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

LD 35 proposed to prohibit the recording or transmittal of jury deliberations by electronic means. The bill defined “electronics means” to include but not be limited to, still photography videotaping or audiotaping and direct live video or audio feeds.

**LD 57**                      **An Act to Strengthen the Laws Governing the Failure to Preserve the Life of a Live-born Person**                      **ONTP**

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

LD 57 proposed to make the failure to provide treatment to a live-born person a Class B crime.

**LD 61**                      **An Act to Require Reimbursement to Counties for Services Rendered by County Law Enforcement Officers**                      **ONTP**

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

LD 61 proposed to require the State to reimburse counties for the use of county law enforcement officers in the same manner as municipalities are compensated for the use of municipal law enforcement officers.

**Committee Amendment "A" (H-593)** (Minority Report) proposed to add an appropriation to the bill.

**LD 76**                      **An Act to Amend the Uniform Health Care Decisions Law**                      **CARRIED OVER**

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

LD 76 proposes to amend the Uniform Health-care Consent Act to allow a surrogate to make a health-care decision for a patient if the patient has been determined by the primary physician to lack the capacity and no agent or guardian has been appointed. This bill has been carried over to the Second Regular Session.

**LD 105**                      **Resolve, to Create a Task Force to Study the Adequacy of the Laws Regarding Involuntary Commitment**                      **ONTP**

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

LD 105 proposed to create the Task Force to Study the Adequacy of the Laws Regarding Involuntary Commitment. See LD 1806, which is the legislative recommendations of the Task Force to Review Maine’s Laws Concerning Involuntary Commitment.

**LD 121**

**An Act to Require Disclosure to Prison Workers in the Case of an Inmate Who Tests Positive for Acquired Immune Deficiency Syndrome**

**PUBLIC 70**

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

LD 121 proposed to require the Department of Corrections, when it knows that an inmate has tested positive for HIV or AIDS, to disclose that fact to the facility in which the inmate is housed and to every employee who is responsible for the care, custody or control of the inmate.

**Committee Amendment "A" (H-81)** proposed to clarify the intent of the original bill by requiring the Department of Corrections to make rules designating persons who may receive the results of a positive HIV test of a county jail inmate.

***Enacted law summary***

Public Law 1997, chapter 70 requires the Department of Corrections to amend previously authorized rules that designate persons or classes of persons responsible for the treatment or care of the subject of an HIV test who may receive the results of a positive HIV test. The amended rules must designate persons who may receive the results of an HIV test of a county jail inmate.

**LD 125**

**An Act to Allow the Release of the Name of and Juvenile Crimes Committed by a Juvenile 14 Years of Age or Older**

**ONTP**

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

LD 125 proposed to amend the Maine Juvenile Code to allow the publication of the name of a juvenile who has been arrested for having committed a juvenile crime, and the juvenile crime or crimes committed, as long as the juvenile is at least 14 years of age. See related bills referred to the Criminal Justice Committee.

**LD 132**

**An Act to Prohibit the Plea Bargaining of Child Sex Abuse Cases**

**ONTP**

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

LD 132 proposed to prohibit a prosecutor from plea bargaining with a defendant charged with a sex offense when the victim is a minor.

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

LD 143 proposed to remove the immunity from personal civil liability of a police officer or governmental employee who gives fraudulent testimony in a child welfare case.

**Committee Amendment "A" (H-191)** (Minority Report) proposed to amend the child abuse reporting statutes and the Maine Tort Claims Act to provide immunity in reporting and participating in child abuse and neglect investigations and proceedings. The immunity would not cover false testimony and reports made intentionally and with malice or in bad faith.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR LAFOUNTAIN	OTP-AM	H-345

LD 144 proposed to repeal requirements that guardians ad litem have face-to-face contact with the child within seven days of appointment by the court and at least once every three months thereafter, that guardians ad litem make written reports every six months, and that, if the child and the child's guardian ad litem are not in agreement, the court must evaluate the necessity for appointing special counsel for the child.

**Committee Amendment "A" (H-345)** proposed to delete amendments to Title 19 and amend Title 19-A only. The amendment also proposed to amend the date upon which guardians must meet the qualifications until September 1, 1998. This is consistent with the recommendations made by the Judicial Department in a study undertaken pursuant to Public Law 1995, chapter 405, section 25, and transmitted to the Joint Standing Committee on Judiciary by letter of the Chief Justice dated March 7, 1997.

#### ***Enacted law summary***

Public Law 1997, chapter 257 amends the guardian ad litem provisions of Title 19-A. It extends the date by which guardians ad litem must meet court established qualifications from September 1, 1997 to September 1, 1998. It requires the guardian at litem to have a face-to-face interview with the child.

**LD 212**

**An Act to Permit Filing for the Probate of an Estate for up to 10 Years Following Death**

**ONTP**

Sponsor(s)  
MILLS

Committee Report  
ONTP

Amendments Adopted

LD 212 proposed to increase from three to 10 the number of years after a person's death during which probate proceedings may be commenced.

**LD 235**

**An Act to Require the Courts to Accept Civil Orders of Arrest on Any Day Court is in Session**

**PUBLIC 17**

Sponsor(s)  
WHEELER E

Committee Report  
OTP

Amendments Adopted

LD 235 proposed to change the civil order of arrest process and make it a Class E crime for a debtor who has been released on the debtor's personal recognizance to fail to appear for the scheduled disclosure or contempt hearing.

***Enacted law summary***

Public Law 1997, chapter 17 changes the civil order of arrest process so that a sheriff may arrest the individual named in the order and bring that person to court on any day the court is in session, rather than just the days designated by the court. It also makes it a Class E crime for a debtor to fail to appear for the scheduled disclosure or contempt hearing after being released on the debtor's personal recognizance.

**LD 240**

**An Act to Terminate Spousal Support upon the Death of the Payee**

**PUBLIC 9**

Sponsor(s)  
JABAR

Committee Report  
OTP

Amendments Adopted

LD 240 proposed to specify that the obligation to make alimony or spousal support payments ceases upon the death of the payee unless the court order awarding the alimony or spousal support provides otherwise.

***Enacted law summary***

Public Law 1997, chapter 9 amends the law to specifically state that, unless the court order provides otherwise, an obligation to make alimony or spousal support payments ceases upon the death of the payee.



LD 263

**An Act to Authorize a Physician's Assistant or a Nurse Practitioner to Sign Papers Transferring a Patient for Evaluation for Emergency Involuntary Commitment**

PUBLIC 438

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM MAJ ONTP MIN	S-227 S-322 GOLDTHWAIT

LD 263 proposed to authorize a physician's assistant or a nurse practitioner to sign the emergency papers required for protective custody and emergency commitment procedures under the mental health laws.

**Committee Amendment "A" (S-227)** (Majority Report) proposed to expand the list of medical personnel authorized to sign the emergency transfer documents to include certified psychiatric clinical nurse specialists.

**Senate Amendment "A" to Committee Amendment "A" (S-322)** proposed to authorize physician's assistants, nurse practitioners and certified nurse practitioners to perform the examination and sign the documents in hospital emergency rooms.

**Senate Amendment "A" (S-229)** proposed to make a technical change. (Not adopted.)

*Enacted law summary*

Public Law 1997, chapter 438 authorizes physician's assistants, nurse practitioners and certified psychiatric clinical nurse specialists to evaluate a person brought into a hospital emergency room for the purposes of emergency involuntary commitment and to sign the necessary papers.

See also LD 1806.

LD 292

**An Act to Modify Waiver of a Defense in the Criminal Law**

PUBLIC 185

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-254

LD 292 proposed to expressly overrule State v. Berube, 669 A.2d 170 (Me. 1995) and predecessor cases interpreting the statute as requiring that a jury instruction be given as to any generated statutory defense, absent an express waiver by a defendant. The bill also proposed to make clear that the proper source of law respecting waiver decisions is the Supreme Judicial Court exercising its rule-making authority.

**Committee Amendment "A" (H-254)** proposed to delete mention of whether a defense is waived explicitly or implicitly when determining whether a trial judge has discretion concerning giving jury instructions on a defense. The amendment proposed to clarify that Title 17-A, section 101, subsection 1 is not properly a source of law respecting waiver decision, the proper source being instead the Supreme Judicial Court exercising its rule-making authority.

***Enacted law summary***

Public Law 1997, chapter 185 clarifies that the trial judge in a criminal case is not required to instruct the jury on all defenses generated by the evidence, irrespective of the wishes of the defendant. This change seeks to make clear that Title 17-A, section 101, subsection 1 is not properly a source of law respecting waiver decision, the proper source being instead the Supreme Judicial Court exercising its rule-making authority.

**LD 325                      An Act to Improve Access to Enhanced 9-1-1 Emergency Records                      ONTP**

<u>Sponsor(s)</u> JONES K		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 325 proposed to repeal current law making confidential any record, recording or information obtained by a public or private safety agency, including a public safety answering point, for the purpose of providing emergency 9-1-1 services. See also LD 976, Public Law 1997, chapter 291.

**LD 326                      An Act to Streamline the Eviction Process                      PUBLIC 151**

<u>Sponsor(s)</u> WHEELER E		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-190
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LD 326 proposed to require the court to ensure that hearings for all forcible entry and detainer actions occur within 14 days after return of service and to make service of a writ of possession easier.

**Committee Amendment "A" (H-190)** proposed to require that the hearing be held within 10 days of the return of service, regardless of whether a recorded hearing has been requested. The amendment proposed to preserve the court's discretion to grant a continuance for good cause shown. The amendment proposed to make service of a writ of possession easier, but would have required good faith attempts to serve the writ in person on separate days.

***Enacted law summary***

Public Law 1997, chapter 151 requires the hearing in a forcible entry and detainer action to be held within 10 days of the return of service, regardless of whether a recorded hearing has been requested. The court retains its discretion to grant a continuance for good cause shown. The law also permits service of a writ of possession by first-class mail and by leaving a copy at the defendant's last known address, but only after at least three good faith attempts on three different days have been made to serve the defendant.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J PARADIS	OTP-AM MAJ ONTP MIN	H-468

LD 351 proposed to remove criminal penalties for the furnishing or possession of 10 or fewer hypodermic apparatuses and for the furnishing of any number of hypodermic apparatuses as a component of a Bureau of Health-certified needle exchange program.

**Committee Amendment "A" (H-468)** (Majority Report) proposed to amend the Criminal Code with regard to trafficking, furnishing and possession hypodermic apparatuses. It proposed to require the Bureau of Health to adopt rules governing hypodermic exchange programs.

**House Amendment "A" to Committee Amendment "A" (H-528)** proposed to make the sale of hypodermic apparatuses tax exempt. (Not adopted.)

#### *Enacted law summary*

Public Law 1997, chapter 340 requires the Bureau of Health to adopt rules governing hypodermic apparatus exchange programs. The rules are major substantive rules, requiring legislative approval before final adoption. The Bureau of Health is also required to report to the Legislature on the programs on an annual basis. The law also decriminalizes the possession of 10 or fewer hypodermic apparatus and the furnishing of hypodermic apparatuses in conjunction with a certified needle exchange program.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-79

LD 363 proposed to replace the assumption in Title 18-A, section 3-906 that estate assets will be distributed in kind by a statement that the personal representative has a duty to distribute the estate in the manner that serves all the devisees' best interests. The bill also proposed to require that if residuary devisees want to assume responsibility for direction of investments, they must all agree on the identity of the investment manager.

**Committee Amendment "A" (H-79)** proposed to add a Maine Comment to explain the changes to the Probate Code.

#### *Enacted law summary*

Public Law 1997, chapter 73 eliminates the assumption in Title 18-A, section 3-906 that estate assets will be distributed in kind. The assumption is replaced by a statement that the personal representative has a duty to distribute the estate in the manner that serves all the devisees' best interests. If residuary devisees want to assume responsibility for direction of investments, they must all agree on the identity of an investment manager who can

give consistent investment instructions to the personal representative. This law applies retroactively to January 1, 1997.

**LD 386**                      **An Act to Amend the Civil Order of Arrest Procedures for Enforcement of Money Judgments**                      **ONTP**

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

LD 386 proposed to amend the law governing the procedures for enforcement of money judgments. It would have required the court to set an amount of bail for a debtor whom the sheriff has arrested under a civil order of arrest and delivered to the District Court for disclosure or a contempt hearing. The bill proposed to require that the debtor post bail and not be released on personal recognizance.

**LD 397**                      **An Act to Change the Burden of Proof for Timber Trespass and Timber Theft Violations**                      **PUBLIC 152**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-103

LD 397 proposed to eliminate a culpable state of mind as an element of the civil violation of unlawful cutting of trees. The bill also proposed to eliminate boundary disputes as an exemption for cutting someone else's trees, and to require landowner permission to cut trees except in specific circumstances.

**Committee Amendment "A" (S-103)** proposed to authorize courts to order restitution for unlawful timber harvesting and to provide for a form of accomplice liability for timber theft.

***Enacted law summary***

Public Law 1997, chapter 152 makes the civil violation of unlawfully cutting someone else's trees easier to prosecute. It removes the culpable state of mind element, and deletes the exemption for boundary disputes. It authorizes courts to order restitution to the owner of the trees. It also authorizes prosecution of persons who are legally responsible for the unlawful cutting, even though they did not participate in the actual cutting.

**LD 398**                      **An Act to Recover Economic Loss Attributable to Tobacco Use**                      **ONTP**

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

LD 398 proposed to create a uniform prospective remedy for recovery of economic loss caused by tobacco exposure. Related costs and legal fees would also be recoverable. The liabilities created by the law would apply only to manufacturers and not to other members of the tobacco industry.

Manufacturers would be held prospectively to a strict liability standard and deprived of the contributory negligence defense; but victims would not recover noneconomic damages. This is parallel to the trade-off created by workers' compensation laws. Group losses asserted by the State, insurers or health care providers would be 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 is derived in part from legislation in Florida and Massachusetts.

**Committee Amendment "A" (S-293)** (Minority Report) proposed to limit the recoverable damages to medical costs, and to clarify that the remedy would not be exclusive.

See LD 1138 (Supplemental Budget), Public Law 1997, chapter 395, Part E, which clarifies the authority of the Commissioner of Human Services and the Attorney General to bring an action against any 3rd party who is or may be liable for any medical costs incurred by a beneficiary of Medicaid or the Maine Health Program.

See also LD 1904, Public Law 1997, chapter 560, Part F, establishing the Health Care Fund for Maine Citizens, to receive the proceeds of any settlement or award from the tobacco industry.

**LD 407**                      **An Act to Revise Judicial Separation**                      **PUBLIC 224**

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-171
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LD 407 proposed to revise and update the judicial separation statutes.

**Committee Amendment "A" (S-171)** proposed to prohibit the court from granting a judicial separation when the parties are seeking the judicial separation for fraudulent purposes.

*Enacted law summary*

Public Law 1997, chapter 224 provides specific provisions that may be included in the court's judicial separation order pending a final separation decree. It also provides for spousal and child support, property disposition and modification and termination of a separation decree. Chapter 224 coordinates judicial separation procedures with divorce procedures to provide for dismissal of the separation action if a divorce is granted. A judicial separation may not be granted if sought for fraudulent purposes.

**LD 417**                      **An Act to Amend the Fee Schedule for Probate Filings**                      **PUBLIC 18**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-13 MURRAY
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LD 417 proposed to amend the fee schedule for probate filings.

Senate Amendment "A" (S-13 ) proposed to make technical corrections.

*Enacted law summary*

Public Law 1997, chapter 18 amends the fee schedule for probate filings.

**LD 435**                      **An Act to Amend the Entry and Detainer Law as It Relates to Occupancy Incidental to Short-term Employment**                      **ONTP**

<u>Sponsor(s)</u> LAYTON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 435 proposed to provide separate eviction procedures when residential occupancy is incidental to short-term or seasonal employment and the employment relationship has ended.

**LD 444**                      **An Act to Establish the Maximum and Minimum Number of Grand Jurors to Be Summoned and Impaneled**                      **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 444 proposed to require that the grand jury consist of not less than 13 nor more than 23 jurors.

**LD 453**                      **An Act to Give District Attorneys the Option of Appearing in Civil Proceedings**                      **ONTP**

<u>Sponsor(s)</u> CLUKEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 453 proposed to give district attorneys discretion as to whether to appear in all actions and civil proceedings in which any county within the district is a party or is interested, or in which the official acts of the county commissioners are called into question, or when requested by the commissioners.

**LD 457**                      **An Act to Discourage Frivolous Lawsuits by Prisoners**                      **PUBLIC 75**

<u>Sponsor(s)</u> CLUKEY KIEFFER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-80
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LD 457, modeled after certain provisions of the Federal Prison Litigation Reform Act of 1995, proposed to discourage frivolous litigation by prisoners by striking the current system of waiver of the court filing fee for a prisoner proceeding in forma pauperis and enacting a system of waiver of prepayment of the filing fee.

**Committee Amendment "A" (H-80)** proposed to clarify provisions about prisoner facility accounts and nonfrivolous actions filed in good faith. The amendment also proposed to provide immunity for governmental employees based on compliance or noncompliance with this law.

*Enacted law summary*

Public Law 1997, chapter 75 discourages frivolous litigation by prisoners, including, but not limited to, civil rights suits, tort claims and petitions for judicial review of final agency action, by striking the current system of waiver of the court filing fee for a prisoner proceeding in forma pauperis and enacting a system of waiver of prepayment of the filing fee. A prisoner, as funds are available, must pay the filing fee in installments until it is fully paid. Damages awarded as a result of prisoner litigation must be applied first to the payment of any outstanding restitution orders and the victims must be notified of the impending payment of such damages. Chapter 75 provides civil immunity to governmental employees who comply with the law, and also to those who fail to comply with the specific requirements.

**LD 475                                      RESOLUTION, Proposing an Amendment to the Constitution of                                      ONTP**  
**Maine to Affirm the Rights to Private Property**

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

LD 475, a constitutional resolution, proposed to amend the Maine Constitution to strengthen the rights of individuals to private property.

**Committee Amendment "A" (H-510)** (Minority Report) proposed to add a fiscal note.

**LD 476                                      An Act to Require the Forfeiture of Any Proceeds of Prostitution                                      ONTP**

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

LD 476 proposed to amend the law relating to asset forfeitures to provide that money and other items of value paid or intended to be paid to purchase or facilitate prostitution are subject to forfeiture to the State.

**LD 490**

**An Act to Increase Fees and Allowances for Jury Service**

**ONTP**

Sponsor(s)  
MILLS

Committee Report  
ONTP

Amendments Adopted

LD 490 proposed to increase the daily compensation rate for a juror from \$10 to \$15 and to provide free parking and a meal allowance to jurors.

**LD 491**

**An Act to Amend Provisions of the Probate Code Relating to Depositing Wills in Court within the Testator's Lifetime**

**PUBLIC 76**

Sponsor(s)  
MILLS

Committee Report  
OTP-AM

Amendments Adopted  
S-48

LD 491 proposed to repeal the law that allows a testator to deposit the testator's will with the Probate Court for safekeeping.

**Committee Amendment "A" (S-48)** proposed to strike only those provisions of the Probate Code dealing with presentation, appearance and content of a deposited will.

*Enacted law summary*

Public Law 1997, chapter 76 repeals the provision of law that allowed a testator or testator's agent to deposit the testator's will for safekeeping with the Probate Court.

**LD 492**

**An Act to Adjust the Residency Requirement for District Court Judges to Include the Counties in Which They Reside**

**PUBLIC 10**

Sponsor(s)  
MILLS

Committee Report  
OTP

Amendments Adopted

LD 492 proposed to expand the possible areas of residence for District Court Judges to include a county in which the district lies.

*Enacted law summary*

Public Law 1997, chapter 10 enables District Court Judges to have wider latitude in their choice of residency. It expands the possible areas of residence for District Court Judges to include a county in which the district lies.



**LD 494**

**An Act to Change the Time for Appointment of a Visitor or Guardian Ad Litem after Appointment of a Temporary Conservator or Guardian**

**PUBLIC 35**

Sponsor(s)  
MILLS

Committee Report  
OTP

Amendments Adopted

LD 494 proposed to require a court to appoint a visitor or guardian ad litem within two days of appointing a temporary guardian or temporary conservator, and to require contact and a report to the court.

***Enacted law summary***

Public Law 1997, chapter 35 requires a court to appoint a visitor or guardian ad litem within two days, excluding weekends and holidays, of appointing a temporary guardian or temporary conservator. Chapter 35 also requires the visitor or guardian ad litem to make a visit and report to the court within 10 days of that person's appointment.

**LD 527**

**An Act to Strengthen the Mandatory Child Abuse Reporting Laws**

**PUBLIC 251**

Sponsor(s)  
O'BRIEN  
BUTLAND

Committee Report  
OTP-AM

Amendments Adopted  
H-346

LD 527 proposed to expand the list of mandatory reporters of suspected child abuse to include commercial film and photographic print processors and clergy members in specific situations. It proposed a definition of "sexual abuse or exploitation" for the purposes of mandatory reporting by commercial film and photographic print processors.

**Committee Amendment "A" (H-346)** proposed to delete the new definition of "sexual abuse or exploitation" because it is not needed. It also proposed to exempt all confidential communications involving clergy from the mandatory child abuse reporting requirements.

***Enacted law summary***

Public Law 1997, chapter 527 includes commercial film and photographic print processors and clergy members as persons required to report suspected child abuse and neglect. Clergy are not required to report information gained through any confidential communications.

**LD 533**

**An Act to Ensure Public Safety and Proper Allocation of Liability for Gas Pipelines**

**PUBLIC 222**

Sponsor(s)  
COWGER  
TREAT

Committee Report  
OTP-AM

Amendments Adopted  
H-298

LD 533 proposed to restore the allocation of liability of natural gas providers for natural gas explosions or fires that existed prior to 1995. A natural gas company or natural gas pipeline company would be strictly liable for all deaths, personal injuries and property damage resulting from explosion or fire caused by the escape of natural gas from that portion of the storage or distribution system under its control. The bill proposed to reinstate the rebuttable presumption that the natural gas causing a fire or explosion escaped from that portion of the system under the company's control. The burden would be on the company to prove that the gas did not escape from that portion of the system under its control. Damages for which the company is liable could be reduced by proving to the court or jury that there was another cause for or source of the escape of the natural gas if the factfinder were to determine it to be just and equitable.

**Committee Amendment "A" (H-298)** proposed to replace the bill and clarify the application of the current law establishing the standard of liability for natural gas companies and natural gas pipeline companies.

*Enacted law summary*

Public Law 1997, chapter 222 clarified that natural gas transmission companies, whether intrastate or interstate, that transport natural gas in the State but do not necessarily store or distribute gas, have the same liability as other natural gas companies.

**LD 535**

**An Act to Ban Partial Birth Abortions**

**DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP A OTP-AM B OTP-AM C	

LD 535 is modeled on the Partial-Birth Abortion Ban Act of 1995 passed by Congress and vetoed by President Clinton in 1996 (H.R. 1833). It proposed to prohibit partial-birth abortions except when such an abortion is necessary to save the life of the mother and no other medical procedure would suffice for that purpose. It proposed to make performance of a partial-birth abortion a Class C crime. In addition, the person performing the abortion would be subject to damages in a civil suit, although the mother could not be prosecuted.

**Committee Amendment "A" (H-163)** (Minority Report) proposed to replace the bill. It proposed to amend the definition of "abortion" to specifically state that it includes partial birth abortion in order to make it clear that the state policy concerning post-viability abortions, prohibited except when the abortion is necessary to protect the life or health of the mother, would have applied to partial birth abortions. It also proposed to amend the policy statement to clarify that the use of the dilation and evacuation method of abortion after viability would be restricted to only those situations in which the abortion is necessary to preserve the life or health of the mother. (Not adopted.)

**Committee Amendment "B" (H-164)** (Minority Report) proposed to add a fiscal note to the bill. (Not adopted.)

**House Amendment "A" to Committee Amendment "A" (H-181)** proposed to prohibit partial-birth abortions except when necessary to save the life of the mother and further proposed to require that all partial-birth abortions be performed in a hospital or ambulatory surgical facility. (Not adopted.)

**House Amendment "B" to Committee Amendment "A" (H-182)** proposed to require physicians who perform abortions to report the abortion procedure used when reporting abortion information to the Department of Human Services. (Not adopted.)

**House Amendment "C" to Committee Amendment "A" (H-187)** proposed to provide a penalty of life imprisonment or at least five years for any person who destroys the life of a child who is being born if that child otherwise would have lived. (Not adopted.)

**House Amendment "A" (H-183)** proposed to provide a penalty of life imprisonment or at least five years for any person who destroys the life of a child who is being born if that child otherwise would have lived. (Not adopted.)

**House Amendment "B" (H-184)** proposed to require physicians who perform abortions to report the abortion procedure used when reporting abortion information to the Department of Human Services. (Not adopted.)

**House Amendment "C" (H-188)** proposed to require that all partial-birth abortions be performed in a hospital or ambulatory surgical facility. (Not adopted.)

**LD 549**                      **An Act to Change the Reimbursement for Law Enforcement Personnel Testifying in Court**                      **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT LAWRENCE	OTP-AM	H-639 H-672 WHEELER E

LD 549 proposed to replace the current flat-fee reimbursement of \$10 a day for a law enforcement officer appearing for trial in District with reimbursement on an hourly basis at the officer's range and step.

**Committee Amendment "A" (H-639)** proposed to increase to \$30 a day the reimbursement rate for court time for municipal law enforcement officers.

**LD 570**                      **An Act to Clarify the Laws on Punitive Damages**                      **ONTP**

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

LD 570 proposed to authorize the recovery of punitive damages in civil lawsuits, as long as one-third of any such award is paid by the defendant directly to the Treasurer of State for general purposes. The plaintiff would have been barred from agreeing to pay an attorney's fee out of a punitive damage award if the fee were to exceed the amount payable by the defendant to the State.

**LD 571**

**An Act to Clarify the Effect of Failure to Provide Notice of Filing of a Judgment Lien**

**PUBLIC 20**

Sponsor(s)  
FISK

Committee Report  
OTP

Amendments Adopted

LD 571 proposed to clarify the effect of the judgment creditor's failure to provide timely notice of the filing of the judgment lien.

***Enacted law summary***

Public Law 1997, chapter 20 clarifies that a judgment creditor's failure to provide a timely notice of the filing of a judgment lien results in the lien losing its status as a perfected security interest against property of the judgment debtor and that the lien also loses its priority vis-à-vis other creditors of the judgment debtor.

**LD 582**

**An Act to Amend the Procedures for Medical Malpractice Screenings**

**CARRIED OVER**

Sponsor(s)  
JABAR

Committee Report

Amendments Adopted

LD 582 proposes to limit medical malpractice screening panels to a review of professional negligence claims solely for the purpose of determining whether a claim is frivolous, rather than permitting panels to determine, as under current law, whether professional negligence occurred. The bill also proposes to change the current law's confidentiality provisions to allow testimony and other evidence presented to screening panels to be admitted in a subsequent court action based on the claim of professional negligence. This bill has been carried over to the Second Regular Session.

**LD 587**

**An Act to Provide Greater Public Notice of Complaints against Attorneys**

**ONTP**

Sponsor(s)  
STANLEY

Committee Report  
ONTP

Amendments Adopted

LD 587 proposed that the Board of Overseers of the Bar be required to publish a notice of a complaint against an attorney in a newspaper in the area in which the attorney primarily practices.

**LD 591**                      **An Act to Require Courts to Take Court Costs into Consideration in Criminal Proceedings**                      **ONTP**

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

LD 591 proposed to require the court, when sentencing a defendant, to consider the court costs incurred and would have allowed the court discretion in whether to impose a sum adequate to cover all or part of the court costs.

**LD 634**                      **An Act Concerning the Disclosure of a Criminal Suspect's Identity**                      **ONTP**

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

LD 634 proposed to allow the disclosure of a criminal suspect's identity before the suspect's arrest or indictment only when the disclosure is necessary or useful to the law enforcement agency's investigation.

**LD 661**                      **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	ONTP      MAJ OTP-AM    MIN	

LD 661 proposed to repeal existing standards for informed consent and would have replaced 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-165)** (Minority Report) proposed to add an appropriation section and a fiscal note to the bill.

**LD 662**                      **An Act to Require Parental Notification for Minors Seeking Abortions**                      **ONTP**

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

LD 662, modeled on Ohio law, 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 alternative procedures

whereby the minor may seek court approval for the proposed abortion and establishes the procedures for judicial review and appeals.

**Committee Amendment "A" (H-166)** (Minority Report) proposed that at least one of the following requirements be met before an abortion may be performed or induced on a pregnant minor:

1. The physician must, at least 24 hours before performing or inducing an abortion, notify the pregnant minor's parent by telephone or in person that the minor is pregnant and wants an abortion. An adult must accompany the minor to the physician's office at the time of the abortion;
2. The pregnant minor alleges abuse or neglect such that notifying the minor's parent is not in the minor's best interest. The minor must then be accompanied by an adult counselor to the physician's office; or
3. The minor has been authorized by the District Court or the Probate Court to consent to the abortion without parental notification. An adult must accompany the minor to the physician's office at the time of the abortion.

The amendment proposed to retain most of the judicial bypass option proposed in the original bill, except for the allegation of abuse.

**LD 663**                      **An Act to Permit the State Court Administrator to Accept Funds from the Federal Government and Private Sources**                      **PUBLIC 11**

<u>Sponsor(s)</u> LONGLEY THOMPSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 663 proposed to permit the State Court Administrator to accept donations or other funds from any agency of the United States or from a private source.

***Enacted law summary***

Public Law 1997, chapter 11 permits the State Court Administrator to accept donations or other funds from any agency of the United States or from a private source.

**LD 669**                      **An Act Relating to Value of Property Held by Portland Yacht Club**                      **P & S 26**

<u>Sponsor(s)</u> ABROMSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-149
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LD 669 proposed to remove the limitation of the value of both real and personal property that the Portland Yacht Club may hold, and to grant the yacht club all of the other powers that are held by nonprofit corporations formed under the Maine Revised Statutes, Title 13-B.

**Committee Amendment "A" (S-149)** proposed to delete Section 2 of Portland Yacht Club's charter, which contains a limitation on property the organization may hold.

*Enacted law summary*

Private and Special Law 1997, chapter 26 repeals section 2 of the Portland Yacht Club's charter, which currently limits the value of property that may be held. The remaining section of the charter grants all the powers of a nonprofit corporation formed under the Maine Revised Statutes, Title 13-B to the Portland Yacht Club.

**LD 693                      An Act to Amend Procedures Relating to Extradition Proceedings                      PUBLIC 181**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-255
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LD 693 proposed to require a petitioner to file a petition contesting extradition in District Court, where the application is first docketed, rather than in Superior Court.

**Committee Amendment "A" (H-255)** proposed technical changes to the Maine Revised Statutes, Title 15, section 210 to make that section consistent with the changes made to section 210-A in the original bill.

*Enacted law summary*

Public Law 1997, chapter 181 provides for more efficient processing of the extradition of a fugitive from justice by requiring a petitioner to file a petition contesting the extradition in District Court, where the application is first docketed, rather than in Superior Court.

**LD 699                      An Act to Clarify the General Powers of Attorney                      PUBLIC 241**

<u>Sponsor(s)</u> CAMPBELL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-297
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LD 699 proposed to clarify that a power of attorney that contains a grant of general authority is not limited by the inclusion of specific examples of the authority.

**Committee Amendment "A" (H-297)** proposed to clarify that a grant of general authority in a power of attorney does not broaden or add to a durable health care power of attorney.

*Enacted law summary*

Public Law 1997, chapter 241 clarifies that a power of attorney that contains a grant of general authority is not limited by the inclusion of specific examples of authority. Chapter 241 also clarifies that a grant of general authority in a power of attorney does not broaden or add to a durable health care power of attorney.

**LD 717**

**An Act to Expand the Methods of Service of Disclosure Subpoenas**

**PUBLIC 21**

Sponsor(s)  
FISK

Committee Report  
OTP

Amendments Adopted

LD 717 proposed to expand the methods available to serve disclosure subpoenas on individuals to include all the methods available under Rule 4 of the Maine Rules of Civil Procedure.

***Enacted law summary***

Public Law 1997, chapter 21 expands the methods available to serve disclosure subpoenas on individuals to include all the methods available under Rule 4 of the Maine Rules of Civil Procedure.

**LD 718**

**An Act to Open to Public Scrutiny the Workings of the Maine Legislature**

**ONTP**

Sponsor(s)  
BROOKS

Committee Report  
ONTP

Amendments Adopted

LD 718 proposed to repeal the exception from the Freedom of Access law’s definition of “public record” legislative papers and reports until signed and publicly distributed and records, working papers, drafts and memoranda used to prepare proposed Senate or House papers.

**LD 730**

**An Act to Limit Adverse Possession**

**ONTP**

Sponsor(s)  
SKOGLUND

Committee Report  
ONTP

Amendments Adopted

LD 730 proposed to limit adverse possession as a method by which to gain title to property by allowing it only when necessary to gain access to landlocked property.

**LD 732**

**An Act to Amend the Maine Criminal Code to Include the Loss of a Pregnancy**

**INDEF PP**

Sponsor(s)  
KASPRZAK  
CAREY

Committee Report  
OTP-AM MAJ  
OTP-AM MIN

Amendments Adopted  
H-604

LD 732 proposed to create new crimes against unborn children, roughly equivalent to murder, voluntary manslaughter, assault and aggravated assault. The crimes would not apply to the pregnant woman, to an abortion





**LD 763**

**An Act to Amend the Procedure for Foreclosure by Publication**

**PUBLIC 62**

<u>Sponsor(s)</u> LAVERDIERE	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 763 proposed to give certificates of publication of foreclosure made by an officer or employee of the newspaper that published the notice of foreclosure the same force and effect as if it were a certificate made by a register of deeds.

***Enacted law summary***

Public Law 1997, chapter 62 gives certificates of publication of foreclosure made by an officer or employee of the newspaper that published the notice of foreclosure the same force and effect as if it were a certificate made by a register of deeds.

**LD 769**

**An Act to Limit Landowner Liability for Injuries to Independent Contractors Engaged in Harvesting Activities**

**ONTP**

<u>Sponsor(s)</u> WATERHOUSE CAREY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 769 proposed to extend the current limitation of landowner liability for recreational and harvesting activities to landowners who hire independent contractors to perform timber harvesting activities on the landowner's property, regardless of who causes the injury.

**LD 795**

**An Act to Expand Asset Forfeiture Provisions**

**ONTP**

<u>Sponsor(s)</u> MURRAY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 795 proposed to expand the types of criminal assets that may be forfeited by including all property used in, intended for use in or acquired with the profits of any crime not already specified in the Maine Revised Statutes, Title 15, section 5821.

**LD 818**

**An Act to Amend the Small Claims Court Laws**

**PUBLIC 23**

<u>Sponsor(s)</u> HARRIMAN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 818 proposed to increase the maximum dollar amount of debt or damages that may be heard in small claims court from \$3,000 to \$4,500.

*Enacted law summary*

Public Law 1997, chapter 23 increases the maximum dollar amount of debt or damages that may be heard in small claims court from \$3,000 to \$4,500.

**LD 826                      An Act to Amend the Adoption Laws Relating to Consent and                      PUBLIC 239**  
**Forms for Surrender and Release**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-170

LD 826 proposed changes to the adoption laws concerning filing a consent before filing a petition, executing a consent in the presence of the Probate Judge, the number of required copies of specific documents and adoption studies.

**Committee Amendment "A" (S-170)** proposed to clarify and revise the law on the investigations, studies and reports that must be completed before the Probate Court finalizes adoptions.

*Enacted law summary*

Public Law 1997, chapter 239 revised the adoption laws by prohibiting the filing of a consent to adoption prior to the filing of a petition to adopt, by requiring an adoptee over 13 years of age who is consenting to the adoption to execute that consent in the presence of the Probate Court Judge, by requiring the execution of only one original consent or surrender and release form, and by clarifying when an investigation and adoption study are required.

**LD 827                      An Act to Authorize Corporate Officers to Represent Their                      PUBLIC 238**  
**Corporation in Certain Civil Actions in District Court**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BODWELL HARRIMAN	OTP-AM	H-296

LD 827 proposed to allow an officer or authorized employee of a corporation who is not an attorney to represent that corporation in court.

**Committee Amendment "A" (H-296)** proposed to replace the bill by authorizing an officer of a Maine corporation with five or fewer shareholders to represent the corporation in court to defend a civil action.

*Enacted law summary*

Public Law 1997, chapter 238 authorizes an officer of a Maine corporation with five or fewer shareholders to represent the corporation in court to defend a civil action.

**LD 860**

**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 PARADIS	ONTP MAJ OTP-AM MIN	

LD 860 proposed to extend the waiting period between filing a divorce action and the hearing on the petition to six months unless there has been proof of abuse by a preponderance of the evidence.

**Committee Amendment "A" (H-403)** (Minority Report) proposed to allow an exception to the six-month period when a protection from abuse order is issued. It would have required a staff study collecting information about divorce trends in other states.

**LD 869**

**An Act to Amend the Statute of Limitations for Health Care Providers and Health Care Practitioners to Include a Discovery Rule**

**CARRIED OVER**

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

LD 869 proposes a discovery rule with respect to the statute of limitations relating to health care providers and health care practitioners. The bill proposes that an action for professional negligence must be commenced within three years after a plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury and its causal relationship to the act of professional negligence of which the plaintiff complains. This bill has been carried over to the Second Regular Session.

**LD 886**

**An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds**

**PUBLIC 203**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-151

LD 886 proposed to repeal existing fee provisions applicable to trustees investing in affiliated investments and establish disclosure requirements for investments by trustees in affiliated investments.

**Committee Amendment "A" (S-151)** proposed to require a trustee to disclose certain information in writing when the trustee proposes to purchase or continues to hold securities or bonds in which the trustee or an affiliate of the trustee has an interest.

***Enacted law summary***

Public Law 1997, chapter 203 protects the interests of a trust beneficiary by requiring a trustee to disclose certain information in writing when the trustee proposes to purchase or continues to hold securities or bonds in which the trustee or an affiliate of the trustee has an interest.

**LD 893**                      **An Act to Conform the Provisions of the Maine Business Corporation Act Regarding Derivative Proceedings to the Provisions of the Revised Model Business Corporation Act**                      **PUBLIC 307**

<u>Sponsor(s)</u> BENOIT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-201
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LD 893 proposed to repeal section 627 of the Maine Business Corporation Act governing derivative suits and replace it with the appropriate provisions from the Revised Model Business Corporation Act.

**Committee Amendment "A" (S-201)** proposed to make technical corrections and to amend the effective date to be prospective only.

*Enacted law summary*

Public Law 1997, chapter 307 amends the Maine Business Corporation Act to make the derivative suit provisions consistent with the Model Business Corporation Act. The new provisions apply to derivative suits filed after the effective date of the bill.

**LD 897**                      **An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods**                      **ONTP**

<u>Sponsor(s)</u> VIGUE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 897 proposed to eliminate the \$2,000 ceiling for creating a purchase money security interest without filing a UCC financing statement with the Secretary of State.

**LD 899**                      **An Act Regarding Terminal Rental Adjustment Clauses Vehicle Leasing**                      **PUBLIC 352**

<u>Sponsor(s)</u> BOLDUC CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-530
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LD 899 proposed to provide that motor vehicle or trailer leases that specify that the rental price may or must be adjusted upward or downward based on the amount realized upon sale or disposition of the vehicle do not create a sale or security interest.

**Committee Amendment "A" (H-530)** proposed to place the terminal rental adjustment clause leases provisions in Title 10.

*Enacted law summary*

Public Law 1997, chapter 352 provides that motor vehicle or trailer leases that specify that the rental price may or must be adjusted upward or downward based on the amount realized upon sale or disposition of the vehicle do not create a sale or security interest.

**LD 916**                      **An Act to Allow Physician-assisted Deaths for the Terminally Ill**                      **CARRIED OVER**

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

LD 916 proposes to create the Death with Dignity Act. It would allow a mentally competent adult who is suffering from a terminal illness to request and obtain medication from a physician to end that patient's own life in a humane and dignified manner, with safeguards to ensure that the patient's request is voluntary and based on an informed decision. This bill has been carried over to the Second Regular Session.

**LD 938**                      **An Act to Include Incorporated Fire Departments Recognized by Any Authority Created by Statute within the Protection of the Maine Tort Claims Act**                      **PUBLIC 234**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KIEFFER	OTP-AM	S-172

LD 938 proposed to include within the protection of the Maine Tort Claims Act any incorporated fire fighting unit that is officially recognized by any authority created by statute.

**Committee Amendment "A" (S-172)** proposed to limit the scope of the original bill by including within the protection of the Maine Tort Claims Act only incorporated fire fighting units that are nonprofit.

*Enacted law summary*

Public Law 1997, chapter 234 expands the protection of the Maine Tort Claims Act to cover incorporated fire fighting units that are nonprofit.

**LD 944**

**Resolve, Establishing a Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities**

**RESOLVE 72**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT JONES K	OTP-AM	S-152 S-409 MICHAUD

LD 944, a resolve, proposed to establish the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities.

**Committee Amendment "A" (S-152)** proposed to add an appropriation section and a fiscal note to the resolve.

**Senate Amendment "A" to Committee Amendment "A" (S-409)** proposed to increase the number of commission members, change the reporting date and provide per diem and expenses for legislative members.

***Enacted law summary***

Resolves 1997, chapter 72 creates the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities. The commission will review the current system of distribution and funding of the equipment and explore alternatives, including programs in other states and distribution through telecommunications companies. The commission will also explore alternative funding mechanisms for expansion of the current loaner program that will include the use of additional equipment

**LD 955**

**An Act to Permit the Joint Tribal Council of the Passamaquoddy Tribe to Change the Names of Geographical Locations within Passamaquoddy Territory**

**ONTP**

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

LD 955 proposed to authorize the Joint Tribal Council of the Passamaquoddy Tribe to change the names of geographic features such as lakes, hills, streams, ponds, etc., within Passamaquoddy territory from offensive names, usually assigned before the enactment of the Act to Implement the Maine Indian Claims Settlement, the Maine Revised Statutes, Title 30, chapter 601, to appropriate pre-discovery or original names. See also LD 1269.

**LD 956**

**An Act to Repeal the Law Providing that State Laws Apply to Indian Lands**

**ONTP**

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

LD 956 proposed to repeal the provision of the Act to Implement the Maine Indian Claims Settlement that provides that all Indians, Indian nations and tribes and bands of Indians in the State and their lands are subject to the laws of the State. See also LD 1269.

**LD 957**                      **An Act to Require Full Faith and Credit for Decisions of the Tribal Court**                      **ONTP**

<u>Sponsor(s)</u> MOORE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 957 proposed to require that the proceedings, findings, orders and decisions of the Passamaquoddy Tribal Court and the Penobscot Nation Tribal Court be given the same weight and force as proceedings, findings, orders and decisions of the courts of the State. See also LD 1269.

**LD 964**                      **An Act to Transfer Certain Tribal Holdings into a Trust**                      **CARRIED OVER**

<u>Sponsor(s)</u> MOORE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 964 proposes to allow lands in Albany Township that are contiguous to the land that is currently held in trust for the Passamaquoddy Tribe to be included in Passamaquoddy Indian Territory. Under the terms of the Act to Implement the Maine Indian Claims Settlement Act of 1980, the Maine Revised Statutes, Title 30, section 6205, subsection 5, this conversion needs the express consent of the Maine Legislature and the Maine Indian Tribal-State Commission. The bill also proposes to extend the deadline for the United States Secretary of the Interior to acquire lands to be included as trust lands for the Passamaquoddy Tribe. This bill has been carried over to the Second Regular Session.

**LD 966**                      **An Act to Make All Persons within Passamaquoddy Indian Territory Subject to Tribal Court Jurisdiction**                      **ONTP**

<u>Sponsor(s)</u> MOORE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 966 proposed to expand the jurisdiction of the Passamaquoddy Tribal Court to include Class D and Class E crimes and many civil actions arising within the Passamaquoddy Indian territory, and including any person who is within the Passamaquoddy Indian territory, not just those who are members of a federally recognized tribe.



**LD 974**

**An Act Concerning the Review of Certain Sentences Imposed on Defendants**

**PUBLIC 354**

Sponsor(s)  
JABAR

Committee Report  
OTP-AM

Amendments Adopted  
H-487

LD 974 proposed to allow the State, when a defendant files an appeal of a judgment of conviction or a sentence imposed, to seek a full review of the sentence imposed and a more severe sentence than that imposed by the lower court.

**Committee Amendment "A" (H-487)** proposed to bar sentence review in any case in which the disposition reflects the acceptance of a plea agreement between the parties.

*Enacted law summary*

Public Law 1997, chapter 354 bars sentence review in any case in which the disposition reflects the acceptance of a plea agreement between the parties as provided in Maine Criminal Rules of Procedure, Rule 11, subsection (a)(2) or (a)(4).

**LD 995**

**An Act to Provide for Accomplice Liability with Respect to Civil Violations**

**ONTP**

Sponsor(s)  
JONES SL  
HALL

Committee Report  
ONTP

Amendments Adopted

LD 995 proposed to provide for accomplice liability with respect to civil violations. See LD 397.

**LD 1003**

**An Act to Amend the Maine Civil Legal Services Fund**

**PUBLIC 173**

Sponsor(s)  
THOMPSON  
LONGLEY

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted  
H-295

LD 1003 proposed to create a mechanism for funding the existing Maine Civil Legal Services Fund, established by the Legislature in 1991, and for distributing those funds among the providers of civil legal services to low-income Maine people and to needy elderly in Maine. The bill proposed to create a commission to determine the allocation of funds to providers, and to fund the Maine Civil Legal Services Fund from increases in civil filing fees in addition to a \$5 surcharge in civil fines.

**Committee Amendment "A" (H-295)** proposed to prohibit any money disbursed from the Maine Civil Legal Services Fund from being used for lobbying purposes, except when the recipient organization is responding to a request by a Legislator or a member of the Executive Department. It proposed to allow the Judicial Department to

draw necessary start-up costs from the fund. The amendment proposed to change the date that triggers the funding mechanism from January 1, 1997 to September 1, 1997, and to exempt small claims fees from deposits in the fund. It proposed to require the Civil Legal Services Fund Commission to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by February 1, 1999 on the types of cases handled by recipients and how the commission has allocated money distributed from the fund.

***Enacted law summary***

Public Law 1997, chapter 173 creates a mechanism for funding the existing Maine Civil Legal Services Fund and for distributing those funds among the providers of civil legal services to low-income Maine people and to needy elderly in Maine. It creates a commission to determine the allocation of funds to providers, and to fund the Maine Civil Legal Services Fund from increases in civil filing fees in addition to a \$5 surcharge in civil fines. Money disbursed from the Fund may not be used for lobbying purposes, except when the recipient organization is responding to a request by a Legislator or a member of the Executive Department. The commission must report to the Legislature by February 1, 1999 on how the fund is being used.

**LD 1017                      An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages                      PUBLIC 65**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ ONTP        MIN	H-104

LD 1017, an initiated bill, proposed to prohibit persons of the same sex from contracting marriage.

**Committee Amendment "A" (H-104)** proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 65 prohibits persons of the same sex from contracting marriage.

**LD 1028                      An Act to Amend the Maine Probate Code                      PUBLIC 191**

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

LD 1028 proposed to allow trustees to divide a single trust into two or more identical trusts.

***Enacted law summary***

Public Law 1997, chapter 191 allows trustees to divide a single trust two or more identical trusts. This change will assist in situations when the federal generation-skipping transfer tax applies so as to permit fiduciaries flexibility to administer trusts in a way that maximizes the use of any exemption against the generation-skipping transfer tax in order to reduce or avoid the imposition of that tax.

**LD 1032**

**An Act to Simplify the Filing of Claims in Probate Estates**

**PUBLIC 321**

Sponsor(s)  
FISK

Committee Report  
OTP

Amendments Adopted

LD 1032 proposed to allow a creditor of a deceased person, whose estate has not yet been filed, to present the creditor's claim in a simple manner without requiring the creditor to initiate the probate of the estate.

***Enacted law summary***

Public Law 1997, chapter 321 allows a creditor of a decedent to present a claim before the estate is formally commenced by filing with the probate court a written statement of claim and a demand for notice which entitles the creditor to receive service of any filing with the probate court or notice or order of the court which pertain to the creditor's claim. Once the probate estate is filed and a personal representative appointed, the personal representative may disallow or allow the claim.

**LD 1042**

**An Act to Protect People with Limited Mental Capacity**

**ONTP**

Sponsor(s)  
MITCHELL E  
DAGGETT

Committee Report  
ONTP

Amendments Adopted

LD 1042 proposed to require that mentally ill persons, persons with mental retardation and persons eligible for services from the Department of Mental Health, Mental Retardation and Substance Abuse Services be accompanied by a competent guardian, parent or friend when questioned by a law enforcement agency in connection with a suspected crime. Any statement made by the person during questioning conducted outside the presence of a competent guardian, parent or friend would have been inadmissible in court.

**LD 1050**

**An Act to Revise the Prelitigation Malpractice Screening Panel Procedures, Criteria and Composition**

**CARRIED OVER**

Sponsor(s)  
SAVAGE

Committee Report

Amendments Adopted

LD 1050 proposes to amend the procedures for mandatory prelitigation screening and mediation panels by changing the composition of the panels, requiring the panels to determine whether there are genuine issues of material fact concerning the claim, and prohibiting the use of the panels for litigation that does not involve a health care practitioner as a defendant. This bill has been carried over to the Second Regular Session.

**LD 1053**

**An Act to Implement the Recommendations of the Family Law  
Advisory Commission Concerning Parental Rights and  
Responsibilities**

**PUBLIC 187**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 1053 was submitted by the Family Law Advisory Commission pursuant to Public Law 1995, chapter 694. It proposed to implement the recommended statutory changes contained in the commission's report to the Joint Standing Committee on Judiciary.

***Enacted law summary***

Public Law 1997, chapter 187 implements the legislative recommendations of the Family Law Advisory Commission. Chapter 187 clarifies the definition of shared parental rights and responsibilities, recognizes that primary residential care of the child may be shared or allocated, allows the court to consider evidence of willful misuse of the protection from abuse process, incorporates the best interest of the child standard into orders issued under the protection from abuse process, and clarifies that orders concerning parental rights and responsibilities issued under the protection from abuse process do not have res judicata effect in separate proceedings.

**LD 1057**

**An Act to Amend the Laws Regarding Wrongful Death and  
Recoveries for Wrongful Death**

**CARRIED OVER**

Sponsor(s)  
MILLS

Committee Report

Amendments Adopted

LD 1057 proposes to rewrite the wrongful death statute to make the law more understandable. This bill has been carried over to the Second Regular Session.

**LD 1062**

**An Act to Implement the Recommendations of the Judicial  
Compensation Commission**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

LD 1062 proposed to implement the recommendations of the Judicial Compensation Commission established by the Maine Revised Statutes, Title 4, chapter 35. The bill proposed to increase the direct compensation for the State's judges and justices, equalize the salaries of District Court Judges and Superior Court Justices, increase the per diem rate for Active Retired Judges and improve the retirement benefit under the Maine Judicial Retirement System. The bill proposed to remove the provision repealing the Judicial Compensation Commission in 1999.

After the Judiciary Committee reported out the bill, the House and Senate recommitted the bill to the Joint Standing Committee on Appropriations and Financial Affairs. This bill has been carried over to the Second Regular Session by the Joint Standing Committee on Appropriations and Financial Affairs.

**Committee Amendment "A" (S-286)** (Majority Report) proposed to increase judicial salaries, but at a lower rate than proposed in the bill. It also proposed to revise the retirement benefits to include a “blended cap.”

**LD 1064**                      **An Act to Require that Reasonable Notice Be Given to the Defendant When a Protection from Abuse or Harassment Proceeding Is Started while Other Litigation is Pending between the Parties**                      **ONTP**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1064 proposed to require that reasonable notice be given to a defendant when a person starts a protection from abuse or harassment proceeding while other litigation is pending between the parties as governed by the Maine Rules of Civil Procedure, Rule 65(a).

**LD 1081**                      **An Act to Clarify the Adoption Laws**                      **ONTP**

<u>Sponsor(s)</u> MITCHELL J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1081 proposed to prohibit an unmarried biological parent from adopting his or her minor child. This change in law will avoid the situation presented in *Department of Human Services v. Sabattus*, 683 A.2d 170 (Me. 1996), in which an unmarried mother adopted her biological child and the biological father was found to have lost the rights of a parent but not the responsibilities.

**LD 1088**                      **An Act to Clarify the Interpretation of Property Descriptions**                      **ONTP**

<u>Sponsor(s)</u> BIGL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1088 proposed to provide, with two exceptions, that numerical distances set forth in a deed description of property boundaries govern over nonnumerical directions. The bill proposed to enact law contrary to that set forth in Taylor v. Hanson, 541 A.2d 155 (Me. 1988) and Snyder v. Haagen, 679 A.2d 510 (Me. 1996).

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

LD 1116 proposed to extend to all citizens regardless of their sexual orientation the same civil rights protections now guaranteed to citizens on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. Discrimination in the areas of employment, housing, public accommodations and credit would be prohibited.

**House Amendment "A" (H-397)** proposed to limit the prohibition on discrimination based on sexual orientation as it would apply to education institutions and charitable institutions supported by religious organizations, persons' rights to express opinions or refusal to support a lifestyle, extension of employee benefits to partners, foster and adoption placements, and organizations providing services to children. The amendment proposed that prohibitions on discrimination on the basis of sexual orientation may not be construed to mean the State condones homosexual or bisexual conduct, nor support or authorize numerical goals or quotas or other types of affirmative action programs with respect to homosexuality or bisexuality. (Not adopted.)

**House Amendment "B" (H-401)** The amendment proposed to exempt an employer with five or fewer employees from the provisions of the Maine Human Rights Act regarding employment discrimination. (Not adopted.)

**House Amendment "C" (H-402)** proposed to repeal references to protected classes in portions of the Maine Human Rights Act and replaces them with a general prohibition against discrimination in the areas specified in current law subject to certain exceptions. (Not adopted.)

**House Amendment "D" (H-421)** proposed to make the bill subject to approval at referendum to be held in November 1997. (Not adopted.)

*Enacted law summary*

Public Law 1997, chapter 205 extends to all citizens regardless of their sexual orientation the same civil rights protections now guaranteed to citizens on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. Discrimination in the areas of employment, housing, public accommodations and credit are prohibited.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM	H-466

LD 1154 proposed to abolish the requirement that employers withhold the wages of an employee who owes child support payments.

**Committee Amendment "A" (H-466)** proposed to replace the bill and limit the penalty an employer or other payor may be required to pay to \$500 or the amount that should have been withheld.

*Enacted law summary*

Public Law 1997, chapter 332 limits the penalty an employer or other payor may be required to pay for failure to comply with a child support withholding order to \$500 or the amount that should have been withheld.

**LD 1157                      An Act to Grant to Joint Standing Committees of the Legislature                      ONTP**  
**Access to Confidential Information**

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

LD 1157 proposed to allow joint standing committees of the Legislature to meet in executive session for the purpose of considering information and records designated by state law or rule as confidential, provided the subject matter is within the jurisdiction of the committee.

**LD 1163                      An Act to Amend Child Protective Laws                      PUBLIC 475**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARVIN MITCHELL B	OTP-AM	H-344 H-456 THOMPSON

LD 1163 proposed to shorten the time periods in child protective proceedings and elevate the best interests of the child to first priority in determining child protection and termination of parental rights.

**Committee Amendment "A" (H-344)** proposed to add to the list of circumstances in which review is not mandated and to shorten the 90-day waiting period for filing a termination period to 45 days.

**House Amendment "A" to Committee Amendment "A" (H-456)** proposed to make technical changes.

*Enacted law summary*

Public Law 1997, chapter 475 shortens the time periods in child protective proceedings and elevates the best interest of the child to the first priority in determining child protection and termination of parental rights.

Sponsor(s)  
MILLS

Committee Report  
OTP-AM

Amendments Adopted  
S-173

LD 1167 proposed to clarify what an owner may recover as damages when agricultural or forest products are destroyed or carried away without permission of the owner or when a property marker or monument is disturbed.

**Committee Amendment "A" (S-173)** proposed to make technical changes in the bill and to expand the allowable damages for restoring a marker or monument.

*Enacted law summary*

Public Law 1997, chapter 214 clarifies what an owner may recover as damages when agricultural or forest products are destroyed or carried away without permission of the owner. It also allows an owner who has had land, forest products or agricultural products damaged due to the disturbance, removal or destruction of any monument to include in damages claimed the cost of engineering and surveying services necessary to reestablish the monument and its proper location.

Sponsor(s)  
STEDMAN

Committee Report  
ONTP

Amendments Adopted

LD 1178 proposed to permit paralegals to represent clients in small claims cases and in alternative dispute resolution according to rules adopted by the Supreme Judicial Court.

Sponsor(s)  
MITCHELL J

Committee Report

Amendments Adopted

LD 1181 proposes to repeal the provision of law that provides that when any person suffers death or damage as a result partly of that person's own fault and partly of the fault of any other person and that person is found by the jury to be equally at fault, that person may not recover damages. This bill has been carried over to the Second Regular Session.



LD 1208

**An Act to Allow the Courts to Suspend the Drivers' Licenses of Individuals Convicted of Civil Offenses Who Fail to Pay Their Fines within the Time Limits Ordered by the Court**

**CARRIED OVER**

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

LD 1208 proposes to require the court and the court clerk to suspend the driver's license of any person who does not pay the fine imposed for a civil violation within the time directed by the court. In addition, the bill proposes that the license must be suspended if the person does not appear in court as directed by the court after having been adjudicated as having committed the civil violation. This bill has been carried over to the Second Regular Session.

LD 1213

**An Act to Create a Family Division within the State's District Court**

**PUBLIC 269**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E AMERO	OTP-AM MAJ ONTP MIN	H-347

LD 1213 proposed to create a Family Division within the District Court. The division would consist of para-judicial officers called family case management officers and other necessary staff.

**Committee Amendment "A" (H-347)** proposed to require the consideration of the needs of all geographic areas in selecting the family case management officers (FCMOs), revise the FCMOs' qualifications, limit the authority of FCMOs, establish effective dates for FCMO orders, establish an appeal process and to require the State Court Administrator to report to the Judiciary Committee about the FCMO selection process.

***Enacted law summary***

Public Law 1997, chapter 269 establishes the Family Court Division within the District Court. The Chief Judge of the District Court, with the approval of the Chief Justice of the Supreme Judicial Court, will appoint the family case management officers (FCMOs). FCMOs must be attorneys with experience and interest in family law-related areas. They will hear and decide certain types of actions and motions, including child support cases.

Because the FCMOs and support staff focus their efforts on cases involving child support, federal matching funds are available to cover 66% of the cost of these positions. Funding is provided through Public Law 1997, chapter 24.

The Family Division begins operating on January 1, 1998.

**LD 1231**

**An Act Regarding the Leasing of Buildings**

**PUBLIC 362  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE OTT	OTP-AM	S-242

LD 1231 proposed to permit the Judicial Department to sublease property it holds as tenant to other government agencies.

**Committee Amendment "A" (S-242)** proposed to limit the scope of the original bill by authorizing the Judicial Department to sublease real property that it holds as tenant in the Town of York only.

*Enacted law summary*

Public Law 1997, chapter 362 allows the Judicial Department to sublease real property that it holds as tenant in the Town of York to other government agencies. A sublease may be for a period of five years or less. This law takes effect May 31, 1997.

**LD 1254**

**An Act to Restrict the Use of Social Security Numbers**

**ONTP**

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

LD 1254 proposed to expand the prohibition under current law on use of social security numbers to prohibit all businesses, organizations, governmental entities and all other entities operating in the State from requesting a person's social security number for any purpose, with exceptions.

**Committee Amendment "A" (H-508)** proposed to add a fiscal note.

**LD 1257**

**An Act to Require Compensation for Loss of Property Value Due to State or Local Regulation**

**ONTP**

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

LD 1257 proposed to require the State and its political subdivisions to pay property owners when state or local regulations lower the owner's property value by more than 50%.

**Committee Amendment "A" (H-509)** (Minority Report) proposed to make the provisions apply prospectively only, and to exempt shoreland zoning ordinances.

**LD 1267**

**An Act to Abolish the Judicial Council**

**PUBLIC 134**

Sponsor(s)  
PLOWMAN

Committee Report  
OTP

Amendments Adopted

LD 1267 proposed to abolish the Judicial Council.

***Enacted law summary***

Public Law 1997, chapter 134 abolishes the Judicial Council. The Maine Criminal Justice Sentencing Institute remains in effect, but the appointment process and other authorizations of the institute are supervised by the Chief Justice of the Supreme Judicial Court rather than the Judicial Council.

**LD 1269**

**Resolve, to Foster the Self-governing Powers of Maine's Indian Tribes in a Manner Consistent with Protection of Rights and Resources of the General Public**

**RESOLVE 45**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-531

LD 1269 comprises the legislative recommendations of the Task Force on Tribal-State Relations, created by Resolve 1995, chapter 84. It proposed to alter the quorum requirement and to establish the Advisory Committee on Tribal-State Relations is created to assist the Maine Indian Tribal-State Commission in its responsibilities by serving as a source of advice to the commission and as a broad forum for the discussion of any issues concerning tribal-state relations, including issues not included in the Act to Implement the Maine Indian Claims Settlement.

**Committee Amendment "A" (H-531)** proposed to replace the bill with a resolve directing the Maine Indian Tribal-State Commission to conduct a study to identify policies, programs or provisions that could be undertaken to foster the social and economic strength of both the State and Maine's tribal communities.

***Enacted law summary***

Resolves 1997, chapter 45 directs the Maine Indian Tribal-State Commission to conduct a study, over the next four years, in consultation with appropriate representatives of affected tribes and agencies of the State, including teachers and local law enforcement, to identify policies, programs or provisions that could be undertaken to foster the social and economic strength of both the State and Maine's tribal communities. The commission must convene an annual Assembly of the Chiefs and the Governors and make periodic reports to the Legislature.

**LD 1272**

**An Act to Ensure Enforcement of Protection from Abuse Laws**

**PUBLIC 194**

Sponsor(s)  
LONGLEY

Committee Report  
OTP

Amendments Adopted

LD 1272 proposed to require the Maine Criminal Justice Information System Policy Board to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 1st of each year concerning the methods devised to keep accurate, updated records of misdemeanor crimes of domestic violence, to ensure enforcement of 18 United States Code, Section 922 (1996).

***Enacted law summary***

Public Law 1997, chapter 194 requires the Maine Criminal Justice Information System Policy Board to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 1st of each year concerning the methods devised to keep accurate, updated records of misdemeanor crimes of domestic violence, to ensure enforcement of 18 United States Code, Section 922 (1996).

**LD 1283**

**An Act to Restrict Parental Rights of Convicted Sex Offenders**

**PUBLIC 363**

Sponsor(s)  
BAKER J  
FERGUSON

Committee Report  
OTP-AM

Amendments Adopted  
H-465

LD 1283 proposed to require the court to terminate the parental rights of a person convicted of certain sexual offenses involving a minor.

**Committee Amendment "A" (H-465)** proposed to replace the bill by providing for the termination of parental rights and responsibilities of a parent when a parent is convicted of a crime involving sexual intercourse that resulted in the conception of the child.

***Enacted law summary***

Public Law 1997, chapter 363 creates a process under which the parental rights of a parent may be terminated if that parent is convicted of a crime involving sexual intercourse that resulted in the conception of the child.

**LD 1296**

**An Act to Amend the Maine Probate Code to Eliminate Interest on Claims of Creditors of Insolvent Estates**

**PUBLIC 202**

Sponsor(s)  
MURRAY

Committee Report  
OTP-AM

Amendments Adopted  
S-150

LD 1296 proposed to amend the Probate Code to eliminate interest on claims of creditors of insolvent estates to reduce complications.

**Committee Amendment "A" (S-150)** proposed to clarify the rate of interest and the effective date.

***Enacted law summary***

Public Law 1997, chapter 202 amends the Probate Code to eliminate interest on claims of creditors of insolvent estates, and permits interest to accrue on claims presented to an insolvent estate that are secured by property worth more than the claim. It clarifies the rate of interest. It also makes the bill applicable only to estates where the decedent dies on or after October 1, 1997.

**LD 1322                      An Act to Strengthen the Laws Governing Nonpayment of Child Support                      ONTP**

<u>Sponsor(s)</u> CAMPBELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1322 proposed that, for purposes of suspension of a motor vehicle operator's license or permit for failure to pay child support, if the support obligor's license or permit has been suspended for nonpayment of support within the previous 12 months, the support obligor must have made full payments within the previous 30 days to be considered in compliance. The bill also proposed to provide that after the fourth suspension of a support obligor's license or permit, the license or permit may not be reinstated for one year.

See also LD 1834.

**LD 1328                      An Act to Enact the Uniform Transfer on Death Security Registration Act                      CARRIED OVER**

<u>Sponsor(s)</u> NASS LIBBY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1328 proposes to establish the Uniform Transfer on Death Security Registration Act. This bill has been carried over to the Second Regular Session.

**LD 1372                      An Act to Unify the Court System                      CARRIED OVER**

<u>Sponsor(s)</u> JABAR		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1372 proposes to unify the trial courts in this State into one trial court, called the Superior Court, effective January 1, 2000. This bill has been carried over to the Second Regular Session.

**LD 1378**

**An Act to Amend the Uniform Commercial Code as it Relates to Letters of Credit and Investment Securities**

**PUBLIC 429**

Sponsor(s)  
MILLS

Committee Report  
OTP-AM

Amendments Adopted  
S-309

LD 1378 proposed changes recommended by the National Conference of Commissioners on Uniform State Laws as revisions to the Uniform Commercial Code, Article 5, on letters of credit and Article 8, on investment securities.

**Committee Amendment "A" (S-309)** proposed to make technical changes, to conform the Maine Revised Statutes, Title 30-A, section 5706, subsection 2 with Part B of the bill and to recognize an alternative means by which municipalities investing in repurchase agreements may acquire an interest in United States Government obligations.

*Enacted law summary*

Public Law 1997, chapter 429 enacts the revisions to the Uniform Commercial Code, Article 5 (letters of credit) and Article 8 (investment securities) as adopted by the National Conference of Commissioners on Uniform State Laws.

**LD 1384**

**An Act to Reform Procedure in Multiparty Lawsuits**

**CARRIED OVER**

Sponsor(s)  
MILLS

Committee Report

Amendments Adopted

LD 1384 proposes to restructure the comparative negligence laws and define how they should apply in cases with multiple defendants. It also proposes to restructure the laws dealing with release of joint tortfeasors when settlement is not reached and clarifies 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. This bill has been carried over to the Second Regular Session.

**LD 1392**

**An Act to Require the Release of the Results of an HIV Test to a Person Who Has Experienced a Bona Fide Occupational Exposure**

**PUBLIC 331**

Sponsor(s)  
WATERHOUSE  
CAREY

Committee Report  
OTP-AM MAJ  
OTP-AM MIN

Amendments Adopted  
H-404

LD 1392 proposed to provide that an emergency services worker who is exposed to potentially infectious blood or other bodily fluids of another person in the course of employment may require that person to submit to an HIV test and may require that the results of that test be disclosed to that emergency services worker. See also LD 1409.

**Committee Amendment "A" (H-404)** is the majority report. It proposed that anyone, including those who would be included in the definition in the original bill of "emergency services worker," who experiences a bona fide occupational exposure is entitled to receive the results of a court-ordered HIV test on a person whose blood or bodily fluid is the source of a bona fide occupational exposure, pursuant to the judicial consent procedures of the Maine Revised Statutes, Title 5, section 19203-C. It proposed to remove the discretion that the court has under current law and to repeal the provision whereby the court must consider the balance of benefit and harm to each individual before ordering the test.

**Committee Amendment "B" (H-405)** is the minority report. It proposed that anyone, including those who would be included in the definition in the original bill of "emergency services worker," who experiences a bona fide occupational exposure may receive the results of a court-ordered HIV test on a person whose blood or bodily fluid is the source of a bona fide occupational exposure, pursuant to the judicial consent procedures of the Maine Revised Statutes, Title 5, section 19203-C. It proposed to preserve the current law provisions that give the court discretion in ordering the test and to add a provision giving the court discretion to release the results to the person exposed, based upon the balance of benefit and harm to both the person exposed and the person tested. (Not adopted.)

*Enacted law summary*

Public Law 1997, chapter 331 provides that anyone who experiences a bona fide occupational exposure is entitled to receive the results of a court-ordered HIV test on a person whose blood or bodily fluid is the source of a bona fide occupational exposure, pursuant to the judicial consent procedures of the Maine Revised Statutes, Title 5, section 19203-C. The court no longer has discretion whether to order the test and release of the results. See also LD 1409, Public Law 1997, chapter 368.

**LD 1400                      An Act to Provide Notice of Municipalities When a For-profit Corporation Intends to Obtain Nonprofit Status                      ONTP**

<u>Sponsor(s)</u> LABRECQUE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1400 proposed to require that a for-profit corporation intending to reorganize as a nonprofit corporation must notify the local officials in any municipality or unorganized territory in which it owns real property at least 30 days before it files with the Secretary of State articles of incorporation for nonprofit status.

**LD 1409**

**An Act to Require Mandatory Testing for Blood-borne Pathogens of Persons Who Are the Source of a Bona Fide Occupational Exposure**

**PUBLIC 368**

Sponsor(s)  
LEMKE

Committee Report  
OTP-AM

Amendments Adopted  
H-532

LD 1409 proposed to require a person who assaults a law enforcement officer while the officer is acting in the course of duty and commingles that person's and the law enforcement officer's blood or body fluids to be tested for communicable diseases, including hepatitis and HIV.

**Committee Amendment "A" (H-532)** proposed to replace the original bill. It proposed to institute a judicial procedure by which a person, including a law enforcement officer, experiencing a bona fide occupational exposure may petition the court to order the person who was the source of the exposure to submit to a blood-borne pathogen test to detect diseases such as hepatitis and to order that the test results be released to the petitioner.

***Enacted law summary***

Public Law 1997, chapter 368 institutes a judicial procedure by which any person experiencing a bona fide occupational exposure may petition the court to order the person who was the source of the exposure to submit to a blood-borne pathogen test to detect diseases such as hepatitis and to order that the test results be released to the petitioner.

**LD 1412**

**An Act to Reinstate Municipal Courts for Specific Traffic Infractions**

**ONTP**

Sponsor(s)  
LEMKE

Committee Report  
ONTP

Amendments Adopted

LD 1412 proposed to authorize one or more municipalities to establish a Municipal Court to handle traffic infractions established by municipal ordinance.

**LD 1420**

**An Act to Amend the Uniform Management of Institutional Funds Act**

**PUBLIC 302**

Sponsor(s)  
AMERO

Committee Report  
OTP

Amendments Adopted

LD 1420 proposed to amend the Uniform Management of Institutional Funds Act by considering appreciation on investments of endowment funds a donor restricted asset.

***Enacted law summary***



Public Law 1997, chapter 302 amends the Uniform Management of Institutional Funds Act by considering appreciation on investments of endowment funds a donor restricted asset.

**LD 1428**                      **An Act to Amend the Child Support Laws Concerning Notice to Co-owners of Property Subject to Support Liens**                      **PUBLIC 407**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT SAMSON	OTP-AM	S-294 S-307 MURRAY

LD 1428 proposed to require the Department of Human Services to provide notice and an opportunity to be heard to co-owners of property in which a responsible parent has an ownership interest that may be subject to the department's broad collection authority. It also proposed to prohibit collection of a support debt based on public assistance payments from a reunited family whose family income is below the federal poverty guidelines. If the family income is above the federal poverty guidelines, income withholding would have been limited to no more than 20% of the income above the guidelines, unless the responsible parent agrees to greater withholding.

**Committee Amendment "A" (S-294)** proposed to delete from the bill provisions on collecting child support debts from reunited families and provisions on providing notice to co-owners of property when the Department of Human Services places a child support lien against property. It proposed to require the department to provide notice to co-owners before a foreclosure or other disposition of property that is the subject of an enforcement action. The co-owners must be provided with an opportunity for a hearing to determine the value of their interest before the property is sold.

**Senate Amendment "A" to Committee Amendment "A" (S-307)** proposed to correct terminology in the effective date.

*Enacted law summary*

Public Law 1997, chapter 407 requires the department to provide notice to co-owners before a foreclosure or other disposition of property that is the subject of an enforcement action. The co-owners must be provided with an opportunity for a hearing to determine the value of their interest before the property is sold.

**LD 1443**                      **Resolve, Directing the Family Law Advisory Commission to Review Proposals Concerning the Use of Ethical Decision-making in Family Law Cases**                      **ONTP**

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

LD 1443, a resolve, proposed to require the Family Law Advisory Commission to review ethical decision-making models and determine whether the application of any of the models would be beneficial in family law.

**LD 1462**                      **An Act Regarding Responsibility for Payment of Alimony Fees in Proceedings to Modify a Divorce Decree**                      **ONTP**

<u>Sponsor(s)</u> CAMERON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1462 proposed to make the moving party or petitioner seeking to alter a domestic relations judgment or decree responsible for at least 20% of the attorney's fees generated in filing and prosecuting the motion or petition, regardless of the moving party's or petitioner's ability to pay.

**LD 1481**                      **An Act to Impose License Suspension and Other Sanctions on Those Who Fail to Pay Fines and Other Penalties**                      **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1481 proposed to authorize the court to impose sanctions - including revocation of a person's motor vehicle, hunting, fishing and trapping licenses and registrations of motor vehicles, watercraft, snowmobiles and all-terrain vehicles - upon persons who refuse to pay the fines and forfeitures assessed against them for committing crimes and civil violations and failing to pay court-appointed counsel fees and restitution. It also proposed other changes to encourage and facilitate the enforcement of laws, including allowing law enforcement officers to prosecute traffic infractions if the officer is authorized to do so by the district attorney for that prosecutorial district. See also LD 1208.

**LD 1482**                      **An Act to Expand the Duties of the Violations Bureau and Enhance the Enforcement of Civil Violations**                      **CARRIED OVER**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1482 proposes to expand the jurisdiction of the violations bureau of the District Court to include all civil violations, beginning July 1, 1998. This bill has been carried over to the Second Regular Session.

**LD 1486**                      **An Act to Establish Victims' Rights Laws**                      **ONTP**

<u>Sponsor(s)</u> JOYCE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1486 proposed to authorize victims of a crime, negligence or omission of duty to make a claim against the defendant to recover compensatory damages, punitive damages and attorney's fees.

**LD 1487**

**An Act to Authorize Clerks to Sign Notices of Certain Court Actions**

**PUBLIC 135**

Sponsor(s)  
NASS

Committee Report  
OTP

Amendments Adopted

LD 1487 proposed to authorize court clerks to sign the notice to appear that is sent to a person who has not paid the ordered fine, counsel fees or restitution, before a court hearing investigating the nonpayment. It also proposed to clarify the Maine Criminal Code, authorizing the clerk of the court to sign the notice to appear in court for nonpayment of fines.

***Enacted law summary***

Public Law 1997, chapter 135 authorizes court clerks to sign the notice to appear that is sent to a person who has not paid the ordered fine, counsel fees or restitution, before a court hearing investigating the nonpayment. It also clarifies the Maine Criminal Code, by authorizing the clerk of the court to sign the notice to appear in court for nonpayment of fines.

**LD 1490**

**An Act Allowing Appellate Review by an Aggrieved Contemnor**

**PUBLIC 317**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 1490 proposed to amend current law to clarify the matter of bail in contempt proceedings involving punitive sanctions under the Maine Rules of Criminal Procedure, Rule 42 or the Maine Rules of Civil Procedure, Rule 66 and material witnesses.

***Enacted law summary***

Public Law 1997, chapter 317 amends current law to clarify the matter of bail in contempt proceedings involving punitive sanctions under the Maine Rules of Criminal Procedure, Rule 42 or the Maine Rules of Civil Procedure, Rule 66 and material witnesses.

**LD 1502**

**An Act to Enable Victims to Benefit from the Profits from Crimes**

**PUBLIC 320**

Sponsor(s)  
CLUKEY

Committee Report  
OTP

Amendments Adopted

LD 1502 proposed to allow victims of a crime three years from the discovery or reasonable discovery of profits from the crime to bring a civil action for damages against the criminal. It also proposed to require any person or organization paying or agreeing to pay those profits to make reasonable efforts to notify the victims of the profits.

***Enacted law summary***

Public Law 1997, chapter 320, modeled after so-called "son of Sam" legislation in other states, allows victims of a crime three years from the discovery or reasonable discovery of profits from the crime to bring a civil action for damages against the criminal. It also requires any person or organization paying or agreeing to pay those profits to make reasonable efforts to notify the victims of the profits.

**LD 1508                      An Act Concerning Service of Process by the Department of Human Services                      ONTP**

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

LD 1508 proposed to require the Department of Human Services to ensure that in serving process in an action, the papers, if being served at an individual's workplace, are given to the individual and not left with another person at the workplace.

**LD 1510                      An Act to Enforce Payment of Spousal Support                      ONTP**

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

LD 1510 proposed to provide that a person who is in default on a spousal support order is subject to the same enforcement provisions that apply to default on child support obligations regarding professional license revocation.

**LD 1511                      An Act to Prohibit Lawsuits Based on Disclosure of the HIV or AIDS Status of Health Care Practitioners                      ONTP**

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

LD 1511 proposed to provide immunity from civil liability for emotional distress caused by the disclosure or the failure to disclose that a health care practitioner was infected with HIV or had AIDS. The immunity from civil liability would have applied to all persons who provide health care services under Maine laws and the estates of all such persons.

**LD 1552**

**An Act to Amend the Conditions upon Which a Minor May Obtain Emancipation** **DIED BETWEEN BODIES**

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

LD 1552 proposed to amend the procedures for the emancipation of a minor to provide for a preliminary order of emancipation that is effective for 120 days. Ninety days after the preliminary order is issued, the juvenile would have been permitted to petition the court for a final order of emancipation, which would have to be issued if the criteria for emancipation were met.

**Committee Amendment "A" (H-640)** (Majority Report) proposed to revise the emancipation procedure to require the court to review the juvenile's situation between three and four months after the original emancipation order. If the criteria for emancipation are not being met at the time of the review, the court would have been authorized to rescind the emancipation order and, as in the case of denial of an emancipation petition, would have been authorized to recommend that the Department of Human Services provide services and counseling to the family. The amendment included an appropriation section to fund DHS services. (Not adopted.)

**LD 1559**

**An Act to Establish the Uniform Unclaimed Property Act** **PUBLIC 508**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TAYLOR CAREY	OTP-AM	H-682 H-733 THOMPSON

LD 1559 proposed to replace the existing Unclaimed Property Act with the Uniform Unclaimed Property Act, adopted by the National Conference of Commissioners on Uniform State Laws in 1995.

**Committee Amendment "A" (H-682)** proposed to make several changes to the bill to make Maine law consistent with the Uniform Act in almost all respects.

**Senate Amendment "A" to Committee Amendment "A" (S-366)** proposed to allow only financial organizations, as defined in the bill, to deduct a charge due to dormancy from property that is being held by someone other than the property owner. (Not adopted.)

**House Amendment "A" (H-733)** proposed to make the new Uniform Unclaimed Property Act effective July 1, 1998.

*Enacted law summary*

Public Law 1997, chapter 508 enacts the 1995 version of the Uniform Unclaimed Property Act. It is effective July 1, 1998.

**LD 1583**

**An Act to Establish the Uniform Anatomical Gift Act**

**CARRIED OVER**

Sponsor(s)  
TAYLOR

Committee Report

Amendments Adopted

LD 1583 proposes to replace the existing Uniform Anatomical Gift Act with the Uniform Anatomical Gift Act adopted by the National Conference of Commissioners on Uniform State Laws in 1987. This bill has been carried over to the Second Regular Session.

**LD 1587**

**An Act to Establish Procedures for the Release of Confidential Information**

**ONTP**

Sponsor(s)  
BUNKER

Committee Report  
ONTP

Amendments Adopted

LD 1587 proposed to permit a person to inspect and copy specific information in the custody of the State about that person except that the State would have been authorized to deny an inspection or copying request if the information about the person relates to an ongoing civil or criminal investigation and is confidential under any other law. The bill also proposed to provide for permitted times of inspection and associated procedures and costs. The bill also proposed to require a person seeking inspection or copying of the information to release the State from any liability based on the information sought.

**LD 1613**

**An Act to Allow the Child Support Obligor the Right to Provide Regularly Scheduled Child Care**

**ONTP**

Sponsor(s)  
LANE  
KIEFFER

Committee Report  
ONTP MAJ  
OTP-AM MIN

Amendments Adopted

LD 1613 proposed to allow the nonprimary residential care provider, or either party in case primary residential care is shared equally, to provide child care personally, by a close relative or by less expensive methods if it is consistent with the best interests of the child. If a court did not allow child care under the Maine Revised Statutes, Title 19, section 316 or Title 19-A, section 2006, it would have been required to state the reasons in writing or on the record.

**Committee Amendment "A" (H-606)** (Minority Report) proposed to revise the language to make clear that child support orders issued under the child support guidelines may place the responsibility for the provision of child care be placed on both parents or on the parent not providing primary residential care. It also proposed to clarify that the provisions apply to court orders and orders issued by hearing officers.

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

LD 1614 proposed to revise the Freedom of Access Law governing executive sessions to require the motion for an executive session to include the specific statutory basis for the session, and to revise the subject matter for which executive sessions are authorized. It also proposed to revise the public meeting notice requirements and requirements for minutes of public meetings and executive sessions.

**Committee Amendment "A" (H-607)** (Minority Report) proposed to require the board or agency going into executive session to state the specific statutory reference supporting the executive session if asked to do so. It also proposed to retain the current notice requirements and to revise the meeting records proposals. (Not adopted.)

**House Amendment "A" to Committee Amendment "A" (H-671)** proposed to eliminate the release of executive session meeting records, to eliminate meeting records of emergency meetings and to eliminate changes to the authorized reasons for executive sessions. (Not adopted.)

**Senate Amendment "A" to Committee Amendment "A" (S-335)** proposed to eliminate the release of executive session meeting records, to eliminate meeting records of emergency meetings and to eliminate changes to the authorized reasons for executive sessions. (Not adopted.)

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

LD 1636 proposes to replace the mandatory prelitigation screening panel process for medical malpractice panels with a mandatory mediation process that must be completed within 90 days of filing a claim unless the court extends the time for good cause. Expenses of mediation would be borne equally by both plaintiffs and defendants. The statute of limitations would be suspended during mediation. Discovery would be limited to medical records and experts. Confidentiality is provided for the claim during mediation and if a settlement is reached. This bill has been carried over to the Second Regular Session.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-259

LD 1639 proposed to make several technical changes and to clarify the laws governing business entities concerning signatures, attested copies, addresses of principal offices, fees and availability of names.

**Committee Amendment "A" (S-259)** proposed to clarify language concerning the use of marks, trade names and corporate names.

*Enacted law summary*

Public Law 1997, chapter 376 makes several technical changes and clarifies the laws governing business entities.

**LD 1669**

**An Act Regarding the Relocation of a Child by a Parent Having  
Primary Physical Custody**

**PUBLIC 403**

Sponsor(s)  
PLOWMAN

Committee Report  
OTP-AM

Amendments Adopted  
H-589

LD 1669 proposed to make any change in residence of a child a substantial change in circumstances under the domestic relations law pertaining to court-ordered parental rights and responsibilities. The bill proposed to require a parent seeking to relocate a child to petition the court for permission to proceed with the relocation. It proposed that if the court permits the relocation, the parent relocating the child must pay transportation costs for maintaining court-ordered contact between the child and the other parent.

**Committee Amendment "A" (H-589)** proposed that orders governing parental rights and responsibilities include a provision giving prior notice to one parent of the other parent's intended relocation of the child. Notice to the other parent would be required for any change of residence, except when giving the notice would result in danger to the parent or child. It proposed that relocation of the child to a location that will disrupt the parent-child contact between the child and the parent who is not moving gives the parent standing to petition the court for a modification of the order. It proposed that a relocation of 60 miles from the current residence or from the parent who is not relocating is presumed to disrupt the parent-child contact. In addition, the amendment proposed that receipt of notice that the other parent intends to relocate the child also gives a parent standing to petition the court for a modification.

*Enacted law summary*

Public Law 1997, chapter 403 provides guidance on the effect of relocation of child by a parent when the parents have been awarded allocated or shared parental rights and responsibilities. The order awarding parental rights and responsibilities must state that the other parent must be notified when a parent intends to relocate the child. The relocation or intended relocation of the child to a location that will disrupt the parent-child contact between the child and the parent who is not moving gives the parent standing to petition the court for a modification of the order. A relocation of 60 miles from the current residence or from the parent who is not relocating is presumed to disrupt the parent-child contact. In addition, the receipt of notice that the other parent intends to relocate the child also gives a parent standing to petition the court for a modification.



**LD 1670**

**An Act to Limit Indemnification in Construction Contracts**

**CARRIED OVER**

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1670 proposes to prohibit broad form and intermediate hold harmless provisions in construction contracts. This bill has been carried over to the Second Regular Session.

**LD 1675**

**An Act to Amend the Victims' Compensation Fund**

**PUBLIC 378**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-486
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LD 1675 proposed revisions to the Victims' Compensation statutes including expansion of coverage of the Victims' Compensation Fund to provide benefits to certain family and household members of victims who suffer financial and emotional loss as a result of crimes committed against the victims and expansion to cover additional crimes. It also proposed confidentiality provisions and proposed an increase in the maximum claim.

**Committee Amendment "A" (H-486)** proposed to allow the Victims' Compensation Board to inspect Juvenile Court records if a juvenile is alleged to have committed an offense upon which an application to the board is based. It also proposed to fund an increase in a part-time position.

***Enacted law summary***

Public Law 1997, chapter 378 expands coverage of the Victims' Compensation Fund to provide benefits to certain family and household members of victims who suffer financial and emotional loss as a result of crimes committed against the victims. It covers the crime of terrorism to comply with requirements for federal funds. It adds confidentiality provisions. The maximum award on a claim is increased from \$5,000 to \$7,500. Chapter 378 allows direct application by any individual, other than a provider of services, for reimbursement of medical and funeral payments made or obligations assumed for a deceased crime victim, but it leaves to the discretion of the board whether to make payments directly to a claimant or to the provider of services for which reimbursement is sought. It clarifies that the fund may receive federal funds, private donations and payments from state funds other than from the General Fund. Chapter 378 allows the Victims' Compensation Board to inspect Juvenile Court records if a juvenile is alleged to have committed an offense upon which an application to the board is based. It increases funding for a part-time position currently funded by the Victims' Compensation Fund.

**LD 1681**

**An Act Regarding the Receipt of Benefits by a Child Based on a Parent's Disability and the Calculation of Parental Support Obligations**

**ONTP**

<u>Sponsor(s)</u> RUHLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1681 proposed that, for purposes of calculating child support, disability benefits received by a child based on the disability of a parent must be counted towards payment of that parent's parental support obligation. See also LD 1834.

**LD 1689                      An Act to Provide Court-ordered Income Withholding of Spousal Support                      PUBLIC 433**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND BENOIT	OTP-AM    MAJ ONTP        MIN	H-681

LD 1689 proposed to require that orders of spousal support contain provisions for the withholding of income if arrearages occur.

**Committee Amendment "A" (H-681)** (Majority Report) proposed to clarify that the new provisions would apply when only spousal support, and no child support, is ordered by the court. It also proposed to authorize the payor to deduct a fee and to limit the Department of Human Services responsibilities with regard to spousal support.

*Enacted law summary*

Public Law 1997, chapter 433 provides for the implementation of an income withholding order to collect court-ordered spousal support by setting out the requirements for notice and the obligations of the payor, such as an employer.

**LD 1712                      An Act to Create a Citizen Panel on Deregulation                      ONTP**

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

LD 1712 proposed to establish the Citizen Panel on Deregulation to advise the Legislature on obsolete or unnecessary statutory provisions and rules that should be repealed.

**Committee Amendment "A" (H-591)** (Minority Report) proposed to revise the membership of the panel to consist of 10 public members.

**LD 1713                      An Act Relating to Compensatory and Punitive Damages Under the Maine Human Rights Act                      PUBLIC 400**

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

LD 1713 proposed to make the remedies available in proven cases of unlawful discrimination under the Maine Human Rights Act the same as those now available under the Federal Civil Rights Act of 1991, the Americans with Disabilities Act of 1990 and the Federal Fair Housing Amendments Act of 1988.

**Committee Amendment "A" (H-592)** is the Majority Report. It proposed to make the provisions consistent with the Federal Civil Rights Act of 1991 and Title I of the Americans with Disabilities Act of 1990 with regard to compensatory and punitive damages for unlawful discrimination in employment and to make other revisions. It proposed to prohibit compensatory and punitive damages if the plaintiff does not first pursue remedies through the Maine Human Rights Commission. It proposed to retain the existing authorization for civil penal damages in all cases of unlawful discrimination in housing, credit, education and public accommodations, and for discrimination in employment against public entities and employers with fewer than 15 employees. The amendment proposed to prohibit punitive damages against governmental employers and employees.

*Enacted law summary*

Public Law 1997, chapter 400 authorizes compensatory and punitive damages for intentional employment discrimination by employers with 15 or more employees. This is consistent with the Federal Civil Rights Act of 1991 and Title I of the Americans with Disabilities Act of 1990. However, these damages are not available if the plaintiff does not first pursue remedies through the Maine Human Rights Commission. Chapter 400 retains the existing authorization for civil penal damages in all cases of unlawful discrimination in housing, credit, education and public accommodations, and for discrimination in employment against public entities and employers with fewer than 15 employees. Punitive damages against governmental employers and employees are not available.

**LD 1728                      An Act to Promote Professional Competence and Improve Patient Care                      CARRIED OVER**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1728 proposes to expand physician peer review beyond hospital settings to include other types of settings where health care services are provided. The bill proposes to strengthen the ability of a licensed health care practitioner to become involved in providing information and reviewing another health care practitioner's competence to practice health care by specifying the confidentiality of communications about another health care practitioner, by defining a health care organization and that organization's duties and by expanding the peer review process outside of the hospital setting. This bill has been carried over to the Second Regular Session.

**LD 1729                      An Act to Require Health-care Providers to Honor Do Not Resuscitate Orders                      CARRIED OVER**

<u>Sponsor(s)</u> GOLDTHWAIT TUTTLE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1729 proposes to repeal the existing law governing advanced health-care directives and enact instead a new Part concerning "do not resuscitate" orders or "DNR" orders. This bill has been carried over to the Second Regular Session.

**LD 1784**                      **An Act to Expedite the Operation of Prelitigation Screening Panels**      **CARRIED OVER**  
**under the Maine Health Security Act**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1784 proposes to expedite and reduce costs related to the operation of prelitigation screening panels under the Maine Health Security Act by:

1. Requiring that, unless the plaintiff has requested that a time period be extended, the hearing be bypassed completely if it has not been held within four months;
2. Shortening certain time periods and requiring that experts submit written statements rather than testify in person;
3. Allowing the panel chair to require the parties to make their presentations of the case in writing; and
4. Clarifying the role of the prelitigation screening panels by changing the standard of proof used by the panel.

This bill has been carried over to the Second Regular Session.

**LD 1786**                      **An Act to Adopt the Uniform Child Custody Jurisdiction and**                      **CARRIED OVER**  
**Enforcement Act**

<u>Sponsor(s)</u> LANE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1786 proposes to repeal the Maine Revised Statutes, Title 19-A, chapter 57, the Uniform Child Custody Jurisdiction Act and replace it with an updated version, the Uniform Child Custody Jurisdiction and Enforcement Act. This bill has been carried over to the Second Regular Session.

**LD 1791**                      **An Act to Bring the State into Conformity with the Firearms**                      **PUBLIC 334**  
**Provisions of the Violence against Women Provisions of the Federal**  
**Violent Crime Control Act**

<u>Sponsor(s)</u> MITCHELL J PINGREE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-529
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LD 1791 proposed to make Maine law concerning possession of firearms while subject to a protection from abuse order consistent with the federal Violent Crime Control Act. Possession of a firearm while subject to an order prohibiting such possession would be a Class C crime.

**Committee Amendment "A" (H-529)** proposed to make possession of a firearm while subject to a protection order prohibiting such possession a Class D crime.

***Enacted law summary***

Public Law 1997, chapter 334 makes Maine law consistent with federal law concerning possession of a firearm while subject to a protection from abuse order that prohibits such possession.

**LD 1793                      An Act Regarding the Activities of Nonprofit Corporations                      CARRIED OVER**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1793 proposes to provide a procedure that all nonprofit corporations must follow when converting or restructuring into a for-profit or mutual benefit corporation or entity or when transferring assets to a for-profit or mutual benefit corporation or entity. The procedure would be in addition to any other review, analysis or approval required by law. This bill has been carried over to the Second Regular Session.

**LD 1806                      An Act to Amend Maine's Involuntary Commitment Laws                      PUBLIC 422**

<u>Sponsor(s)</u> BRENNAN HARRIMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-710
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LD 1806 is the unanimous result of the work done by the Task Force to Review Maine's Laws Concerning Involuntary Commitment, created by the 117th Legislature pursuant to Resolve 1995, chapter 13. The bill proposed to revise the involuntary commitment laws in order to improve the State's capacity to respond to people with mental illness in community settings. The bill proposed to add language on the responsibility to share information about possible dangerousness under certain circumstances; extend certain provisions of the involuntary commitment laws to community hospitals; adopt an amended version of the probable cause standard; clarify and amend several administrative procedures; and establish a joint responsibility of the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Corrections to provide treatment and supervision mandated by the court as a condition of probation or parole.

**Committee Amendment "A" (H-710)** proposed to clarify the role of the liaison and to correct references to state mental health institutes. It proposed to revise the definition of "least restrictive means of transportation," and to ensure that the guardian or next of kin of a person subject to involuntary commitment receives notice of the patient's rights.

***Enacted law summary***

Public Law 1997, chapter 422 is the unanimous result of the work done by the Task Force to Review Maine's Laws Concerning Involuntary Commitment, created by the 117th Legislature pursuant to Resolve 1995, chapter 13. Chapter 422 revises the involuntary commitment laws in order to improve the State's capacity to respond to people with mental illness in community settings. It adds language on the responsibility to share information about possible dangerousness under certain circumstances; extends certain provisions of the involuntary commitment laws to community hospitals; adopts an amended version of the probable cause standard; clarifies and amends several administrative procedures; ensures that the patient and the patient's guardian or next of kin receive notice about the patient's rights; and establishes a joint responsibility of the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Corrections to provide treatment and supervision mandated by the court as a condition of probation or parole.

**LD 1807                      An Act to Provide for Commitment of Sexually Violent Predators                      CARRIED OVER**

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1807 proposes to provide a procedure for the commitment of a person defined as a sexually violent predator if a court finds that the person has a mental abnormality or personality disorder that makes it likely that the person will engage in predatory acts of sexual violence if not confined in a secure facility. The bill is based on laws in Kansas and Washington. This bill has been carried over to the Second Regular Session.

**LD 1834                      An Act to Improve the State's Child Support Enforcement and Overpayment Recovery Laws                      PUBLIC 466**

<u>Sponsor(s)</u> NASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-700 S-339 MURRAY
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LD 1834 proposed to improve the State's child support enforcement and welfare overpayment recovery laws by:

1. Authorizing the court to revoke driver's, occupational, professional and recreation licenses for nonpayment of child support;
2. Authorizing the Commissioner of Human Services to designate employees of the Department of Human Services who are not attorneys to prepare and issue motions to modify child support orders and to handle paternity actions in court;
3. Reducing the length of time a child support obligor is in arrears before the Department may initiate license revocation proceedings from 90 days to 60 days;
4. Establishing procedures for making and enforcing agreements to pay past-due support in license revocation actions;

5. Giving credit toward current support obligations to child support obligors for social security, veteran's and other dependent benefits paid as a result of the obligor's disability;
6. Authorizing the Department to redirect child support payments to the caretaker relative who is providing primary care for the child after notice and opportunity for hearing is issued to the obligor and to the payee;
7. Extending administrative remedies of the Department of Human Services to recover public assistance overpayments to cases in which overpayments result from unintentional or agency errors; and
8. Revising the statutory language "order of support" to "support order."

**Committee Amendment "A" (H-700)** proposed to clarify language in the bill and to allow the judicial branch to provide notice to litigants of available child support enforcement services and the right to refuse services before a child support order is issued. It proposed to require the court to notify the Secretary of State of driver's license suspensions for nonpayment of child support and reinstatements.

**Senate Amendment "A" (S-339)** proposed to make a technical correction.

***Enacted law summary***

Public Law 1997, chapter 466 revises the State's child support enforcement and welfare overpayment recovery laws. It authorizes the court to revoke driver's, occupational, professional and recreation licenses for nonpayment of child support. It authorizes the Commissioner of Human Services to designate employees of the Department of Human Services who are not attorneys to prepare and issue motions to modify child support orders and handle paternity actions in court. It reduces the length of time a child support obligor is in arrears before the Department may initiate license revocation proceedings from 90 days to 60 days. It establishes procedures for making and enforcing agreements to pay past-due support in license revocation actions. It gives credit toward current support obligations to child support obligors for social security, veteran's and other dependent benefits paid as a result of the obligor's disability. It authorizes the Department to redirect child support payments to the caretaker relative who is providing primary care for the child after notice and opportunity for hearing is issued to the obligor and to the payee. It extends administrative remedies of the Department of Human Services to recover public assistance overpayments to cases in which overpayments result from unintentional or agency errors. It revises the statutory language "order of support" to "support order." It allows the judicial branch to provide notice to litigants of available child support enforcement services and the right to refuse services before a child support order is issued. It requires the court to notify the Secretary of State of driver's license suspensions for nonpayment of child support and reinstatements.

**LD 1835**

**An Act to Implement Federal Welfare Reform Mandates for State Child Support Enforcement Laws**

**PUBLIC 537**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS MILLS	OTP-AM	H-699 S-355 MICHAUD

LD 1835 proposed to implement federal welfare reform mandates for state child support enforcement laws concerning location, paternity establishment, enforcement, medical support, modification of support orders and

access to financial information. The bill also proposed to implement a federal mandate for collecting for over-issued food stamps by intercepting unemployment benefits.

**Committee Amendment "A" (H-699)** proposed to amend the current law concerning orders to seek work to be consistent with federal law, to delete the provisions of the original bill concerning repayment of over-issued food stamps and to make technical corrections.

**Senate Amendment "A" to Committee Amendment "A" (S-355)** proposed to require the Department of Human Services to reimburse the Bureau of Taxation for additional computer programming costs.

***Enacted law summary***

Public Law 1997, Chapter 537 implements federal; welfare reform mandates for state child support enforcement laws concerning location, paternity establishment, enforcement, medical support, modification of support orders and access to financial information.

**LD 1867**

**An Act to Protect Victims of Domestic Violence**

**PUBLIC 507**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M KILKELLY	OTP-AM	H-687 S-389 MICHAUD

LD 1867 proposed to:

1. Increase the penalty for domestic assault involving bodily injury to a spouse or partner who regularly resides in the household by providing that such an assault is a Class C crime rather than a Class D crime;
2. Enhance the penalty for violations against family or household members if a second violation occurs within two years of the original conviction;
3. Permit consideration of out-of-court statements of a victim;
4. Require the Maine Commission on Domestic Abuse to establish a domestic abuse homicide review panel to review deaths resulting from domestic abuse;
5. Require approval of a probate judge for marriage of a person under 18 years of age and a finding that the marriage is in the best interest of that person;
6. Establish a study commission to review the impact of the bail code on domestic violence; and
7. Require the courts to establish two pilot projects to provide direct judicial supervision of individuals convicted of domestic abuse crimes.



**Committee Amendment "A" (H-687)** proposed to delete from the original bill the provisions amending the Maine Criminal Code, the study of the Maine Bail Code and the pilot project relating to judicial supervision of persons convicted of domestic abuse. It proposed to revise the role of the Probate Court Judge in authorizing minors to marry. The amendment proposed to revise the duties and powers of the Domestic Abuse Homicide Review Panel, appointed by the Maine Commission on Domestic Abuse, to include data collection and compilation and access to necessary information. The amendment proposed to require the commission to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 1, 1999 and every year after that.

**Senate Amendment "A" (S-389)** proposed to add a mandate preamble to the bill.

*Enacted law summary*

Public Law 1997, chapter 507 directs the Maine Commission on Domestic Abuse to create a Domestic Abuse Homicide Review Panel to review the deaths of persons who are killed by family or household members. The Commission must report to the Legislature on annual basis. Chapter 507 also expands the Commission to include up to eight members-at-large, appointed by the Governor. Chapter 507 requires a Probate Court Judge who is notified by a minor that the minor wants to get married to give or refuse consent within 30 days. The judge shall consider the ages of the parties and the criminal record of any party who is at least 18 and shall base the decision on the best interest of any party under 18.

<b>LD 1902</b>	<b>An Act to Amend the Filing Date Provision in the Maine Residents Property Tax Program, to Provide an Application Clause for Certain Provisions of Law Relating to Computer Software, to Clarify Provisions of Law Regarding Transfers of Money from the Tax Relief Fund for Maine Residents to the General Fund and to Correct Certain Provisions in Recently Enacted Legislation</b>	<b>PUBLIC 562 EMERGENCY</b>
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<u>Sponsor(s)</u> MICHAUD	<u>Committee Report</u>	<u>Amendments Adopted</u> H-774 O'NEAL
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LD 1902 proposed to make additional corrections to Maine laws.

**House Amendment "A" (H-771)** proposed to eliminate the "super credit" that was created to expand the State's existing research and development tax credit for taxpayers who increase their research and development expenditures within the State by 50% or more over their current levels. It also proposed to repeal the sales tax exemption for the development of new bioproducts. (Not adopted.)

**House Amendment "B" (H-774)** proposed to give the Board of Trustees of the Maine School of Science and Mathematics the authority to borrow funds for current operating expenses for a term not exceeding 13 months.

**House Amendment "C" (H-775)** proposed to provide that benefits under the Maine Residents Property Tax Program must be paid to the municipality where the property is located if the property tax has not been paid. It also proposed that a claimant who submits a fraudulent claim must be barred from receiving benefits under the program for 10 years. (Not adopted.)

**House Amendment “D” (H-776)** proposed to do the following: provide funds for the estimated share of debt service from increasing the school construction debt limit; authorize a state discount liquor store in Calais and authorize a study of the feasibility and benefits of locating a discount liquor store in Fort Kent; increase the reimbursement for county and municipal law enforcement officers for court officer services or for serving as witnesses; exempt from sales tax sales to incorporated nonprofit fire departments and ambulance services; create an elder abuse and fraud unit within the Department of the Attorney General; appropriate funds to support advocacy and case management services at the Maine Center on Deafness; provide funds to establish positions in the Attorney General’s Office for legal services related to recoveries attributed to tobacco use; provide funds for day services for people with mental retardation who are not class members; restore funding to the Housing Opportunities for Maine Fund; require State and contract nuclear power personnel to provide information and assistance to the Legislature; expand the property tax exemption for certain veterans; authorize transfers from the Tax Relief Fund for Maine Residents back to the General Fund to fund various General Fund appropriations and losses. (Not adopted.)

***Enacted law summary***

Public Law 1997, chapter 562 makes additional corrections to Maine laws. Parts A and B amend the filing date provision in the Maine Residents Property Tax Program; provide an application clause for certain provisions of law relating to the taxation of computer software, certain biotechnology products and investments in certain high-technology activities; and clarify provisions of law regarding transfers of money from the Tax Relief Fund for Maine Residents to the General Fund. Part C changes the effective date of Public Law 1997, chapter 395 to have the supplemental fiscal year 1997 appropriations take effect when approved by the Governor; repeals unintended provisions in Public Law 1997, chapter 556 that reduced the share of unappropriated surplus going into the Maine Rainy Day Fund and the Retirement Allowance Fund. Part D makes the following changes: revises the number of members of the Commission on Governmental Ethics and Elections Practices necessary to close a meeting to the public; amends the statute governing “free fishing days” to include the Saturday before President’s Day; corrects errors in Public Law 1997, chapter 305 concerning possession of tobacco by minors; corrects a clerical error in the Viatical Settlements Act; corrects a conflict created by two new Public Law chapters concerning filling sheriff vacancies; corrects an error concerning 14 year olds working in frozen dairy products retail establishments; corrects the reporting requirements of the Task Force on Information Technology in the Public Sector; corrects the membership of the Task Force to Review the Applied Technology Centers and Applied Technology Regions; and gives the Board of Trustees of the Maine School of Science and Mathematics the authority to borrow funds for current operating expenses for a term not exceeding 13 months.

Public Law 1997, chapter 562 takes effect June 25, 1997. Different parts of the law take effect on dates designated in the law.

## Joint Standing Committee on Judiciary

### SUBJECT INDEX

#### *Abortion*

##### Enacted

None

##### Not Enacted

<b>LD 4</b>	<b>An Act to Preserve the Life of Viable Fetuses</b>	<b>ONTP</b>	<b>Page 464</b>
<b>LD 57</b>	<b>An Act to Strengthen the Laws Governing the Failure to Preserve the Life of a Live-born Person</b>	<b>ONTP</b>	<b>Page 467</b>
<b>LD 535</b>	<b>An Act to Ban Partial Birth Abortions</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 480</b>
<b>LD 661</b>	<b>An Act to Require a 24-hour Waiting Period before an Abortion May Be Performed</b>	<b>ONTP</b>	<b>Page 483</b>
<b>LD 662</b>	<b>An Act to Require Parental Notification for Minors Seeking Abortions</b>	<b>ONTP</b>	<b>Page 484</b>

#### *Adoption*

##### Enacted

<b>LD 826</b>	<b>An Act to Amend the Adoption Laws Relating to Consent and Forms for Surrender and Release</b>	<b>PUBLIC 239</b>	<b>Page 489</b>
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##### Not Enacted

<b>LD 1081</b>	<b>An Act to Clarify the Adoption Laws</b>	<b>ONTP</b>	<b>Page 499</b>
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#### *Attorney General/District Attorney*

##### Enacted

None

**Not Enacted**

**LD 453**                    **An Act to Give District Attorneys the Option of  
Appearing in Civil Proceedings**                    **ONTP**    **Page 476**

***Attorneys/Legal Services***

**Enacted**

**LD 1003**                    **An Act to Amend the Maine Civil Legal Services Fund**                    **PUBLIC 173**    **Page 496**

**Not Enacted**

**LD 587**                    **An Act to Provide Greater Public Notice of  
Complaints against Attorneys**                    **ONTP**    **Page 483**

**LD 1178**                    **An Act to Allow Paralegals to Represent Clients in  
Small Claims Cases or Alternative Dispute Resolution**                    **ONTP**    **Page 502**

***Business and Nonprofit Entities***

**Enacted**

**LD 893**                    **An Act to Conform the Provisions of the Maine  
Business Corporation Act Regarding Derivative  
Proceedings to the Provisions of the Revised Model  
Business Corporation Act**                    **PUBLIC 307**    **Page 491**

**LD 1639**                    **An Act to Amend the Corporate Laws**                    **PUBLIC 376**    **Page 517**

**Not Enacted**

**LD 1400**                    **An Act to Provide Notice of Municipalities When a  
For-profit Corporation Intends to Obtain Nonprofit  
Status**                    **ONTP**    **Page 509**

**LD 1793**                    **An Act Regarding the Activities of Nonprofit  
Corporations**                    **CARRIED OVER**    **Page 523**

## *Child Protection/Adult Protection*

### Enacted

<b>LD 527</b>	<b>An Act to Strengthen the Mandatory Child Abuse Reporting Laws</b>	<b>PUBLIC 251</b>	<b>Page 479</b>
<b>LD 1163</b>	<b>An Act to Amend Child Protective Laws</b>	<b>PUBLIC 475</b>	<b>Page 501</b>

### Not Enacted

None

## *Child Support*

### Enacted

<b>LD 738</b>	<b>An Act to Allow Child Support for Juveniles Committed to the Maine Youth Center</b>	<b>PUBLIC 339</b>	<b>Page 487</b>
<b>LD 1154</b>	<b>An Act Concerning the Requirement That Employers Garnish the Wages of Their Employees Who Owe Child Support</b>	<b>PUBLIC 332</b>	<b>Page 501</b>
<b>LD 1834</b>	<b>An Act to Improve the State's Child Support Enforcement and Overpayment Recovery Laws</b>	<b>PUBLIC 466</b>	<b>Page 525</b>
<b>LD 1835</b>	<b>An Act to Implement Federal Welfare Reform Mandates for State Child Support Enforcement Laws</b>	<b>PUBLIC 537</b>	<b>Page 526</b>

### Not Enacted

<b>LD 1322</b>	<b>An Act to Strengthen the Laws Governing Nonpayment of Child Support</b>	<b>ONTP</b>	<b>Page 507</b>
<b>LD 1681</b>	<b>An Act Regarding the Receipt of Benefits by a Child Based on a Parent's Disability and the Calculation of Parental Support Obligations</b>	<b>ONTP</b>	<b>Page 520</b>

## *Civil Procedure*

### Enacted

<b>LD 235</b>	<b>An Act to Require the Courts to Accept Civil Orders of Arrest on Any Day Court is in Session</b>	<b>PUBLIC 17</b>	<b>Page 470</b>
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<b>LD 717</b>	<b>An Act to Expand the Methods of Service of Disclosure Subpoenas</b>	<b>PUBLIC 21</b>	<b>Page 486</b>
<b>LD 827</b>	<b>An Act to Authorize Corporate Officers to Represent Their Corporation in Certain Civil Actions in District Court</b>	<b>PUBLIC 238</b>	<b>Page 490</b>
<b>LD 1490</b>	<b>An Act Allowing Appellate Review by an Aggrieved Contemnor</b>	<b>PUBLIC 317</b>	<b>Page 513</b>

**Not Enacted**

<b>LD 386</b>	<b>An Act to Amend the Civil Order of Arrest Procedures for Enforcement of Money Judgments</b>	<b>ONTP</b>	<b>Page 474</b>
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***Confidentiality/Public Information***

**Enacted**

None

**Not Enacted**

<b>LD 325</b>	<b>An Act to Improve Access to Enhanced 9-1-1 Emergency Records</b>	<b>ONTP</b>	<b>Page 472</b>
<b>LD 634</b>	<b>An Act Concerning the Disclosure of a Criminal Suspect's Identity</b>	<b>ONTP</b>	<b>Page 483</b>
<b>LD 718</b>	<b>An Act to Open to Public Scrutiny the Workings of the Maine Legislature</b>	<b>ONTP</b>	<b>Page 486</b>
<b>LD 1157</b>	<b>An Act to Grant to Joint Standing Committees of the Legislature Access to Confidential Information</b>	<b>ONTP</b>	<b>Page 501</b>
<b>LD 1254</b>	<b>An Act to Restrict the Use of Social Security Numbers</b>	<b>ONTP</b>	<b>Page 504</b>
<b>LD 1587</b>	<b>An Act to Establish Procedures for the Release of Confidential Information</b>	<b>ONTP</b>	<b>Page 516</b>
<b>LD 1614</b>	<b>An Act to Amend the Freedom of Access Laws</b>	<b>ONTP</b>	<b>Page 517</b>

***Courts/Judges/Judicial Administration***

**Enacted**

<b>LD 492</b>	<b>An Act to Adjust the Residency Requirement for District Court Judges to Include the Counties in Which They Reside</b>	<b>PUBLIC 10</b>	<b>Page 478</b>
<b>LD 663</b>	<b>An Act to Permit the State Court Administrator to Accept Funds from the Federal Government and Private Sources</b>	<b>PUBLIC 11</b>	<b>Page 484</b>
<b>LD 818</b>	<b>An Act to Amend the Small Claims Court Laws</b>	<b>PUBLIC 23</b>	<b>Page 489</b>
<b>LD 1213</b>	<b>An Act to Create a Family Division within the State's District Court</b>	<b>PUBLIC 269</b>	<b>Page 503</b>
<b>LD 1231</b>	<b>An Act Regarding the Leasing of Buildings</b>	<b>PUBLIC 362 EMERGENCY</b>	<b>Page 504</b>
<b>LD 1267</b>	<b>An Act to Abolish the Judicial Council</b>	<b>PUBLIC 134</b>	<b>Page 505</b>
<b>LD 1487</b>	<b>An Act to Authorize Clerks to Sign Notices of Certain Court Actions</b>	<b>PUBLIC 135</b>	<b>Page 513</b>
<b>LD 1490</b>	<b>An Act Allowing Appellate Review by an Aggrieved Contemnor</b>	<b>PUBLIC 317</b>	<b>Page 513</b>
<b><u>Not Enacted</u></b>			
<b>LD 35</b>	<b>An Act to Prohibit the Photographing or Transmittal of Jury Deliberations</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 466</b>
<b>LD 444</b>	<b>An Act to Establish the Maximum and Minimum Number of Grand Jurors to Be Summoned and Impaneled</b>	<b>ONTP</b>	<b>Page 476</b>
<b>LD 490</b>	<b>An Act to Increase Fees and Allowances for Jury Service</b>	<b>ONTP</b>	<b>Page 478</b>
<b>LD 1062</b>	<b>An Act to Implement the Recommendations of the Judicial Compensation Commission</b>	<b>CARRIED OVER</b>	<b>Page 499</b>
<b>LD 1372</b>	<b>An Act to Unify the Court System</b>	<b>CARRIED OVER</b>	<b>Page 507</b>
<b>LD 1412</b>	<b>An Act to Reinstate Municipal Courts for Specific Traffic Infractions</b>	<b>ONTP</b>	<b>Page 510</b>
<b>LD 1482</b>	<b>An Act to Expand the Duties of the Violations Bureau and Enhance the Enforcement of Civil Violations</b>	<b>CARRIED OVER</b>	<b>Page 512</b>

*Criminal Law and Procedure (see also Criminal Justice Committee)*

Enacted

<b>LD 8</b>	<b>An Act to Amend the Laws Specifying When an Indictment in a Criminal Case Is Not Required</b>	<b>PUBLIC 4</b>	<b>Page 464</b>
<b>LD 292</b>	<b>An Act to Modify Waiver of a Defense in the Criminal Law</b>	<b>PUBLIC 185</b>	<b>Page 471</b>
<b>LD 351</b>	<b>An Act to Decrease Infectious Disease Transmission</b>	<b>PUBLIC 340</b>	<b>Page 473</b>
<b>LD 457</b>	<b>An Act to Discourage Frivolous Lawsuits by Prisoners</b>	<b>PUBLIC 75</b>	<b>Page 476</b>
<b>LD 693</b>	<b>An Act to Amend Procedures Relating to Extradition Proceedings</b>	<b>PUBLIC 181</b>	<b>Page 485</b>
<b>LD 974</b>	<b>An Act Concerning the Review of Certain Sentences Imposed on Defendants</b>	<b>PUBLIC 354</b>	<b>Page 495</b>
<b>LD 1490</b>	<b>An Act Allowing Appellate Review by an Aggrieved Contemnor</b>	<b>PUBLIC 317</b>	<b>Page 513</b>

Not Enacted

<b>LD 132</b>	<b>An Act to Prohibit the Plea Bargaining of Child Sex Abuse Cases</b>	<b>ONTP</b>	<b>Page 468</b>
<b>LD 476</b>	<b>An Act to Require the Forfeiture of Any Proceeds of Prostitution</b>	<b>ONTP</b>	<b>Page 477</b>
<b>LD 732</b>	<b>An Act to Amend the Maine Criminal Code to Include the Loss of a Pregnancy</b>	<b>INDEF PP</b>	<b>Page 487</b>
<b>LD 795</b>	<b>An Act to Expand Asset Forfeiture Provisions</b>	<b>ONTP</b>	<b>Page 489</b>

*Driver's License Suspension*

Enacted

None



Not Enacted

LD 1208	An Act to Allow the Courts to Suspend the Drivers' Licenses of Individuals Convicted of Civil Offenses Who Fail to Pay Their Fines within the Time Limits Ordered by the Court	CARRIED OVER	Page 503
LD 1481	An Act to Impose License Suspension and Other Sanctions on Those Who Fail to Pay Fines and Other Penalties	ONTP	Page 512

*Errors and Statutory Corrections*

Enacted

LD 10	An Act to Correct Errors and Inconsistencies in the Laws of Maine	PUBLIC 393 EMERGENCY	Page 465
LD 1902	An Act to Amend the Filing Date Provision in the Maine Residents Property Tax Program, to Provide an Application Clause for Certain Provisions of Law Relating to Computer Software, to Clarify Provisions of Law Regarding Transfers of Money from the Tax Relief Fund for Maine Residents to the General Fund and to Correct Certain Provisions in Recently Enacted Legislation	PUBLIC 562 EMERGENCY	Page 527

Not Enacted

None

*Family Law (see also Child Support)*

Enacted

LD 1	An Act to Extend the Reporting Deadline for a Study by the Family Law Advisory Commission of the Statutes and Awards and Allocations Concerning Parental Rights and Responsibilities	PUBLIC 2 EMERGENCY	Page 464
LD 144	An Act Regarding the Duties of Guardian Ad Litem	PUBLIC 257	Page 469
LD 240	An Act to Terminate Spousal Support upon the Death of the Payee	PUBLIC 9	Page 470

<b>LD 407</b>	<b>An Act to Revise Judicial Separation</b>	<b>PUBLIC 224</b>	<b>Page 475</b>
<b>LD 1017</b>	<b>An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages</b>	<b>PUBLIC 65</b>	<b>Page 496</b>
<b>LD 1053</b>	<b>An Act to Implement the Recommendations of the Family Law Advisory Commission Concerning Parental Rights and Responsibilities</b>	<b>PUBLIC 187</b>	<b>Page 498</b>
<b>LD 1213</b>	<b>An Act to Create a Family Division within the State's District Court</b>	<b>PUBLIC 269</b>	<b>Page 503</b>
<b>LD 1283</b>	<b>An Act to Restrict Parental Rights of Convicted Sex Offenders</b>	<b>PUBLIC 363</b>	<b>Page 506</b>
<b>LD 1428</b>	<b>An Act to Amend the Child Support Laws Concerning Notice to Co-owners of Property Subject to Support Liens</b>	<b>PUBLIC 407</b>	<b>Page 511</b>
<b>LD 1669</b>	<b>An Act Regarding the Relocation of a Child by a Parent Having Primary Physical Custody</b>	<b>PUBLIC 403</b>	<b>Page 518</b>
<b>LD 1689</b>	<b>An Act to Provide Court-ordered Income Withholding of Spousal Support</b>	<b>PUBLIC 433</b>	<b>Page 520</b>
<b><u>Not Enacted</u></b>			
<b>LD 860</b>	<b>An Act to Extend the Waiting Period for Obtaining a Divorce</b>	<b>ONTP</b>	<b>Page 490</b>
<b>LD 1064</b>	<b>An Act to Require that Reasonable Notice Be Given to the Defendant When a Protection from Abuse or Harassment Proceeding Is Started while Other Litigation is Pending between the Parties</b>	<b>ONTP</b>	<b>Page 499</b>
<b>LD 1443</b>	<b>Resolve, Directing the Family Law Advisory Commission to Review Proposals Concerning the Use of Ethical Decision-making in Family Law Cases</b>	<b>ONTP</b>	<b>Page 511</b>
<b>LD 1462</b>	<b>An Act Regarding Responsibility for Payment of Alimony Fees in Proceedings to Modify a Divorce Decree</b>	<b>ONTP</b>	<b>Page 512</b>
<b>LD 1508</b>	<b>An Act Concerning Service of Process by the Department of Human Services</b>	<b>ONTP</b>	<b>Page 514</b>
<b>LD 1510</b>	<b>An Act to Enforce Payment of Spousal Support</b>	<b>ONTP</b>	<b>Page 514</b>

<b>LD 1552</b>	<b>An Act to Amend the Conditions upon Which a Minor May Obtain Emancipation</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 515</b>
<b>LD 1613</b>	<b>An Act to Allow the Child Support Obligor the Right to Provide Regularly Scheduled Child Care</b>	<b>ONTP</b>	<b>Page 516</b>
<b>LD 1786</b>	<b>An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act</b>	<b>CARRIED OVER</b>	<b>Page 522</b>

### *Human Rights/Civil Rights*

**Enacted**

<b>LD 944</b>	<b>Resolve, Establishing a Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities</b>	<b>RESOLVE 72</b>	<b>Page 493</b>
<b>LD 1017</b>	<b>An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages</b>	<b>PUBLIC 65</b>	<b>Page 496</b>
<b>LD 1116</b>	<b>An Act to Prevent Discrimination</b>	<b>PUBLIC 205</b>	<b>Page 500</b>
<b>LD 1713</b>	<b>An Act Relating to Compensatory and Punitive Damages Under the Maine Human Rights Act</b>	<b>PUBLIC 400</b>	<b>Page 521</b>

**Not Enacted**

<b>LD 76</b>	<b>An Act to Amend the Uniform Health Care Decisions Law</b>	<b>CARRIED OVER</b>	<b>Page 467</b>
<b>LD 916</b>	<b>An Act to Allow Physician-assisted Deaths for the Terminally Ill</b>	<b>CARRIED OVER</b>	<b>Page 492</b>
<b>LD 1729</b>	<b>An Act to Require Health-care Providers to Honor Do Not Resuscitate Orders</b>	<b>CARRIED OVER</b>	<b>Page 522</b>

### *Indian Land Claims Settlement Act*

**Enacted**

<b>LD 25</b>	<b>Resolve, to Extend the Reporting Deadline of the Task Force on Tribal-State Relations</b>	<b>RESOLVE 1 EMERGENCY</b>	<b>Page 465</b>
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<b>LD 1269</b>	<b>Resolve, to Foster the Self-governing Powers of Maine's Indian Tribes in a Manner Consistent with Protection of Rights and Resources of the General Public</b>	<b>RESOLVE 45</b>	<b>Page 505</b>
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Not Enacted

<b>LD 955</b>	<b>An Act to Permit the Joint Tribal Council of the Passamaquoddy Tribe to Change the Names of Geographical Locations within Passamaquoddy Territory</b>	<b>ONTP</b>	<b>Page 494</b>
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<b>LD 956</b>	<b>An Act to Repeal the Law Providing that State Laws Apply to Indian Lands</b>	<b>ONTP</b>	<b>Page 494</b>
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<b>LD 957</b>	<b>An Act to Require Full Faith and Credit for Decisions of the Tribal Court</b>	<b>ONTP</b>	<b>Page 494</b>
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<b>LD 964</b>	<b>An Act to Transfer Certain Tribal Holdings into a Trust</b>	<b>CARRIED OVER</b>	<b>Page 494</b>
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<b>LD 966</b>	<b>An Act to Make All Persons within Passamaquoddy Indian Territory Subject to Tribal Court Jurisdiction</b>	<b>ONTP</b>	<b>Page 495</b>
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*Involuntary Commitment/Mental Health/Mental Retardation*

Enacted

<b>LD 263</b>	<b>An Act to Authorize a Physician's Assistant or a Nurse Practitioner to Sign Papers Transferring a Patient for Evaluation for Emergency Involuntary Commitment</b>	<b>PUBLIC 438</b>	<b>Page 471</b>
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<b>LD 1806</b>	<b>An Act to Amend Maine's Involuntary Commitment Laws</b>	<b>PUBLIC 422</b>	<b>Page 523</b>
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Not Enacted

<b>LD 23</b>	<b>An Act to Amend the Laws Governing Admission to Mental Health Institutions</b>	<b>ONTP</b>	<b>Page 465</b>
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<b>LD 105</b>	<b>Resolve, to Create a Task Force to Study the Adequacy of the Laws Regarding Involuntary Commitment</b>	<b>ONTP</b>	<b>Page 467</b>
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**LD 1042**                    **An Act to Protect People with Limited Mental Capacity**                    **ONTP**   **Page 497**

**LD 1807**                    **An Act to Provide for Commitment of Sexually Violent Predators**                    **CARRIED OVER**   **Page 524**

*Juveniles/Juvenile Proceedings*

Enacted

None

Not Enacted

**LD 125**                    **An Act to Allow the Release of the Name of and Juvenile Crimes Committed by a Juvenile 14 Years of Age or Older**                    **ONTP**   **Page 468**

*Landlord - Tenant Law (see also Legal and Veterans Affairs Committee)*

Enacted

**LD 326**                    **An Act to Streamline the Eviction Process**                    **PUBLIC 151**   **Page 472**

Not Enacted

**LD 435**                    **An Act to Amend the Entry and Detainer Law as It Relates to Occupancy Incidental to Short-term Employment**                    **ONTP**   **Page 476**

*Law Enforcement Officer Reimbursement*

Enacted

None

Not Enacted

**LD 61**                    **An Act to Require Reimbursement to Counties for Services Rendered by County Law Enforcement Officers**                    **ONTP**   **Page 467**

**LD 549**                    **An Act to Change the Reimbursement for Law Enforcement Personnel Testifying in Court**                    **INDEF PP**   **Page 481**

## *Medical Testing*

### Enacted

<b>LD 121</b>	<b>An Act to Require Disclosure to Prison Workers in the Case of an Inmate Who Tests Positive for Acquired Immune Deficiency Syndrome</b>	<b>PUBLIC 70</b>	<b>Page 468</b>
<b>LD 1392</b>	<b>An Act to Require the Release of the Results of an HIV Test to a Person Who Has Experienced a Bona Fide Occupational Exposure</b>	<b>PUBLIC 331</b>	<b>Page 508</b>
<b>LD 1409</b>	<b>An Act to Require Mandatory Testing for Blood-borne Pathogens of Persons Who Are the Source of a Bona Fide Occupational Exposure</b>	<b>PUBLIC 368</b>	<b>Page 510</b>

### Not Enacted

None

## *Probate*

### Enacted

<b>LD 363</b>	<b>An Act to Clarify the Manner in Which Decedents' Estates Are to Be Distributed</b>	<b>PUBLIC 73</b> <b>EMERGENCY</b>	<b>Page 473</b>
<b>LD 417</b>	<b>An Act to Amend the Fee Schedule for Probate Filings</b>	<b>PUBLIC 18</b>	<b>Page 475</b>
<b>LD 491</b>	<b>An Act to Amend Provisions of the Probate Code Relating to Depositing Wills in Court within the Testator's Lifetime</b>	<b>PUBLIC 76</b>	<b>Page 478</b>
<b>LD 494</b>	<b>An Act to Change the Time for Appointment of a Visitor or Guardian Ad Litem after Appointment of a Temporary Conservator or Guardian</b>	<b>PUBLIC 35</b>	<b>Page 479</b>
<b>LD 699</b>	<b>An Act to Clarify the General Powers of Attorney</b>	<b>PUBLIC 241</b>	<b>Page 486</b>

<b>LD 1028</b>	<b>An Act to Amend the Maine Probate Code</b>	<b>PUBLIC 191</b>	<b>Page 497</b>
<b>LD 1032</b>	<b>An Act to Simplify the Filing of Claims in Probate Estates</b>	<b>PUBLIC 321</b>	<b>Page 497</b>
<b>LD 1296</b>	<b>An Act to Amend the Maine Probate Code to Eliminate Interest on Claims of Creditors of Insolvent Estates</b>	<b>PUBLIC 202</b>	<b>Page 506</b>

**Not Enacted**

<b>LD 212</b>	<b>An Act to Permit Filing for the Probate of an Estate for up to 10 Years Following Death</b>	<b>ONTP</b>	<b>Page 470</b>
<b>LD 1328</b>	<b>An Act to Enact the Uniform Transfer on Death Security Registration Act</b>	<b>CARRIED OVER</b>	<b>Page 507</b>

***Property and Securities***

**Enacted**

<b>LD 571</b>	<b>An Act to Clarify the Effect of Failure to Provide Notice of Filing of a Judgment Lien</b>	<b>PUBLIC 20</b>	<b>Page 482</b>
<b>LD 669</b>	<b>An Act Relating to Value of Property Held by Portland Yacht Club</b>	<b>P &amp; S 26</b>	<b>Page 485</b>
<b>LD 763</b>	<b>An Act to Amend the Procedure for Foreclosure by Publication</b>	<b>PUBLIC 62</b>	<b>Page 488</b>
<b>LD 886</b>	<b>An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds</b>	<b>PUBLIC 203</b>	<b>Page 491</b>
<b>LD 1420</b>	<b>An Act to Amend the Uniform Management of Institutional Funds Act</b>	<b>PUBLIC 302</b>	<b>Page 510</b>
<b>LD 1559</b>	<b>An Act to Establish the Uniform Unclaimed Property Act</b>	<b>PUBLIC 508</b>	<b>Page 515</b>

**Not Enacted**

<b>LD 730</b>	<b>An Act to Limit Adverse Possession</b>	<b>ONTP</b>	<b>Page 487</b>
<b>LD 1328</b>	<b>An Act to Enact the Uniform Transfer on Death Security Registration Act</b>	<b>CARRIED OVER</b>	<b>Page 507</b>

**LD 1088**                      **An Act to Clarify the Interpretation of Property Descriptions**                      **ONTP**    **Page 500**

*Protection from Abuse/Harassment*

Enacted

**LD 1272**                      **An Act to Ensure Enforcement of Protection from Abuse Laws**                      **PUBLIC 194**    **Page 506**

**LD 1791**                      **An Act to Bring the State into Conformity with the Firearms Provisions of the Violence against Women Provisions of the Federal Violent Crime Control Act**                      **PUBLIC 334**    **Page 523**

**LD 1867**                      **An Act to Protect Victims of Domestic Violence**                      **PUBLIC 507**    **Page 526**

Not Enacted

**LD 1064**                      **An Act to Require that Reasonable Notice Be Given to the Defendant When a Protection from Abuse or Harassment Proceeding Is Started while Other Litigation is Pending between the Parties**                      **ONTP**    **Page 499**

*Timber Theft and Timber Trespass*

Enacted

**LD 397**                      **An Act to Change the Burden of Proof for Timber Trespass and Timber Theft Violations**                      **PUBLIC 152**    **Page 474**

**LD 1167**                      **An Act to Clarify the Timber Trespass Laws**                      **PUBLIC 214**    **Page 502**

Not Enacted

None

*Tort Liability - General*

Enacted



**LD 533**                    **An Act to Ensure Public Safety and Proper Allocation  
of Liability for Gas Pipelines**                    **PUBLIC 222**    **Page 480**

**Not Enacted**

**LD 29**                    **An Act to Amend the Wrongful Death Laws**                    **CARRIED OVER**    **Page 466**

**LD 30**                    **An Act to Exclude Intentional Tort Claims from the  
Application of the Maine Workers' Compensation Act  
of 1992**                    **CARRIED OVER**    **Page 466**

**LD 143**                    **An Act to Remove Immunity for Fraudulent  
Testimony or Perjury**                    **ONTP**    **Page 469**

**LD 398**                    **An Act to Recover Economic Loss Attributable to  
Tobacco Use**                    **ONTP**    **Page 474**

**LD 570**                    **An Act to Clarify the Laws on Punitive Damages**                    **ONTP**    **Page 482**

**LD 769**                    **An Act to Limit Landowner Liability for Injuries to  
Independent Contractors Engaged in Harvesting  
Activities**                    **ONTP**    **Page 488**

**LD 1057**                    **An Act to Amend the Laws Regarding Wrongful  
Death and Recoveries for Wrongful Death**                    **CARRIED OVER**    **Page 498**

**LD 1181**                    **An Act to Change the Comparative Negligence Laws**                    **CARRIED OVER**    **Page 502**

**LD 1384**                    **An Act to Reform Procedure in Multiparty Lawsuits**                    **CARRIED OVER**    **Page 508**

**LD 1511**                    **An Act to Prohibit Lawsuits Based on Disclosure of  
the HIV or AIDS Status of Health Care Practitioners**                    **ONTP**    **Page 514**

**LD 1670**                    **An Act to Limit Indemnification in Construction  
Contracts**                    **CARRIED OVER**    **Page 519**

***Tort Liability - Maine Tort Claims Act***

**Enacted**

**LD 938**                    **An Act to Include Incorporated Fire Departments  
Recognized by Any Authority Created by Statute  
within the Protection of the Maine Tort Claims Act**                    **PUBLIC 234**    **Page 493**

**Not Enacted**

<b>LD 739</b>	<b>An Act to Amend the Maine Tort Claims Act to Specifically Include Members of the Maine State Retirement System Medical Boards and Other Designated Physicians in the Definition of Employee</b>	<b>ONTP Page 488</b>
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***Tort Liability - Medical Malpractice***

**Enacted**

None

**Not Enacted**

<b>LD 582</b>	<b>An Act to Amend the Procedures for Medical Malpractice Screenings</b>	<b>CARRIED OVER Page 482</b>
<b>LD 739</b>	<b>An Act to Amend the Maine Tort Claims Act to Specifically Include Members of the Maine State Retirement System Medical Boards and Other Designated Physicians in the Definition of Employee</b>	<b>ONTP Page 488</b>
<b>LD 869</b>	<b>An Act to Amend the Statute of Limitations for Health Care Providers and Health Care Practitioners to Include a Discovery Rule</b>	<b>CARRIED OVER Page 490</b>
<b>LD 1050</b>	<b>An Act to Revise the Prelitigation Malpractice Screening Panel Procedures, Criteria and Composition</b>	<b>CARRIED OVER Page 498</b>
<b>LD 1636</b>	<b>An Act to Make Mediation Mandatory in Medical Malpractice Proceedings</b>	<b>CARRIED OVER Page 517</b>
<b>LD 1670</b>	<b>An Act to Limit Indemnification in Construction Contracts</b>	<b>CARRIED OVER Page 519</b>
<b>LD 1728</b>	<b>An Act to Promote Professional Competence and Improve Patient Care</b>	<b>CARRIED OVER Page 521</b>
<b>LD 1784</b>	<b>An Act to Expedite the Operation of Prelitigation Screening Panels under the Maine Health Security Act</b>	<b>CARRIED OVER Page 522</b>

***Takings/Property Rights***

**Enacted**

None

**Not Enacted**

<b>LD 475</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Affirm the Rights to Private Property</b>	<b>ONTP</b>	<b>Page 477</b>
<b>LD 1257</b>	<b>An Act to Require Compensation for Loss of Property Value Due to State or Local Regulation</b>	<b>ONTP</b>	<b>Page 504</b>

*Uniform Commercial Code*

**Enacted**

<b>LD 1378</b>	<b>An Act to Amend the Uniform Commercial Code as it Relates to Letters of Credit and Investment Securities</b>	<b>PUBLIC 429</b>	<b>Page 508</b>
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**Not Enacted**

<b>LD 897</b>	<b>An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods</b>	<b>ONTP</b>	<b>Page 492</b>
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*Victims' Rights*

**Enacted**

<b>LD 1502</b>	<b>An Act to Enable Victims to Benefit from the Profits from Crimes</b>	<b>PUBLIC 320</b>	<b>Page 513</b>
<b>LD 1675</b>	<b>An Act to Amend the Victims' Compensation Fund</b>	<b>PUBLIC 378</b>	<b>Page 519</b>

**Not Enacted**

<b>LD 1486</b>	<b>An Act to Establish Victims' Rights Laws</b>	<b>ONTP</b>	<b>Page 512</b>
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*Other*

**Enacted**

**LD 899**                    **An Act Regarding Terminal Rental Adjustment  
Clauses Vehicle Leasing**                    **PUBLIC 352**    **Page 492**

**Not Enacted**

**LD 995**                    **An Act to Provide for Accomplice Liability with  
Respect to Civil Violations**                    **ONTP**    **Page 495**

**LD 1583**                    **An Act to Establish the Uniform Anatomical Gift Act**    **CARRIED OVER**    **Page 516**

**LD 1712**                    **An Act to Create a Citizen Panel on Deregulation**                    **ONTP**    **Page 520**



## Joint Standing Committee on Labor

**LD 49**

**An Act to Exempt Contract Dance Instructors and National Service Volunteers from the Unemployment Tax**

**PUBLIC 431  
EMERGENCY**

Sponsor(s)  
JOYCE

Committee Report  
OTP-AM

Amendments Adopted  
H-525 HATCH

LD 49 proposed to exempt from the definition of "employment" for unemployment compensation purposes dance instructors who provide instruction to students of a dance studio under the terms of a contract.

**Committee Amendment "A" (H-483)**, which was not adopted, proposed additional criteria that contract dance instructors must meet in order to qualify for the exception to the definition of employment for unemployment compensation purposes.

**House Amendment "A" (H-525)** proposed the same additional criteria contained in the committee amendment and also proposed to provide that national service volunteers serving in Maine projects or programs, e.g., AmeriCorps\*USA and AmeriCorps\*VISTA, and receiving stipends are not employees under state law. This amendment also proposed to add an emergency preamble to the bill.

### *Enacted law summary*

Public Law 1997, chapter 431 exempts from the definition of "employment" for unemployment compensation purposes dance instructors who provide instruction to students of a dance studio under the terms of a contract and meet other specified criteria. This law also provides that national service volunteers serving in Maine projects or programs, e.g., AmeriCorps\*USA and AmeriCorps\*VISTA, and receiving stipends are not employees under state law. Chapter 431 was enacted as an emergency measure effective on June 10, 1997.

**LD 60**

**An Act to Provide for the Collection of Data Relating to the Risks from Exposure to Chemicals in the Workplace**

**ONTP**

Sponsor(s)  
MERES

Committee Report  
ONTP

Amendments Adopted

LD 60 proposed to require the Department of Labor, Bureau of Labor Standards to collect and compile data regarding the level of chemical exposures in industrial settings and various service sector businesses. The bill also would have required the Bureau of Labor Standards to report to the Joint Standing Committee on Labor by November 15, 1998 on the collection of these data.

**LD 66**                      **An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike**                      **VETO SUSTAINED**

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

LD 66 proposed to repeal the provisions in current law that attempt to restrict an employer's right to hire replacement workers during a labor dispute. The bill proposed to retain only those provisions that relate directly to deterrence of violence during a labor dispute. The bill also would have required that a contract between an employer and replacement workers must provide that when the strike is settled or if the employees offer unconditionally to return to work, the replacement workers will not be retained in preference to the strikers.

**Senate Amendment "A" (S-167)**, which was not adopted, proposed to limit the restriction on the retention of replacement workers so that the restriction would not apply if the strike extended beyond 45 days.

**LD 75**                      **An Act to Provide that the Change in Calculation of Workers' Compensation Benefits to Include Fringe Benefits Does Not Apply Retroactively**                      **ONTP**

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

The Workers' Compensation Act of 1992 changed the definition of average weekly wage so that the value of certain fringe benefits provided by the employer must be included if it does not raise the employee's average weekly wage over two-thirds of the statewide average. In Beaulieu v. Maine Medical Center, 675 A.2d 110 (Me. 1996), the Maine Law Court held that the new definition applies retroactively to pre-1993 injuries. LD 75 proposed changes so that the new definition would not apply to injuries occurring prior to January 1, 1993.

**LD 86**                      **An Act to Clarify Eligibility for State Employee Health Insurance Program Benefits**                      **P & S 9 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON R	OTP-AM	H-11

LD 86 proposed to provide otherwise ineligible state employees with continued health insurance benefits under the state group health plan if they were laid off within one year of their normal retirement date.

**Committee Amendment "A" (H-11)** replaced the bill and accomplished the purpose of the bill in a different manner. Under current law, state employees who retire with at least one year of continuous service immediately before retirement are eligible for health insurance coverage under the state group health plan. Like the original bill, the amendment provided for continued health insurance coverage under the state group plan for certain employees who are laid off shortly before retirement. The amendment applied to a very small number of state employees laid off as a

result of the recommendations of the Productivity Realization Task Force. The amendment required that for continued insurance coverage to be available:

1. The layoff must have occurred between July 1, 1995 and December 31, 1996;
2. The layoff must have occurred within one year of the employee's normal retirement age. The new coverage will not be available to employees who retire significantly before normal retirement age;
3. Following layoff, the employee retired at normal retirement age; and
4. The employee paid the costs of the insurance coverage from the date of layoff to normal retirement age.

***Enacted law summary***

Private and Special Law 1997, chapter 9 provides for continued health insurance coverage under the state group health plan for the small number of state employees who were laid off in 1995 and 1996 within one year of the employees' normal retirement date as a result of the recommendations of the Productivity Realization Task Force. Chapter 9 was enacted as an emergency measure effective March 28, 1997.

**LD 96                                      An Act to Exempt Seasonal Golf Course Employees from the                                      ONTP**  
**Unemployment Compensation Laws**

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

LD 96 proposed to exempt from the definition of "employment" for unemployment compensation purposes persons who work at golf courses that operate for six or fewer months a year. The seasonality exclusion will be addressed by the Commission to Study the Unemployment Compensation System, established by LD 332.

**LD 101                                      An Act to Allow Public Safety Employees to Purchase Their                                      ONTP**  
**Military Time for Retirement Purposes**

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

LD 101 would have broadened the ability of State Police officers to purchase service credit for time spent in military service before becoming a retirement system member. Currently such military service time may be purchased only if the military service occurs during a "federally recognized period of conflict," as that term is defined by law, and all State employee and teacher members may purchase that "federally recognized period" time as well.



**LD 113**

**An Act to Prohibit the Employment of Professional Strikebreakers**

**VETO  
SUSTAINED**

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

LD 113 proposed to prohibit the recruitment or employment of professional strikebreakers. The bill defined the term "professional strikebreaking activity" so that the bill would apply only to those persons or organizations that have made a practice of supplying replacement workers during labor disputes. The proposed prohibition could be enforced through a civil action filed by any interested party. The bill would have provided that employment of replacement workers as security guards or as maintenance workers is exempt from the prohibition, as would be the employment of permanent employees who choose to work during a strike. LD 113 also proposed to repeal the current law that provides that the employment during a strike of a person who customarily and repeatedly offers services in place of a striking worker is a crime, punishable by a fine of up to \$300 or 180 days in jail, or both.

**LD 136**

**An Act to Require Workers' Compensation Hearings within 30 Days of a Request**

**ONTP**

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

LD 136 proposed that the expedited procedure provided by the Workers' Compensation Board in cases of discontinuance or reduction of benefits must include the opportunity for a hearing within 30 days of a request of any party.

**LD 138**

**An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Worker Reinstatement Rights**

**ONTP**

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

LD 138 proposed to amend the Maine Workers' Compensation Act of 1992 regarding worker reinstatement rights. It proposed to repeal language that specifies that an employer is not obligated to reinstate an employee in supervisory or confidential positions.

**LD 147**

**An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Fewer Than 6 Months**

**VETO  
SUSTAINED**

Sponsor(s)  
GREEN  
RAND

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted  
H-657

LD 147 proposed to change the labor relations laws governing municipal public employees and the University of Maine System and Maine Technical College System employees so that a person who has been employed for fewer than 6 months would not be excluded from the protection of the collective bargaining laws.

**Committee Amendment "A" (H-657)** Proposed to retain current law excluding persons employed fewer than six months from the definition of "public employee" under the Municipal Employees Labor Relations Act, the act governing municipal and county labor relations. The amendment would have removed the six-month exclusion from the University of Maine System Labor Relations Act, but make that provision applicable only to collective bargaining contracts executed or renewed on or after September 1, 1997.

**LD 163**

**An Act to Shift from Small Business Owners to the Department of Labor the Responsibility for Providing the Department of Human Services with Information on New Employees**

**ONTP**

Sponsor(s)  
MACKINNON

Committee Report  
ONTP

Amendments Adopted

LD 163 proposed to repeal the section of law that requires an employer to report the hiring, rehiring or return to work of an employee to the Department of Human Services. The bill also would have required the Department of Labor to report information it receives from employers on the hiring, rehiring or return to work of employees to the Department of Human Services.

**LD 168**

**An Act to Amend the Eligibility Requirements for Collecting Unemployment Benefits**

**ONTP**

Sponsor(s)  
BUTLAND

Committee Report  
ONTP

Amendments Adopted

LD 168 proposed to permit an individual whose entitlement to unemployment benefits is based on part-time employment to limit the individual's job search to part-time employment and remain eligible for unemployment benefits. Under current law, an individual must be available to accept full-time employment in order to be entitled to draw unemployment benefits. This issue will be considered by the study commission created in LD 332.

**LD 173**

**An Act to Provide Disclosure of the Bureau of Unemployment Compensation Records and Reports to Authorized Agents**

**ONTP**

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

LD 173 would have required state and local child-support enforcement agencies or their authorized agents to obtain access to employment security records for the purpose of expanding procedures relating to establishing paternity or for establishing, modifying or enforcing child-support orders. This bill is related to the federal Public Law 104-193, commonly called the welfare reform bill, enacted in August of 1996.

**LD 174**

**An Act to Increase Health Insurance Benefits for Retired Educators CARRIED OVER**

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

LD 174 proposes to increase the State's contribution for health insurance for retired educators from 25% to 30% of the cost of the insurance coverage.

**Committee Amendment "A" (H-154)** would have added an appropriation section to the bill to fund the increased cost to the State.

The bill, which received a divided report from the committee, was initially engrossed as amended by the committee amendment and sent to the Special Appropriations Table. At the end of the session, rather than fund the bill, the bill was recommitted to the Appropriations Committee and carried over by that committee to the Second Regular Session. LD 277 was a related bill.

**LD 177**

**An Act to Amend the Child Labor Laws as They Pertain to Employment of Minors 15 Years of Age**

**PUBLIC 347**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR BENOIT	OTP-AM MAJ ONTP MIN	H-478

LD 177 proposed to amend the child labor laws to prohibit minors 14 years of age from working in a restaurant or eating place. It also would allow minors 15 years of age to work in the kitchens, dining rooms, lobbies and offices of motels year round rather than just in the summer.

**Committee Amendment "A" (H-478)** Proposed to delete from the original bill the prohibition on minors 14 years of age working in a restaurant or eating establishment.

***Enacted law summary***

Public Law 1997, chapter 347 permits minors 15 years of age to work in the kitchens, dining rooms, lobbies and offices of motels year round rather than just in the summer. This chapter also prohibits 14 year olds from working in the manufacturing and retailing of frozen dairy products. This latter change was subsequently repealed in LD 1902.

**LD 178**                      **An Act to Permit an Employer to Offer a Compressed Time Workweek to Consenting Employees**                      **ONTP**

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

LD 178 proposed to change the overtime law to allow an employer to have an employee work 44 hours in a single workweek without overtime compensation followed by 36 hours in the subsequent workweek, resulting in a two-week work period equal to 80 hours. The bill proposed procedures to ensure that each employee freely consented to such a compressed workweek arrangement.

**LD 189**                      **An Act to Exempt Companies That Employ 5 People or Fewer from Carrying Workers' Compensation Insurance**                      **ONTP**

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

LD 189 proposed to allow employers of five or fewer employees to choose not to utilize the workers' compensation system and would have required those employers to maintain liability insurance, health care coverage and disability income coverage. Employers who elect the option proposed in the bill would still be responsible for assessment under the Maine Revised Statutes, Title 24-A, chapter 26, the "fresh start" provisions of workers' compensation insurance.

**LD 196**                      **An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers**                      **CARRIED OVER**

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

LD 196 proposed to require the Maine State Retirement System to pay Medicare Part B premiums for state employees and teachers who are automatically transferred from state-paid health insurance coverage to Medicare when they reach 65 and become eligible for Social Security. The bill was carried over.

**LD 270**                      **An Act to Have Taxi Drivers Deemed as Independent Contractors**                      **ONTP**

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

LD 270 proposed to exempt taxi drivers who own and operate their own vehicles as taxis from the definition of employment for unemployment compensation purposes.

**LD 277**                      **An Act to Require the State to Pay the Full Insurance Premium for Retired Public School Teachers**                      **ONTP**

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

LD 277 proposed to increase the State’s contribution for health insurance for retired teachers from 25% to 100% of the retiree’s share of the premiums. LD 174 was a related bill.

**LD 298**                      **An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1998**                      **P & S 12  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-176

LD 298 proposed the annual operating budget for The Maine State Retirement System for fiscal year 1997-98. The Retirement System is required by law to present its annual operating budget to the Legislature for approval. The bill identified the system's Personal Services costs and its costs for All Other operating expenses. The bill also attributed the expenses of the system among General Fund, Non-General Fund, and Participating Local District and Group Life Insurance accounts.

**Committee Amendment "A" (H-176)** proposed approval of collective bargaining agreements for FY 1997-98 to FY 1999-2000 as required by law and increased the allocation of funds to the Maine State Retirement System for administrative operating expenses by \$131,251 in fiscal year 1997-98 to fund the recently ratified collective bargaining agreements with the system's administrative services, professional-technical and supervisory employees during that year. The increased allocations are authorized to be spent from excess administrative operating funds. The amendment also authorized the use of \$500,000 in reserve administrative operating funds to reduce General Fund charges for administrative expenses attributable to the teachers' retirement program in fiscal year 1997-98. The amendment also authorized the retirement system to expend up to \$1,200,000 in reserve administrative operating funds on a temporary project to automate member records and files.

***Enacted law summary***

Private and Special Law 1997, chapter 12 is the Maine State Retirement Systems annual operating budget for the 1997-98 fiscal year. Legislative approval of the annual budget is required by law. As also required by law, chapter 12 approves the recently ratified collective bargaining agreement with the system's administrative services, professional-technical and supervisory employees. This law also authorizes use of reserve administrative operating funds during FY 1997-98 in the following amounts for the following uses: (1) \$131,251 to fund the collective bargaining agreement, (2) \$500,000 to reduce General Fund charges for administrative expenses attributable to the teacher retirement program and (3) up to \$1.2 million to fund a temporary records automation project. Chapter 12 was enacted as an emergency measure effective July 1, 1997.

**LD 300                      An Act to Prohibit an Employer from Hiring Replacement Workers CARRIED OVER  
During a Strike**

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

LD 300 proposes to prohibit an employer from hiring replacement workers during a labor dispute. This bill also proposes to repeal that provision of current law that makes it a Class D crime for a person involved in a labor dispute to be armed with a dangerous weapon. This bill was carried over to the Second Regular Session.

**LD 321                      An Act to Amend the Maine Workers' Compensation Act of 1992 as DIED BETWEEN  
It Relates to Compensation for Total Incapacity                      BODIES**

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

LD 321 proposed to amend the Maine Workers' Compensation Act of 1992 to provide a lump sum benefit in addition to the current weekly benefit when the employee's injury is an amputation or total loss of function 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.

**Committee Amendment "A" (H-616)** proposed to limit the benefits payable under the bill to amputations by eliminating the availability of benefits when there is functional loss of a body part.

**LD 329**

**Resolve, Directing the Commissioner of Labor to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Pay Discrimination Based on Gender**

**RESOLVE 43**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH MILLS	OTP-AM	H-588

LD 329 proposed to direct the Commissioner of Labor to adopt rules to implement the provisions of the Maine Revised Statutes, Title 26, section 628 prohibiting discrimination in pay on the basis of gender.

**Committee Amendment "A" (H-588)** proposed that the Commissioner of Labor consult with the Maine Human Rights Commission in developing the rules and required the rules to be submitted to the Joint Standing Committee on Labor by March 1, 1998. The amendment also proposed that the Department of Labor enforce the rules within currently available resources.

*Enacted law summary*

Resolves 1997, chapter 43 directs the Commission of Labor to adopt rules in consultation with the Maine Human Rights Commission to implement the provisions of the Maine Revised Statutes, Title 26, section 628 prohibiting discrimination in pay on the basis of gender. The Department of Labor is required to enforce those rules within currently available resources.

**LD 332**

**Resolve, to Establish the Commission to Study the Unemployment Compensation System**

**RESOLVE 65  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH DAGGETT	OTP-AM	H-549 S-358 MICHAUD

LD 332 proposed to direct the Commissioner of Labor to study the unemployment compensation program to assess whether it is meeting the changing needs of the labor force and the business community. The commissioner would be required to study the seasonality exclusion, disqualification of persons who lose work because of child care or transportation problems, the extended benefit trigger, and benefit duration for the dislocated worker benefit program. The proposed date for a report from the commissioner is December 1, 1997.

**Committee Amendment "A" (H-549)** proposed to create the Commission to Study the Unemployment Compensation System, made up of four Legislators, the State Advisory Council, the Commissioner of Labor and one member representing women's issues, to assume responsibility for studying the issues identified in the original resolve. The amendment proposed to have the following issues also studied: the solvency of the unemployment compensation fund, the experience rating system, the disqualification of persons who seek part-time work, and minimum earnings thresholds. The amendment proposed to change the reporting date from December 1, 1997 to February 1, 1998, and authorized both the commission and the Labor Committee to recommend legislation. The amendment also proposed to add an emergency preamble.

**Senate Amendment "A" to Committee Amendment "A" (S-358)** proposed to change the reporting date to January 1, 1998, limit per diem and expenses to commission members who are Legislators, and limit the commission to 4 meetings.

***Enacted law summary***

Resolve 1997, chapter 65 establishes the Commission to Study the Unemployment Compensation System, made up of four Legislators, the State Advisory Council, the Commissioner of Labor and one member representing women’s issues, to assess whether the changing needs of the labor force and the business community are being met. The Commission may meet up to four times to study and make recommendations regarding the following issues: the seasonality exclusion, disqualification of persons who lose work because of child care or transportation problems, the extended benefit trigger, and benefit duration for the dislocated worker benefit program, the solvency of the unemployment compensation fund, the experience rating system, the disqualification of persons who seek part-time work, and minimum earnings thresholds. The Commission must report to the Labor Committee by February 1, 1998, with its recommendations and any necessary legislation. Resolve, chapter 65 was enacted as an emergency measure effective on June 12, 1997.

**LD 336                      An Act Regarding Survivor Benefits in the Event of Divorce and                      ONTP**  
**Remarriage**

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

LD 336 proposed to eliminate from the current law governing survivor benefits paid by the Maine State Retirement System the requirement that a spouse or former spouse who was originally named retirement beneficiary must agree to a change of beneficiary after a divorce. The bill allows a recipient of a reduced service retirement benefit to name a new beneficiary after a divorce without the permission of the former spouse.

**LD 346                      An Act to Exempt Retail Shoe Store Employees Who Are Paid on a                      ONTP**  
**Commission Basis from the Minimum Wage Laws**

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

LD 346 proposed to exempt retail shoe store employees whose pay is at least one and one-half times the minimum wage from the overtime provisions of the minimum wage laws.



LD 347

**An Act to Require Overtime Pay for Employees of Large Agricultural Employers**

**PUBLIC 136**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMAIRE JENKINS	OTP-AM MAJ ONTP MIN	H-155

LD 347 proposed to remove the exemption from the overtime pay requirements for agricultural employers employing 75 or more individuals for at least 180 days per year. The bill also proposed to provide that if an individual performs work subject to the overtime requirement and work exempt from the overtime requirement during the same workweek, the employer must pay overtime for all hours worked over 40 hours that week.

**Committee Amendment "A" (H-155)** proposed to replace the original bill with a provision requiring overtime pay for individuals employed at an egg processing facility with more than 300,000 laying birds. The amendment proposed to delete from the original bill a provision that would have required all hours worked by an employee to be subject to the overtime pay requirements when the employee performs both exempt and nonexempt work within the same workweek.

*Enacted law summary*  
Public Law 1997, chapter 136 requires the payment of overtime pay for individuals employed at an egg processing facility with more than 300,000 laying birds.

LD 355

**An Act to Further Define Disqualification for Unemployment Benefits**

**ONTP**

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

LD 355 proposed to disqualify a temporary employee for unemployment compensation benefits if the temporary employment did not exceed 12 weeks and the terms of the employment were outlined in a written agreement signed by the individual and the employer. The disqualification would end, however, if the employer enters into a subsequent temporary employment agreement with that individual within a 12-month period.

**Committee Amendment "A" (H-617)**, which is the minority report of the committee, proposed to remove the provision in the original bill that would disqualify from unemployment benefits persons who accept temporary employment. In its place, the amendment proposed to substitute an increase from five to 12 in the number of weeks an employee must work for an employer before the employer's experience rating record may be charged with unemployment benefits for that employment. This amendment was not adopted. This issue will be considered by the Study Commission created by LD 332.

**LD 358**

**An Act to Restore State Funding for Mediation Services Provided  
by the Maine Labor Relations Board**

**ONTP**

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

LD 358 proposed to restore state funding for the first three days of mediation services provided by the State under the municipal public employees labor relations laws.

**Committee Amendment "A" (H-150)** which is the majority report of the committee proposed to restore the mechanism, which was stricken in the original bill, by which the Executive Director of the Maine Labor Relations Board collects costs from the parties before authorizing services to be rendered. This amendment was not adopted.

**LD 373**

**Resolve, to Exempt Matthew Scott from Maine State Retirement  
System Restrictions on Income Earned as Deputy Commissioner of  
Inland Fisheries and Wildlife**

**ONTP**

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

LD 373 would have exempted Matthew Scott from the current law governing return by a retiree to covered state service. The salary of Mr. Scott's new position, Deputy Commission in the Department of Inland Fisheries and Wildlife, exceeds the earnings limit established in law for a retiree who returns to service. Under the proposed law he could continue to work and draw a salary but would have to stop drawing his retirement benefits and would have to rejoin the retirement system.

**LD 389**

**An Act to Exclude from the Definition of "Employment" Services  
Provided by Lessees of Taxicabs**

**PUBLIC 349**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY	OTP-AM	S-237

LD 389 proposed to exclude from the definition of employment for unemployment benefits and tax purposes those services performed by lessees of taxicabs.

**Committee Amendment "A" (S-237)** proposed to clarify the intent of the original bill by specifying that lessees of taxicabs are excluded from the definition of employment for unemployment compensation purposes only if their employment is not subject to federal unemployment tax. The amendment also proposed to clarify that an exemption from unemployment compensation has no bearing on the question of whether a taxicab lessee is an independent contractor for workers' compensation purposes.

*Enacted law summary*

Public Law 1997, chapter 349 provides that lessees of taxicabs are excluded from the definition of employment for unemployment compensation purposes if their employment is not subject to federal unemployment tax. The law also specifies that an exemption from unemployment compensation has no bearing on the question of whether a taxicab lessee is an independent contractor for workers' compensation purposes.

**LD 402                      An Act to Amend the Family Medical Leave Laws                      PUBLIC 546**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-379 MICHAUD S-88

LD 402 proposed to make certain definitions in the State's family medical leave laws conform to the definitions in the federal Family and Medical Leave Act of 1993. This bill also proposed to allow the award of attorney's fees, expert witness fees and other costs of a civil action to enforce the law.

**Committee Amendment "A" (S-88)** proposed to delete the language in the bill that would give the court discretion to award reasonable attorney's fees, reasonable expert witness fees and other costs of the civil action. It also proposed to add an appropriation section and a fiscal note to the bill to reflect the costs of updating the employment law notice published and distributed by the Department of Labor.

**Senate Amendment "A" to Committee Amendment "A" (S-379)** proposed that the Department of Labor would not have to incur the costs of updating and distributing the employment law notice until the current supply is depleted.

*Enacted law summary*

Public Law 1997, chapter 546 makes certain definitions in the State's family medical leave laws conform to the definitions in the federal Family and Medical Leave Act of 1993. The law also provides that the Department of Labor need not update and distribute the employment law notice until the current supplies of the posters have been depleted.

**LD 411                      An Act to Bring Certain State Retirement Laws into Compliance                      PUBLIC 192  
with Federal Laws                      EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-134

LD 411 proposed required that assets under a deferred compensation plan offered to public employers be held in trust for the exclusive benefit of plan participants and their beneficiaries. This change makes state law consistent with federal law changes enacted as part of the Federal Small Business Protection Act of 1996. See also LD 937 referred to the State and Local Government Committee which proposed changes in the State's deferred compensation plan.

**Committee Amendment "A" (S-134)** provided for the treatment of custodial accounts, annuity contracts and other contracts for deferral of employee compensation under the State's deferred compensation plan as trusts consistent with federal law. This amendment also added an emergency preamble and clause to the bill.

***Enacted law summary***

Public Law 1997, chapter 192, consistent with recent changes in federal law, declares that employee compensation and earnings thereon under a deferred compensation plan offered to public employees must be held in trust for the exclusive benefit of those employees and their beneficiaries. Chapter 192 was enacted as an emergency measure effective May 15, 1997.

**LD 419**                      **An Act to Change the Weekly Employee Pay Requirement in State Law**                      **ONTP**

<u>Sponsor(s)</u> CATHCART		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 419 proposed to allow employers required to pay on a weekly basis to apply for a waiver from the weekly pay requirement. It also adds commercial laundries and dry-cleaning establishments to the industries covered by that requirement.

**LD 452**                      **An Act to Protect the Rights of Employees Who Volunteer Their Time as Firefighters**                      **ONTP**

<u>Sponsor(s)</u> JONES SA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 452 proposed to prohibit an employer from penalizing an employee who is absent from work to perform volunteer firefighting duties if the employee has provided proper notice to the employer. The bill would have given the employer the option of whether this should be paid or unpaid time. The bill proposed to allow the employee to bring a civil action for damages or seek equitable relief if the employer did not comply.

**LD 454**                      **An Act to Amend the Drug Testing Program Approval Laws**                      **PUBLIC 49**

<u>Sponsor(s)</u> HATCH		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 454 proposed to allow the Department of Labor to create through rule-making model substance abuse testing policies for testing applicants and testing employees when probable cause has been determined to exist. The rules adopted under this proposal may provide for expedited approval of the testing policies for employers adopting the model policies.

***Enacted law summary***

Public Law 1997, chapter 49 allows the Department of Labor to develop model substance abuse testing policies for testing applicants and employees when probable cause has been determined to exist. The rules under which these model policies must be developed may provide for expedited approval of the drug testing policies for those employers adopting the model policies.

**LD 462                      An Act to Require Employers to Pay the Legal Fees of an Employee Who Wins a Workers' Compensation Case                      ONTP**

<u>Sponsor(s)</u> AHEARNE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 462 proposed to return to the "prevail" standards that controlled the payment of attorney's fees prior to the changes contained in the Maine Workers' Compensation Act of 1992. The bill proposed to require the employer to pay the employee's attorney's fees in workers' compensation cases in which the employee ultimately receives a benefit greater than that offered by the employer by the conclusion of mediation.

**LD 568                      An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Raising the Minimum Wage                      CARRIED OVER**

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 568 proposes a new state minimum wage consisting of a base wage that is 25 cents per hour more than the federal minimum wage. The bill also proposes to provide an annual adjustment based on the increase in the state average weekly wage. This bill was carried over along with LD 633 and LD 688.

**LD 577                      An Act Increasing the Number of Members of the Board of Trustees of the Maine State Retirement System                      ONTP**

<u>Sponsor(s)</u> O'NEAL	<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN	<u>Amendments Adopted</u>
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LD 577 proposed to add two voting members to the Board of Trustees of the Maine State Retirement System, one of whom is a member of the retirement system and is appointed by the American Federation of State, County and Municipal Employees, Council 93 and one of whom is a member of the retirement system and is appointed by the Maine School Management Association. Currently the board consists of seven voting members and the State Treasurer as an ex officio, non-voting member. The bill also proposed to increase the number of board members needed for a quorum from four to five and the minimum number of votes to take action from four to five.

LD 596

**An Act to Require the Department of Labor to Ensure That Housing Provided as an Incident of Employment by Agricultural Employers Meets Minimum Standards of Habitability**

PUBLIC 387

Sponsor(s)  
LEMAIRE  
RAND

Committee Report  
OTP-AM

Amendments Adopted  
H-484

LD 596 proposed to require the Department of Labor, Bureau of Labor Standards to adopt rules regarding the condition of housing provided to workers by employers of agricultural labor who provide housing to 75 or more workers for more than 180 days a year. The rules would have to be at least as stringent as the regulations on housing promulgated by the federal Department of Labor, Occupational Safety and Health Administration under the federal Migrant and Seasonal Agricultural Worker Protection Act. The bill proposed to allow an action to enforce the standards to be brought by either the State or a private party.

**Committee Amendment "A" (H-484)** proposed to change the content of the rules to be adopted by the Department of Labor, Bureau of Labor Standards to make them identical to the federal housing regulations adopted under the authority of the federal Migrant and Seasonal Agricultural Worker Protection Act. The amendment also proposed to change the application of the rules to housing facilities of agricultural employers who house more than five employees and whose housing habitability standards are not already governed by the federal housing regulations. The amendment also proposed to give the Department of Human Services the authority to perform the duties of local health officers, including inspections, when the local health officer fails to perform those duties.

*Enacted law summary*

Public Law 1997, chapter 387 requires the Department of Labor, Bureau of Labor Standards to adopt rules regarding the condition of housing facilities of agricultural employers who house more than five employees. The rules must be identical to the regulations on housing promulgated by the federal Department of Labor, Occupational Safety and Health Administration under the federal Migrant and Seasonal Agricultural Worker Protection Act and only apply to housing facilities not already governed by the federal law. The law permits an action to enforce the housing standards to be brought by either the State or a private party. Chapter 387 also gives the Department of Human Services the authority to perform the duties of local health officers, including inspections, when the local health officer fails to perform those duties.

LD 624

**An Act to Expand the Family Medical Leave Laws**

PUBLIC 515

Sponsor(s)  
CATHCART  
HATCH

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted  
S-235  
S-371 MICHAUD

LD 624 proposed to require that leave be allowed for attendance at parent-teacher conferences. The bill also proposed to expand the coverage of the family medical leave laws by reducing the threshold for covered employers from 25 employees to 15 employees at the worksite.

**Committee Amendment "A" (S-235)** proposed to strike from the original bill the provision that includes parent-teacher conferences among the authorized reasons for family medical leave. It also adds an appropriation section to reflect the costs of updating and distributing a printed notice of the law to employers in the State.

**Senate Amendment "A" to Committee Amendment "A" (S-371)** This amendment proposed to allow the Department of Labor to wait until there is an insufficient supply of notices to provide the updated version rather than having to reprint and distribute a full supply immediately. The amendment removed the appropriation section from the bill.

***Enacted law summary***

Public Law 1997, chapter 515 expands the coverage of the family medical leave laws by reducing the threshold for covered employers from 25 employees to 15 employees at the worksite. The Department of Labor may wait until there is an insufficient supply of notices of employment law to provide the updated version rather than having to reprint and distribute a full supply immediately.

**LD 625**                      **An Act to Clarify the Laws Governing the Calculation of Interest on Decrees under the Workers' Compensation Laws**                      **ONTP**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 625 proposed to simplify the payment of simple interest on overdue workers' compensation benefits by replacing two different rates of interest required under current law. The bill proposed a rate of 1% per month for each full calendar month that the benefit payment has been due and gives a period of grace for the month in which each benefit first accrues. Benefits payable within each calendar month are treated as a single award with interest to accrue only from the end of the month forward. The bill proposed changes to clarify that the same rate applies to both medical bills and wage benefits included within the award. The method of calculation proposed in the bill would apply to all workers' compensation obligations arising after the effective date of the bill regardless of the date of injury.

**LD 630**                      **An Act to Create a Toll-free Number for Regional Unemployment Offices**                      **ONTP**

<u>Sponsor(s)</u> TUTTLE CATHCART	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 630 proposed to require the Commissioner of Labor to set up a toll-free telephone number so that individuals and employers may transact business with the appropriate unemployment office without having to make a long-distance telephone call.

**LD 632**                      **Resolve, Directing the Department of Public Safety to Study the Issue of a Retirement Program for Firefighters**                      **ONTP**

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

LD 632 proposed that the Department of Public Safety convene a task force for the purpose of studying the issue of a retirement program for firefighters.

**LD 633**                      **An Act to Provide a Cost-of-living Adjustment to Minimum Wage Earners**                      **CARRIED OVER**

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

LD 633 proposes that the State's minimum hourly wage be increased each year by the amount of the percentage increase in the Consumer Price Index. This bill was carried over along with related bills, LD 568 and LD 688.

**LD 659**                      **An Act to Authorize Members of the Maine State Retirement System to Combine Years of Service Under Different Plans**                      **ONTP**

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

LD 659 proposed to allow teachers who were employed as teacher aides and covered under a participating local district plan prior to July 1, 1989 to have creditable service earned as a member of the participating local district transferred to the member account established under the Maine State Retirement System and counted as service as a teacher. If the member's contribution rate as a teacher aide was lower than it would have been for the same period as a teacher, the member would have to make additional contributions as necessary to equalize the rate.

See LD 1027 dealing with the same subject which was enacted as Public Law 1995, c. 161.

**LD 677**                      **An Act Regarding the Penalty for Failure to Allow a Terminated Employee to Review Certain Files**                      **PUBLIC 420**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND	OTP-AM    MAJ ONTP        MIN	S-300

LD 677 proposed to make a number of changes to the law that requires an employer to permit an employee or former employee to review and copy that person's personnel file. It proposed to increase the amount of the civil forfeiture \$25



to \$50 per day, to remove the \$500 cap on the forfeiture and to make it payable to the employee. The bill also would allow an employee to bring an action in the District Court or the Superior Court to recover the civil forfeiture and seek equitable relief, including an injunction. The bill also proposed to authorize the court to order an employer to reimburse the employee for costs of suit including a reasonable attorney's fee.

**Committee Amendment "A" (S-300)** proposed to keep the civil forfeiture at \$25 per day, retain the \$500 total cap on forfeitures and remove the language in the bill making the forfeiture payable to the employee. This amendment limits the employee's civil remedy to equitable relief and limits the recovery of costs of suit and attorney's fees from the employer to suits in which the employee receives a judgment in the employee's favor.

*Enacted law summary*

Public Law 1997, chapter 420 makes a number of changes to the law that requires an employer to permit an employee or former employee to review and copy that person's personnel file. It allows an employee to bring an action in the District Court or the Superior Court to seek an injunction or other equitable relief the court considers appropriate. It authorize the court to order an employer to reimburse the employee for costs of suit including a reasonable attorney's fee if the judgment is in the employee's favor.

**LD 683**                      **An Act to Increase the Penalties for Violations of State Wage and Hour Laws**                      **ONTP**

<u>Sponsor(s)</u> HATCH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 683 proposed to allow the Attorney General to seek the license revocation of any business that violates the minimum wage laws of this State or similar federal provisions, including signing a consent decree to that effect, two or more times in a 10-year period.

**LD 688**                      **An Act to Increase Maine's Minimum Wage**                      **CARRIED OVER**

<u>Sponsor(s)</u> VOLENIK RAND	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 688 proposes to raise the minimum wage to \$5.60 per hour effective January 1, 1998 and to \$6.05 per hour effective January 1, 1999. This bill was carried over along with LD 568 and LD 633.

**LD 752**

**An Act to Include in the Legislative and Judicial Retirement Systems the Same Provisions for Post-retirement Divorce That Are in the Maine State Retirement System**

**PUBLIC 55**

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

LD 752 proposed that a retiree from the Legislative or Judicial Retirement Systems and the retiree’s spouse who are divorced after retirement may agree to change the retiree's designation of the former spouse as retirement beneficiary. A change could be made only if the former spouse is in agreement, and the former spouse must be counseled by retirement system staff as to the financial effect of giving up beneficiary status and rights.

***Enacted law summary***

Public Law 1997, chapter 55 enacts into the laws governing the Judicial and Legislative Retirement Systems the same amendments enacted last year into the State employee/teacher and PLD plans. These amendments allow a member who is divorced before retirement, who later retires and names his/her former spouse as retirement beneficiary and who still later wishes to change his/her retirement beneficiary to do so if the former spouse agrees to being removed as beneficiary and if the statutory counseling procedure is followed.

**LD 756**

**An Act to Continue the Participating Local District Consolidated Plan Advisory Committee**

**PUBLIC 12  
EMERGENCY**

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

LD 756 proposed the continued existence of the advisory committee. The law establishing the Participating Local District Advisory Committee was inadvertently allowed to lapse in 1996. The advisory committee, made up of participating local district employer and employee representatives, is essential to the operation of the consolidated plan for participating local districts.

***Enacted law summary***

Public Law 1997, chapter 12 revives and provides for the continued existence of the Local District Advisory Committee which was inadvertently allowed to sunset last year.

**LD 765**

**An Act to Prohibit the Use of Polygraph Tests by Employers in the Hiring Process**

**ONTP**

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

LD 765 proposed to prohibit all employers from requiring prospective employees to take polygraph tests as part of the hiring process or promotion.

**LD 830**                      **Resolve, Directing the Workers' Compensation Board to Study the Effect on Injured Workers of Delayed Medical Treatment and Payment of Valid Claims by Insurance Companies**                      **ONTP**

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

LD 830 proposed to direct the Workers' Compensation Board to design and conduct a study on the frequency and impact of delays in the initial payment of benefits to injured workers. The study proposed must address whether the delays in benefit payment lengthen the period of disability, increase medical costs or interfere with successful rehabilitation of the injured worker. The bill required a report to be submitted by February 15, 1999 to the Joint Standing Committee on Labor.

**LD 835**                      **Resolve, Instructing the Workers' Compensation Board to Study and Make Recommendations Regarding the Occupational Disease Law**                      **CARRIED OVER**

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

LD 835 proposes to direct the Worker' Compensation Board to study certain unique issues involved in providing workers' compensation benefits to employees under the Occupational Disease Law and to make recommendations as necessary to ensure the purposes of the Workers' Compensation Act of 1992 are achieved with respect to occupational diseases. The issues the resolve identifies are proof of causation when the disease is believed to be caused by hazardous materials, problems related to long latency periods, apportionment of liability, and provision of benefits when there is no lost work time. The resolve proposes that the Workers' Compensation Board report by January 1, 1999 to the joint standing committee having jurisdiction over labor matters. This resolve was carried over to the Second Regular Session.

**LD 840**                      **An Act to Have State Wage Laws Conform with the Federal Small Business Job Protection Act of 1996**                      **DIED IN CONCURRENCE**

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

LD 840 proposed to amend Maine law to parallel changes that were recently made to federal wage laws in the Small Business Job Protection Act of 1996. The bill proposed to make the required wage for tipped employees the same as required under federal law. The bill also would have permitted the payment of an opportunity wage of \$4.25 an hour to certain employees under 20 years of age for the first 90 days of employment. The bill would have required the

Department of Labor and the Department of Administrative and Financial Services, Bureau of Taxation to review the entire Small Business Job Protection Act of 1996 and report to the Joint Standing Committee on Labor and the Joint Standing Committee on Taxation on the financial and policy implications of amending Maine law to further conform with the federal act.

**Committee Amendment "A" (H-477)**, which was not adopted, proposed to remove the provision in the original bill that permitted the payment of an opportunity wage of \$4.25 per hour to employees under the age of 20 for their first 90 days of employment.

**LD 870**                      **An Act to Protect Pension Benefits of Participating Local District Members**                      **ONTP**

<u>Sponsor(s)</u> RAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 870 proposed to prohibit a participating local district from reducing its contribution toward employee retirement below the level in effect on October 1, 1997. The bill also provided that once a member is hired, the member is entitled, at a minimum, to the level of benefits provided by statute on the member's date of hire.

**LD 878**                      **An Act to Further Facilitate the Purchase of Service Credit in the Maine State Retirement System**                      **PUBLIC 190**

<u>Sponsor(s)</u> TREAT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-136
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LD 878 proposed to allow members of the Maine State Retirement System to purchase service credit for time during which the member was on an unpaid or partially paid educational leave. Members would be required to pay the actuarial cost for this service credit so that there is no cost to the State.

**Committee Amendment "A" (S-136)** like the bill, authorized state employees to purchase service credit in the Maine State Retirement System for time spent on unpaid or partially paid educational leave under the Maine Educational Leave Act. The amendment codified the new language in a separate statutory section to avoid confusion with other purchase of service credit provisions and required that the member must return to state service following the educational leave. The amendment restricted use of the service credit purchased to benefit calculation; the additional credit may not be used for vesting or determination of eligibility for retirement purposes. The amendment also added a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 190 allows members of the Maine State Retirement System to purchase service credit for time spent on unpaid or partially paid educational leave, provided the member returns to state service and pays the full actuarial cost of the increased benefit and that the service credit purchased is used to only increase retirement benefits due.

**LD 879**

**An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals**

**ONTP**

Sponsor(s)  
RAND

Committee Report  
ONTP

Amendments Adopted

LD 879 proposed to require employers to maintain a number of workplace standards with respect to video display terminals. It would have required an employer to locate video display terminals in such a way as to reduce glare on the video display screen caused by reflected light. If the glare continued to be unacceptable to the operator, the employer would have been required to take additional steps to limit glare. The bill proposed to require employers to provide swivel chairs for operators, unless the operator specifically declined such a chair, and would have required employers to provide paid leave for vision examinations and flexible work breaks for video display terminal operators. The bill also proposed enforcement and penalty provisions.

**LD 901**

**An Act to Allow Minors under 16 Years of Age to Work at Certain Commercial Places of Amusement**

**PUBLIC 353  
EMERGENCY**

Sponsor(s)  
KERR  
PENDLETON P

Committee Report  
OTP-AM

Amendments Adopted  
H-518

LD 901 proposed to allow minors who are 15 years of age or older to work at games of skill at commercial places of amusement.

**Committee Amendment "A" (H-518)** proposed to allow minors under 16 years of age to work in fixed-location commercial places of amusement, except they may not work at games of chance or in hazardous occupations. The amendment would have prohibited minors under 16 from working in conjunction with an amusement, game or show that allows or conducts betting.

*Enacted law summary*

Public Law 1997, chapter 353 allows minors under 16 years of age to work in fixed-location commercial places of amusement, except they may not work at games of chance or in hazardous occupations. Minors under 16 years of age are also prohibited from working in conjunction with an amusement, game or show that allows or conducts betting. Chapter 353 was enacted as an emergency measure effective on May 31, 1997.

**LD 909**

**An Act to Establish Mandatory Drug and Alcohol Testing of Emergency Vehicle Operators**

**ONTP**

Sponsor(s)  
LOVETT  
PENDLETON P

Committee Report  
ONTP

Amendments Adopted

LD 909 proposed to require an endorsement on a driver's license for a person operating an authorized emergency vehicle. It would have required employers to have those operators tested for drug and alcohol use in a manner similar to the testing required by federal law for persons with commercial driver's licenses.

**LD 979**                      **An Act to Allow Options within the Legislative Retirement System**                      **ONTP**

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

LD 979 proposed to limit continued membership in the Maine Legislative Retirement System after December 1, 1998 to Legislators who are vested as of that date. After that date, current Legislators who do not remain members of the Maine Legislative Retirement System and future Legislators would have been required to join either a 401(a) deferred compensation plan or a 457 defined contribution plan or both. The plans would have been administrated by the Maine State Retirement System. Legislators would have contributed 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 not contribute to the plans on behalf of Legislators.

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.

This and several other bills proposing major changes in the retirement plans for state employees, teachers or legislators were reported out ONTP, and LD 1370 was carried over to the Second Session by the committee. That bill could serve as a legislative vehicle to address retirement plan changes in 1998. See also LD 1497.

**LD 988**                      **An Act to Exclude Coaches from Participation in the Maine State Retirement System**                      **PUBLIC 355 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARVIN	OTP-AM      MAJ	H-479
SMALL	ONTP          MIN	

LD 988 excluded part-time teachers, substitute teachers and coaches from the general requirement that “teachers” participate in the MSRS. That would have permitted those individuals to participate in retirement options such as IRA’s that are limited if a person or that person’s spouse is a member of another “qualified” retirement plan (like the MSRS).

**Committee Amendment "A" (H-479)** would have eliminated part-time and substitute teachers from the bill. Under the amendment, coaches employed by a public school who are not otherwise covered by the definition of "teacher" would not be members of the retirement system while working as coaches. The amendment also added an emergency preamble, emergency clause and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 355 excludes coaches from the general requirement that “teachers” participate in the Maine State Retirement System. Chapter 355 was enacted as an emergency measure effective July 1, 1997.

**LD 999**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System**                      **CARRIED OVER**

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

LD 999 This resolution proposes to amend the Maine Constitution to establish a contractual relationship between the State and public employees for pension benefits. That relationship may not be diminished or impaired. Pension benefits may be reduced only for public employees hired after the effective date of a law reducing benefits. LD 999 was carried over to the Second Regular Session of the 118th Legislature.

**LD 1014**                      **An Act to Give State Employees the Option of Entering the Social Security System**                      **ONTP**

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

LD 1014 would have provided state employees and teachers hired after January 1, 1999 the option of participating in either the Maine State Retirement System or the United States Social Security System. If an employee chose to participate in social security, the employee could have made voluntary contributions to a defined contribution plan administered by the Department of Labor and the State would have been required to match the employee contributions, up to a maximum of 3% of the employee's pay.

This and several other bills, including LD 1370, proposing major changes in the retirement plans for state employees, teachers or legislators were reported out ONTP, and LD 1370 was carried over to the Second Session. See also LDs 1259 and 1494.

**LD 1018**                      **An Act to Strengthen the Sanctions for Failure to Respond to an Employee's Request for Reason for Termination of Employment**                      **PUBLIC 356**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND	OTP-AM    MAJ ONTP        MIN	S-236

LD 1018 proposed a number of changes to the law that requires an employer to give an employee written reasons for the termination of that employee's employment. It would have changed the penalty for a violation of the section from a forfeiture capped at \$500 to liquidated damages of \$50 per day payable to the employee. The bill also would have allowed an employee to bring an action in the District Court or the Superior Court to seek liquidated damages and equitable relief, including an injunction. The bill also proposed to authorize the court to order an employer to reimburse the employee for costs of suit including a reasonable attorney's fee.

**Committee Amendment "A" (S-236)** proposed to restore the \$50 forfeiture and \$500 total cap on forfeitures repealed by the original bill and would have eliminated the provision in the original bill regarding liquidated damages of \$50 per day payable to the employee. With this amendment, the employee's civil remedy would be limited to equitable relief. The amendment also proposed to limit the recovery of costs of suit and attorney's fees from the employer to those suits in which the employee receives a judgment in the employee's favor.

***Enacted law summary***

Public Law 1997, chapter 356 changes the law that requires an employer to give an employee written reasons for the termination of that employee's employment. It allows an employee to bring an action in the District Court or the Superior Court to seek an injunction or other equitable relief the court considers appropriate. It authorizes the court to order an employer to reimburse the employee for costs of suit including a reasonable attorney's fee if the judgment is in the employee's favor.

**LD 1023**                      **An Act to Clarify the Definition of Total Incapacity for the Purpose of Workers' Compensation**                      **ONTP**

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

LD 1023 proposed to change the eligibility requirements for an injured worker to receive workers' compensation benefits for total disability. The bill proposed to disallow benefits if the employee is unable to work full time in the local labor market, regardless of opportunities in the State labor market. Current law requires the State labor market to be considered in determining eligibility for total incapacity benefits.

**LD 1024**                      **An Act To Provide That Disability Benefits for Partial Incapacity Be Continued for the Full Duration of Disability**                      **ONTP**

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

LD 1024 proposed that workers' compensation benefits for partial disability be provided to a worker for the duration of the disability.



**LD 1027**

**An Act to Permit Teachers to Transfer Retirement System  
Creditable Service Earned as a Teacher's Aide while Employed by a  
School and Covered by a Participating Local District**

**PUBLIC 161**

Sponsor(s)  
DRISCOLL  
CASSIDY

Committee Report  
OTP-AM

Amendments Adopted  
H-177

LD 1027 proposed to allow teachers covered under the retirement system to include in creditable service and earnable compensation employment and earnings as a teacher's aide with a participating local district that is a school administrative unit.

**Committee Amendment "A" (H-177)** proposed the following changes in the bill:

1. It authorized any former teacher's aide or former, present or future Education Technician I who becomes a teacher to purchase retirement service credit for teacher's aide or Education Technician I employment.
2. It required the teacher to pay to the retirement system the actuarial equivalent of the portion of the retirement benefit based on the time being purchased so that purchase is cost-neutral to the retirement system.
3. It limited use of the service credit purchased under the bill to increasing retirement service benefits so that the credit may not be used for any other purpose such as for vesting or qualification for early retirement.
4. It imposed additional conditions on the purchase of service credit under the bill if some or all of the teacher's Education Technician I or teacher's aide employment was under a participating local district in the retirement system.

***Enacted law summary***

Public Law 1997, chapter 161 authorizes a former teacher's aide or an Education Technician I who becomes a teacher member of the Maine State Retirement System to purchase retirement service credit for the time employed as a teacher's aide or Education Technician I. In purchasing that credit the teacher must pay the actuarial equivalent cost of the increased benefit. The credit purchased may be used only to increase retirement benefits.

**LD 1100**

**An Act to Amend the Laws Relating to Vesting in the Maine State Retirement System CARRIED OVER**

Sponsor(s)  
HATCH

Committee Report

Amendments Adopted

LD 1100 proposes to lower the vesting period under the Maine State Retirement System from 10 to five years for state employees, teachers and Legislators.

**LD 1101**

**An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Payment of Benefits Pending Appeal**

**ONTP**

Sponsor(s)  
CLUKEY

Committee Report  
ONTP

Amendments Adopted

LD 1101 proposed that if the Workers' Compensation Board, after a review of incapacity, issues an order or decision suspending or reducing compensation to an employee, compensation must be suspended or reduced from the date of the board's order or decision. Under current law, benefits may not be reduced while an appeal of the board's order is pending before the Law Court.

**LD 1110**

**An Act to Decrease the Threshold Amount Required for Receiving Unemployment**

**ONTP**

Sponsor(s)  
RUHLIN  
HATCH

Committee Report  
ONTP

Amendments Adopted

LD 1110 proposed to reduce the earnings threshold used to determine eligibility to collect unemployment compensation. Under the current law, a person may not collect unemployment compensation benefits unless the person has earned a minimum amount determined through the use of a formula. Using the formula, currently a person is eligible for benefits if the person has earned at least \$873.46 in the last two quarters and a total of \$2,620.38 over the first four of the last five completed calendar quarters of the period used to calculate the person's eligibility. This bill proposed to reduce the threshold amount by 50%, so that a person would need to earn a minimum of \$1,310.19 to be eligible for unemployment compensation benefits. The issue presented by this bill will be studied by the commission created in LD 332.

**LD 1127**

**An Act to Change the Definition of Occupational Disease for Purposes of the Occupational Disease Law**

**ONTP**

Sponsor(s)  
JONES K  
MILLS

Committee Report  
ONTP

Amendments Adopted

LD 1127 proposed to define the term "occupational disease" to mean any abnormal condition or disorder caused in whole or in part by exposure to environmental factors associated with employment for purposes of the Occupational Disease Law.

**LD 1130**

**An Act Restoring the Right to Sue to Workers Injured Due to Negligence**

**ONTP**

Sponsor(s)  
RINES

Committee Report  
ONTP

Amendments Adopted

LD 1130 proposed to restore to an injured employee the right to sue the employer for damages if the injury is due to the negligence, gross negligence or illegal acts of the employer and the disability resulting from the injury exceeds the duration of benefits for partial incapacity under the Workers' Compensation Act of 1992. Any recovery would be in addition to that available to the employee under the Workers' Compensation Act. Under this bill, the employee's right to sue may not be waived or modified. A related bill, LD 1193, was carried over to the Second Regular Session.

**LD 1131**

**An Act Restoring the Right to Sue to Workers Injured Due to Gross Negligence**

**ONTP**

Sponsor(s)  
RINES

Committee Report  
ONTP

Amendments Adopted

LD 1131 proposed to restore to the injured employee the right to sue the employer for damages if the injury is due to the gross negligence or illegal act of the employer. Any recovery under this proposal is in addition to that available to the employee under the Workers' Compensation Act. In addition, the bill provided that the employee's right to sue may not be waived or modified. A related bill, LD 1193, was carried over to the Second Regular Session.

**LD 1140**

**An Act to Clarify the Workers' Compensation Law Concerning Seasonal Agricultural Laborers**

**PUBLIC 359  
EMERGENCY**

Sponsor(s)  
KNEELAND

Committee Report  
OTP-AM

Amendments Adopted  
H-480

LD 1140 proposed to amend the Workers' Compensation laws to provide that laborers who engage in activities that involve packing and storage of agricultural products fall under the definition of seasonal employees and further provides that those activities are deemed part of the harvest season. The bill proposed that employers of those laborers would not be liable for securing workers' compensation insurance for those laborers but must maintain liability insurance.

**Committee Amendment "A" (H-480)** proposed to clarify current law regarding the exemption for small agricultural employers. The amendment would make it clear that seasonal and casual laborers are not included when calculating whether the employer has employed more than 6 agricultural or aquacultural laborers in the preceding year. This amendment also added an emergency preamble and emergency clause to the bill.

***Enacted law summary***

Public Law 1997, chapter 359 clarifies current law regarding the exemption for small agricultural employers. The law makes it clear that seasonal and casual laborers are not included when calculating whether the employer has employed more than six agricultural or aquacultural laborers in the preceding year. Chapter 359 was enacted as an emergency measure with an effective date of May 31, 1997.

**LD 1180**                      **An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers**                      **VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	OTP-AM    MAJ ONTP      MIN	H-615

LD 1180 proposed to remove the provision that gives an employer the right to select a health care provider for an injured employee for the first 10 days of health care under the workers' compensation laws.

**Committee Amendment "A" (H-615)** proposed to limit the employee's use of a health care provider during the first 10 days to one evaluation performed by a physician or specialist with whom the employee had a previously established relationship.

**LD 1189**                      **An Act to Revise the Procedure to Appeal Nonacceptance into a Self-employment Assistance Program**                      **PUBLIC 130**

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

LD 1189 proposed to amend the appeal procedure for the State's self-employment assistance program to make it more compatible with the operation of that program. Under the proposal, if a person eligible for unemployment benefits is not accepted into a self-employment assistance program, the individual may have the determination reviewed informally by a board appointed by the Commissioner of Labor. Further hearings and appeals would have to be made in accordance with the Maine Administrative Procedure Act.

***Enacted law summary***

Public Law 1997, chapter 130 amends the appeal procedure for the State's self-employment assistance program provided to certain individuals eligible for unemployment benefits to make it more compatible with the operation of that program. If a person is not accepted into a self-employment assistance program, the individual may have the determination reviewed informally by a board appointed by the Commissioner of Labor. Further hearings and appeals are made in accordance with the Maine Administrative Procedure Act.

**LD 1192**                      **An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers**                      **CARRIED OVER**

<u>Sponsor(s)</u> SAMSON	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1192 proposes that an annual adjustment be made to workers' compensation disability benefits so that benefits continue to bear the same percentage relationship to the State average weekly wage. This bill was carried over to the Second Regular Session.

**LD 1193**                      **An Act to Permit a Suit Against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death**                      **CARRIED OVER**

<u>Sponsor(s)</u> BOLDUC RAND	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1193 proposes to amend the exclusivity provision of the Maine Workers' Compensation Act of 1992 to allow a civil suit in certain circumstances. The bill proposes to allow the heirs or the estate of an employee to bring an action for wrongful death against an employer who intentionally requires that employee to work when the employer knew that there was a risk of serious bodily injury or death. This bill was carried over to the Second Regular Session. See also LD 1130, LD 1131 and LD 30 (Judiciary).

**LD 1221**                      **An Act to Permit Whitewater Rafting Guides to Be Paid at a Daily Rather Than an Hourly Rate**                      **ONTP**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> ONTP      MAJ OTP      MIN	<u>Amendments Adopted</u>
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LD 1221 proposed to allow an employer to employ a licensed whitewater guide for more than 40 hours in a week without having to pay overtime pay as long as that guide were paid at a daily rate at least equal to the state hourly minimum wage for the first eight hours worked plus one and one-half times the minimum wage for each hour or portion of an hour over eight hours worked in that day.

**LD 1226**                      **An Act to Amend the Retirement System as it Pertains to Qualified Survivors**                      **PUBLIC 396**

<u>Sponsor(s)</u> BENOIT GOOLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-238
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LD 1226 proposed to require that survivor benefits be paid to a spouse, former spouse, child or other dependent of a State Police Officer when the spouse, etc. has been recognized by a domestic relations order as having a right to receive all or a portion of the benefits. This requirement would have applied to any current cases in which the issue of survivorship has not yet been litigated. Current law provides that the person married to the officer at the time of the officer's death is entitled to the benefits, regardless of whether the officer was married to and divorced from another person prior to the officer's death.

**Committee Amendment "A" (S-238)** proposed to replace the language in section 1 of the bill to clarify the intent of the bill. The amendment also made similar provisions for survivors of certain inland fisheries and wildlife officers and marine resources officers.

***Enacted law summary***

Public Law 1997, chapter 396 resolves a conflict in current law between the provision that defines “surviving spouse” for the purposes of distribution of survivor benefits on the death of certain state police, inland fisheries and wildlife and marine resources officers and the provisions that govern distribution of those benefits under a qualified domestic relations order. Chapter 396 provides that, when affected by a QDRO, the benefits that would otherwise go to a surviving spouse must be distributed in accordance with the QDRO. Passage of this chapter means that all retirees will be treated similarly with respect to the impact of QDRO in the distribution of post-retirement death benefits.

**LD 1244                      An Act to Clarify Part-time School Week for the Purpose of                      PUBLIC 131**  
**Enforcing Child Labor Laws in the State**

<u>Sponsor(s)</u> PENDLETON R	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1244 proposed to allow a minor to work up to 50 hours during any week that school is in session less than three days and in the first and last week of the school year. It also proposed to define the term "in session" in accordance with the compulsory education requirements.

***Enacted law summary***

Public Law 1997, chapter 131 allows a minor to work up to 50 hours during any week that school is in session less than three days and in the first and last week of the school year. The term "in session" has the same meaning as used in the compulsory education requirements.

**LD 1245                      An Act to Revise the Confidentiality Provisions of the Maine                      PUBLIC 132**  
**Revised Statutes, Title 26**

<u>Sponsor(s)</u> HATCH	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1245 proposed to allow the Director of the Bureau of Labor Standards to share information with other government agencies to increase the protection of the public welfare and to ensure that bureau enforcement activities are coordinated across all branches of government. The bill also proposed to allow the bureau to release information to the

public related to final bureau action. Appropriate safeguards remain to fully address the confidentiality concerns of employers and employees.

***Enacted law summary***

Public Law 1997, chapter 132 allows the Director of the Bureau of Labor Standards to share information with other government agencies to increase the protection of the public welfare and to ensure that bureau enforcement activities are coordinated across all branches of government. The law also allows the bureau to release information to the public related to final bureau action. Appropriate safeguards remain in the law to fully address the confidentiality concerns of employers and employees.

**LD 1259                      Resolve, to Phase Out the Maine State Retirement System and                      ONTP  
Replace it with a System of Individual Retirement Accounts**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1259 proposed to require the Commissioner of Administrative and Financial Services to prepare a plan for the gradual phaseout of the Maine State Retirement System and its replacement with a system of individual retirement accounts that would be completely portable and would require the State to match the employee's contribution to the account. The system to be developed in consultation with representatives of affected groups would apply to state employees, teachers and PLD employees.

This and several other bills proposing major changes in the retirement plans for state employees, teachers or legislators were reported out ONTP, and related bill LD 1370 was carried over to the Second Regular Session. That bill could serve as a legislative vehicle to address retirement plan changes in 1998. See also LD's 1014 and 1494.

**LD 1309                      An Act to Provide for the Interception of an Individual's                      ONTP  
Unemployment Compensation to Repay an Overissue of Food  
Stamp Coupons**

<u>Sponsor(s)</u> PENDLETON R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1309 proposed to require that if the State over-issued food stamp coupons to a household the amount of the over-issue must be collected by withholding amounts from unemployment compensation payable to a member of the household. This bill is proposed to address issues raised by Public Law 104-193, commonly called the "welfare reform" law, enacted by Congress in August of 1996.

**LD 1318**

**An Act to Clarify the Doctrine of Res Judicata in Workers' Compensation Cases**

**CARRIED OVER**

Sponsor(s)  
HATCH

Committee Report

Amendments Adopted

LD 1318 proposes that if the Workers' Compensation Board has determined that the effects of a compensable injury have ended, an employee may seek a restoration of benefits if the employee comes into possession of medical information that was not previously known to the parties or litigated before the board. This bill was carried over to the Second Regular Session.

**LD 1351**

**An Act to Amend the Maine Workers' Compensation Act of 1992 Regarding Nonresident Employers**

**PUBLIC 366**

Sponsor(s)  
SAMSON

Committee Report  
OTP-AM

Amendments Adopted  
H-481

LD 1351 proposed to clarify that nonresident employers whose employees are in the State on a regular basis are required to obtain coverage for their employees under the Maine Workers' Compensation Act of 1992.

**Committee Amendment "A" (H-481)** proposed to clarify that the required workers' compensation coverage must be from an insurer or self-insurer authorized in this State.

***Enacted law summary***

Public Law 1997, chapter 366 clarifies that the workers' compensation coverage required by the Maine Workers' Compensation Act of 1992 must be from an insurer or self-insurer authorized in this State.

**LD 1370**

**Resolve, to Create Pension Portability for State and Local Government**

**CARRIED OVER**

Sponsor(s)  
SAXL M  
DAGGETT

Committee Report

Amendments Adopted

LD 1370 proposed to establish a commission to study pension portability for public sector employees. The commission would report to the Second Regular Session of the 118th Legislature.

Several other bills were introduced this session proposing major changes in the retirement plans for state employees, teachers and legislators. This bill was carried over to the Second Regular Session to serve as a legislative vehicle to address any necessary retirement plan changes in 1998. The other bills were reported out ONTP. See also LDs 1014, 1259, 1494, 979 and 1497.



**LD 1383**

**An Act to Provide Part-time State and Participating Local District Employees with the Option of Joining the Maine State Retirement System**

**ONTP**

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

LD 1383 proposed that membership in the Maine State Retirement System be optional for state employees and participating local district employees who normally work 20 or fewer hours a week.

**LD 1393**

**An Act Amending the Compensation for Members of the Panel of Mediators**

**PUBLIC 412**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH MILLS	OTP-AM MAJ ONTP MIN	H-587 S-308 MURRAY

LD 1393 proposed to raise compensation for members of the Panel of Mediators from \$100 per day, plus expenses, to \$100 for every 4 hours of mediation services provided, plus expenses.

**Committee Amendment "A" (H-587)** proposed to clarify the method of calculating the amount of compensation due to the members of the Panel of Mediators. It provided that members would be compensated in the amount of \$100 for the first four hours of mediation services provided, and \$100 for each consecutive period of up to four hours thereafter. The amendment also proposed to clarify that members must be compensated for each case handled in a single day according to the calculation method provided. This amendment proposed to expressly override the provisions of Title 5, section 12003-A, subsection 9, which prohibits members of boards established by the Legislature from being compensated for more than one meeting in a single day. The amendment also proposed to require members to allocate their necessary expenses to the mediation session that required the costs.

**Senate Amendment "A" to Committee Amendment "A" (S-308)** This amendment proposed changes by the Committee on Bills in the Second Reading to correct the amending clauses and section designations in the committee amendment.

***Enacted law summary***

Public Law 1997, chapter 412 raises compensation for members of the Panel of Mediators from \$100 per day, plus expenses, to \$100 for the first 4 hours of mediation services provided, and \$100 for each consecutive period of mediation services provided, plus expenses. Under this chapter, members must be compensated for each case handled in a single day according to the calculation method provided, notwithstanding the provisions of Title 5, section 12003-A, subsection 9.

**LD 1406**

**An Act to Clarify Laws Relating to Unemployment Compensation for Service with Nonprofit Organizations, Educational Institutions, State Government and Local Governments**

**ONTP**

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

LD 1406 proposed to allow certain individuals employed by post-secondary educational institutions to receive unemployment benefits in instances in which they are currently ineligible to receive benefits. The changes proposed in the bill would apply to both professional and non-professional employees of post-secondary institutions.

**LD 1429**

**An Act to Amend the Maine Apprenticeship Program**

**PUBLIC 522**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD BERRY R	OTP-AM	S-298 S-375 MICHAUD

LD 1429 proposed to clarify the roles and responsibilities of the State Apprenticeship and Training Council, the apprenticeship staff and program sponsors in order to encourage apprenticeships on a statewide basis. The bill would require the Department of Labor to provide integrated oversight of apprenticeship issues by assuming the oversight responsibility for all related instruction activity, a function previously performed by the Maine Technical College System, as well as maintaining current oversight responsibility for on-the-job training. The bill would require the Department of Labor to employ a director of apprenticeship and training to implement a statewide apprenticeship program and to pay for 50% of the tuition costs for certain apprentices. The bill also proposes that the Department of Labor produce presentations and promotional videotapes on apprenticeships.

**Committee Amendment "A" (S-298)** proposed to limit the financial impact of the bill by removing those words that could be viewed as requiring the Department of Labor to offer certain educational programs, technical assistance and tuition subsidies. The amendment also proposed to replace the word "trade" with "occupation". The amendment would have added an appropriation of over \$350,000 in General Funds in each fiscal year and over \$100,000 in Federal Expenditure Funds to cover the costs of the expanded program.

**Senate Amendment "A" to Committee Amendment "A" (S-375)** proposed to remove the appropriation and allocation of all funds other than the transfer of \$180,000 from the Maine Technical College System to the Department of Labor for costs associated with this program.

***Enacted law summary***

Public Law 1997, chapter 522 clarifies the roles and responsibilities of the State Apprenticeship and Training Council, the apprenticeship staff and program sponsors in order to encourage apprenticeships on a statewide basis. It requires the Department of Labor to provide integrated oversight of apprenticeship issues by assuming the oversight responsibility for all related instruction activity, a function previously performed by the Maine Technical College System, as well as maintaining current oversight responsibility for on-the-job training. It requires the Department of Labor to employ a director of apprenticeship and training to implement a statewide apprenticeship program and, as funding allows, to pay for 50% of the tuition costs for certain apprentices.

**LD 1448**                      **An Act to Provide for Binding Arbitration for County Employees with Respect to Monetary Issues**                      **ONTP**

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

LD 1448 proposed to amend the Municipal Public Employees Labor Relations Law to make arbitration binding with respect to monetary matters as well as all other matters. The bill also included a number of grammatical and technical changes. In spite of the bill title, the bill as drafted would apply to more than just county employees.

**Committee Amendment "A" (H-500)**, which was not adopted, proposed to replace the substantive part of the original bill to provide that arbitration is binding on monetary matters only in cases involving firefighters and law enforcement officers under the Municipal Public Employees Labor Relations Law.

**LD 1456**                      **An Act to Increase the Maximum Benefit Levels Provided for Injured Workers**                      **ONTP**

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

LD 1456 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 utilizing the state average weekly wage as determined by the Department of Labor.

**LD 1457**                      **An Act to Extend the Period for Payment of Workers' Compensation Benefits**                      **CARRIED OVER**

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

LD 1457 proposes to extend the period for payment of workers' compensation benefits for partial incapacity for a period of up to 10 years, rather than five years as provided in current law. This bill was carried over to the Second Regular Session.

**LD 1472**

**An Act to Modify the Work Search Requirements for Workers' Compensation Recipients**

**ONTP**

Sponsor(s)  
MILLS

Committee Report  
ONTP

Amendments Adopted

LD 1472 proposed to provide that only employees who have received workers' compensation disability benefits for 260 weeks or more are subject to the work search requirement. The bill proposed to overturn the Law Court's decision in Bureau v. Staffing Network, Inc., 678 A.2d 583 (Me. 1996), finding that a partially incapacitated employee bears the initial burden of establishing the unavailability of work within that employee's work restrictions.

**LD 1474**

**An Act to Provide for Limited Payment of Attorney's Fees for Injured Workers Who Prevail on Meritorious Claims**

**ONTP**

Sponsor(s)  
MILLS

Committee Report  
ONTP

Amendments Adopted

LD 1474 proposed to change the laws governing attorneys' fees in workers' compensation cases. In addition to reinstating a limited prevail rule, this bill proposed to impose a uniform set of standards for payment of counsel fees in cases with dates of injury on or after June 30, 1985, the date when the "prevail rule" was first initiated. The bill would require the employer to reimburse the employee for travel expenses, for costs of transcript copies, for medical records and reports and for legal assistance necessary to respond to discovery requests as long as the employee's claim is made in good faith and upon reasonable grounds. The bill also proposed maximum rates to be charged for hourly legal work tied to a percentage of the State's average weekly wage to adjust for inflation. The bill proposed to limit legal fees to 10% on smaller claims and to 5% of those portions of larger settlements that exceed 150 times the State's average weekly wage.

The bill also included express prohibitions against overcharging or charging for any services that do not contribute to the prompt, just and expedient resolution of claims and included standards to determine the reasonableness of a legal fee. A party would be entitled to obtain a review and adjustments from the board based on the standards. The bill proposed penalties for overcharging or for conduct that impedes the efficient, expedient or just resolution of a dispute.

The bill would have applied procedurally only to controversies and settlements resolved after the bill's effective date; but, once effective, the bill would apply retroactively to all pending cases in which the date of injury falls after June 30, 1985. The one exception would be for settlement fees in cases arising prior to October 17, 1991. Settlement of such cases under the bill would be governed by the law in effect at the time of injury.

**LD 1477**

**An Act to Require That Workers' Compensation Coverage Be Equitably Applied to the Timber Industry**

**DIED BETWEEN BODIES**

Sponsor(s)  
NUTTING  
BERRY R

Committee Report  
OTP-AM

Amendments Adopted

LD 1477 proposed to provide that a subcontractor hired by a contractor to harvest wood would be considered an employee for purposes of workers' compensation laws.

**Committee Amendment "A" (S-299)**, which was initially adopted in both chambers but then indefinitely postponed with the bill and all accompanying papers in the House, proposed to require all persons engaged in harvesting wood products to carry workers' compensation insurance for themselves in addition to their employees. The only exception would be for an individual who contracts directly with the landowner to harvest the wood and performs all of the wood harvesting alone. The amendment also proposed to define harvesting forest products as to sever and remove standing trees from a forest.

**LD 1493                      An Act to Adopt an Orderly Procedure for Determining the End of                      ONTP**  
**Entitlement to Partial Workers' Compensation Benefits**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1493 proposed that after an employee has received 260 weeks of benefits for partial incapacity, the Workers' Compensation Board would be required to terminate benefits unless the employee demonstrates certain facts about the injury, the employee's prospects for employment or the employee's rehabilitation. The bill's changes would only apply to injuries occurring on or after October 1, 1997.

**LD 1494                      An Act to Replace the Defined Benefit Retirement Plan for State                      ONTP**  
**and Other Public Employees with a Defined Contribution Plan**

<u>Sponsor(s)</u> AMERO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1494 proposed, effective July 1, 2001, to eliminate the present defined benefit retirement plan for state and other public employees hired after that date and replaced it with one or more defined contribution plans. The details of the defined contribution plan or plans, including types of plan to be available, contribution rates, retirement eligibility requirements and responsibility for management and administrative functions, were to be determined by the Legislature in the year 2000 based on recommendations of a blue ribbon commission established in the bill. The commission consisted of four impartial, qualified members appointed by the Governor and legislative leadership. The commission was to issue an interim report to the Joint Standing Committee on Labor in January 1999, and its final report to the Governor and the Legislature by December 1, 1999. Employees who become members of the Maine State Retirement System before July 1, 2001 would remain members of the retirement system, which would continue for the purpose of administering the benefits of those members.

This and several other bills proposing major changes in the retirement plans for state employees, teachers or legislators were reported out ONTP, and related bill LD 1370 was carried over to the Second Regular Session. That bill could serve as a legislative vehicle to address retirement plan changes in 1998. See also LDs 1014 and 1259.

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

LD 1497, Part A, proposed to eliminate the present legislative retirement system for Legislators not vested on December 1, 1998. After that date, current non-vested and future newly elected Legislators would have elected to join either a 401(a) defined contribution plan, a 457 deferred contribution plan, both plans or Social Security. Legislators participating in the 401(a) or 457 plans would contribute at least 7.5% of their compensation to one of the plans. Additional contributions above that level would have been possible subject to federal law. The State would have contributed a like amount on behalf of each Legislator up to the then-assessed employer contribution rate under Social Security.

Part B of this bill required Legislators to pay 20% of their health insurance and 60% of their dependents' health insurance premiums.

This and several other bills proposing major changes in the retirement plans for state employees, teachers or legislators were reported out ONTP, and LD related bill 1370 was carried over to the Second Regular Session. That bill could serve as a legislative vehicle to address retirement plan changes in 1998. See also LD 979.

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

The purpose of LD 1498 is to address the issue raised in Board of Trustees of Univ. v. Assoc. COLT, 659 A.2d 842, 846 (Me. 1995). This bill proposed to require a state or municipal public employer to pay wages according to the wage plan of an expired collective bargaining agreement, including step-pay increases or any pay raises derived from a wage-escalator clause in the expired plan during the period of mediation, fact-finding or arbitration and before a new collective bargaining agreement takes effect.

**Committee Amendment “A” (H-671)** was the minority report of the committee and was not adopted. It proposed to remove from the bill changes to the laws governing municipal public employees labor relations and amend the laws governing University of Maine System labor relations and judicial employees labor relations. With the amendment, the bill would require the State, the Judicial Branch and public employers subject to laws governing the University of Maine System to continue to pay wage increases according to the wage plan of an expired collective bargaining agreement until impasse is reached. The amendment would permit the parties to negotiate a specific agreement for an alternative method for handling wage increases following the expiration of the collective bargaining agreement. An application section limited the scope of the bill to those contracts negotiated after October 1, 1997.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON R	OTP-AM A OTP-AM B OTP-AM C	H-693

LD 1517 proposed to enhance the Department of Labor's ability to increase its annual collection of unemployment benefit overpayments by permitting wage garnishment through a withholding order and by permitting the offset of lottery winnings.

**Committee Amendment "A" (H-693)**, the majority report of the committee, proposed to clarify that the withholding order may be issued only if the overpayment of unemployment benefits result from nondisclosure or misrepresentation. The amendment proposed to lower from \$500 to \$100 the minimum amount of debt with respect to which a withholding order may be issued. The amendment also clarified the process by which an individual may seek a review of a notice of debt accrued, and proposed a floor of 40 times the federal minimum wage under which withholding may not take the individual's weekly disposable income. The amendment proposed to limit an employee's right of civil action against the employer to a circumstance in which the employer has discharged the employee because of a withholding order.

**Committee Amendment "B" (H-694)**, a minority report of the committee, proposed to allow a withholding order to be issued if the overpayment results from nondisclosure, misrepresentation or erroneous payments. The amendment proposed all of the other changes contained in the majority report and it also proposed to remove the provision of the original bill that allows lottery winnings to be offset to recover unemployment benefit payments owed to the Department of Labor. This amendment was not adopted.

**Committee Amendment "C" (H-695)** proposed to make the same changes as in the majority report and it also proposed to remove the provision of the original bill that allows lottery winnings to be offset to recover unemployment benefit payments owed to the Department of Labor. This amendment was not adopted.

#### *Enacted law summary*

Public Law 1997, chapter 434 enhances the Department of Labor's ability to increase its annual collection of unemployment benefit overpayments by permitting wage garnishment through a withholding order and by permitting the offset of lottery winnings. Under this law, a withholding order may be issued only if the overpayment of unemployment benefits results from nondisclosure or misrepresentation and the amount of debt exceeds \$100. Upon receipt of a withholding order, the employer is required to withhold 10% of gross wages and remit that amount to the Department of Labor. The effect of the garnishment of wages may not cause the individual's weekly disposable income to fall below 40 times the federal minimum wage. The law establishes a procedure for notifying the individual and the employer of the required withholding and limits collections during appeals. It prohibits an employer from discharging the employee because of the wage garnishment and allows an aggrieved employee to bring a civil action in such a case.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING	OTP-AM MAJ	H-719 THOMPSON
BUMPS	OTP-AM MAJ	S-302

LD 1523 proposed to make a number of changes to the laws governing workers' compensation. The bill proposed to rename the existing "troubleshooter" program as the "employee advocate" program and direct employee advocates to assist employees through mediation and hearings. The bill would raise the cap on assessments that fund the Workers' Compensation Board and included an allocation to fund 13 additional employee advocates. The bill also proposed that, with respect to medical evidence, hearings must proceed on the basis of sworn statements alone and health care practitioners would not be subject to cross-examination at hearings.

**Committee Amendment "A" (S-301)** was the majority report of the committee and was not adopted. The amendment proposed to create an advocate program to be available to both employees and employers. The amendment included a mission statement for the Workers' Compensation Board and proposed that the board be required to establish an audit, enforcement and monitoring program, publish quarterly compliance reports and include certain specified data in its annual report. The amendment also proposed that, if the board orders the suspension of benefits following a previous order allowing benefits, the employer must discontinue benefits while the employee's appeal to the Law Court is in progress. The amendment proposed changes to the settlement provisions to encourage structured settlements and proposed changes to the penalty provision to allow the superintendent of insurance to investigate and penalize for improper claims-handling practices.

Under this amendment, the advocate program proposed is available to assist and advocate on behalf of the employee after troubleshooting or the employer after mediation. The qualifications for the advocates and their duties are specified in the amendment. The Workers' Compensation Board would be required to hire a staff attorney to assist the advocates in preparing cases for formal hearing.

With respect to legal representation, this amendment proposed that at the conclusion of mediation the employer would be required to inform the board and the employee whether the employer will be represented by legal counsel at subsequent proceedings. If the employer elected to be represented, the employee would be entitled to have the employee's attorney's fees paid for by the employer if the employee hires an attorney and prevails. If the employee prevails and is entitled to have the attorney's fees paid for by the employer, only those services rendered after the date of mediation would be allowable.

The amendment proposed that the board be required to implement its audit and enforcement responsibilities by July 1, 1998 by establishing an audit, enforcement and monitoring program. The board would have to include in its annual report information on the workers' compensation system, with specific data regarding compliance of insurers, self-insurers and third-party administrators with the current law. The annual report would also have to include an analysis of the board's performance in the management of case administration, payment monitoring, investigations, lump-sum settlements, audits and penalties.

The amendment also proposed to raise the board's existing assessment cap from \$6,000,000 to \$6,600,000 for fiscal years 1997-98 and beyond to permit the hiring of advocates and auditors.

**Committee Amendment "B" (S-302)** is the minority report of the committee and was adopted. The amendment proposed to establish an advocate program to assist employees with their workers' compensation claims through the



formal hearing stage. The amendment included a mission statement for the Workers' Compensation Board and proposed that the board be required to establish an audit, enforcement and monitoring program, publish quarterly compliance reports and include certain specified data in its annual report.

The amendment proposed to establish an advocate program to assist employees who have participated in the troubleshooter program and have not resolved their dispute. The duties of the advocates would include assisting employees regarding their claims, helping employees obtain appropriate rehabilitation services or return to work opportunities and advocating on behalf of the employees during mediation or the formal hearings. The Workers' Compensation Board would be required to hire a staff attorney to advise the advocates in the preparation of their cases at the formal hearing stage.

The amendment also proposed that the board be required to implement its audit and enforcement responsibilities by July 1, 1998 by establishing an audit, enforcement and monitoring program. The board would have to include in its annual report information on the workers' compensation system, with specific data regarding compliance of insurers, self-insurers and third-party administrators with the current law. The annual report would also have to include an analysis of the board's performance in the management of case administration, payment monitoring, investigations, lump-sum settlements, audits and penalties.

The amendment proposed to raise the board's existing assessment cap from \$6,000,000 to \$6,600,000 for fiscal years 1997-98 and beyond to permit the hiring of advocates and auditors.

**House Amendment "E" to Committee Amendment "B" (H-719)** proposed to require the executive director of the board, rather than the Workers' Compensation Board itself, to establish the audit, enforcement and monitoring program and proposed to require the schedule of audits to be developed by the deputy director of benefits administration.

**House Amendment "A" to Committee Amendment "B" (H-641)** proposed that, if the Workers' Compensation Board orders the suspension of benefits following a previous order allowing benefits, the employer must discontinue benefits while the employee's appeal to the Law Court is in progress. This amendment was not adopted.

**House Amendment "B" to Committee Amendment "B" (H-715)** proposed to change the provisions regarding settlements to encourage structured settlements when the settlement amount is large. This amendment also proposed to require that at the conclusion of mediation the employer must inform the board and the employee whether the employer will be represented by legal counsel at any subsequent proceeding or meeting with the employee. If the employer elects to be represented, the employee would be entitled to have the employee's attorney's fees paid for by the employer if the employee hires an attorney and prevails. If the employee prevails and is entitled to have the attorney's fees paid for by the employer, only those services rendered after the date of mediation would be allowable. This amendment also proposed a repeal date of September 1, 1999 on the entitling certain employees to have their attorney's fees paid by the employer. The amendment also proposed that the Labor Committee be required to recommend whether that section of law should be continued. This amendment was not adopted.

**House Amendment "C" to Committee Amendment "B" (H-716)** proposed to replace the advocate program proposed in Committee Amendment "B" with the advocate program proposed in Committee Amendment "A" with certain modifications. As in Committee Amendment "A," the advocates would be able to represent both employers and employees, however, only those advocates who are attorneys could represent anyone in any proceeding beyond the mediation stage. The amendment proposed that at least five new advocates be hired, all of whom must be attorneys. The amendment also proposed to increase the Workers' Compensation Board's assessment cap to account for the new attorney positions. This amendment was not adopted.

**House Amendment "D" to Committee Amendment "B" (H-718)** This amendment proposed to change the penalty provisions of the worker's compensation law to allow the Superintendent of Insurance to investigate and penalize improper claims-handling practices. This amendment was not adopted.

***Enacted law summary***

Public Law 1997, chapter 486 establishes an advocate program to assist employees with their workers' compensation claims through the formal hearing stage. It also includes a mission statement for the Workers' Compensation Board and requires the board to publish quarterly compliance reports and include certain specified data in its annual report. It requires the Executive Director to establish an audit, enforcement and monitoring program,

The advocate program established by this chapter is designed to assist employees who have participated in the troubleshooter program and have not resolved their dispute. The duties of the advocates include assisting employees regarding their claims, helping employees obtain appropriate rehabilitation services or return to work opportunities and advocating on behalf of the employees during mediation or the formal hearings. The Workers' Compensation Board is required to hire a staff attorney to advise the advocates in the preparation of their cases at the formal hearing stage.

Chapter 486 requires the Executive Director of the Workers' Compensation Board to establish an audit, enforcement and monitoring program by July 1, 1998 and requires the schedule of audits to be developed by the deputy director of benefits administration. The board is required to include in its annual report information on the workers' compensation system, with specific data regarding compliance of insurers, self-insurers and third-party administrators with the current law. The annual report must also include an analysis of the board's performance in the management of case administration, payment monitoring, investigations, lump-sum settlements, audits and penalties.

Chapter 486 also raises the board's existing assessment cap from \$6,000,000 to \$6,600,000 for fiscal years 1997-98 and beyond to permit the hiring of advocates and auditors.

**LD 1567**

**An Act to Reinstate Limited Rehabilitation Benefits under the  
Maine Workers' Compensation Act of 1992 for Those with Long-  
term Disabilities**

**CARRIED OVER**

Sponsor(s)  
MILLS

Committee Report

Amendments Adopted

LD 1567 proposes to reinstate limited rehabilitation benefits under the Maine Workers' Compensation Act of 1992 for people with long-term disabilities. The bill allows a rehabilitation evaluation to be ordered without a full hearing if it appears that the injury is compensable and that the period of disability will exceed 90 days. The bill proposes that the board may also order the implementation of the rehabilitation plan even if the underlying claim is not finally resolved. The proposal requires the employer to reimburse the Employment Rehabilitation Fund if the employer is finally adjudicated as being responsible for the disability. This bill was carried over to the Second Regular Session.

**LD 1578**

**An Act to Protect Workers and Establish Labor Standards for  
"Workfare" Participants**

**PUBLIC 443**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON CATHCART	OTP-AM MAJ ONTP MIN	H-677

LD 1578 proposed to have the Commissioner of Labor regulate work standards for “workfare” participants, that is, individuals who are required to work as a condition for receiving public assistance. The bill would have required the Commissioner to adopt rules and recommend any necessary legislation to ensure that workfare participants and employees in workplaces in which participants work are treated fairly and receive labor and employment standards protection. The rules would be required to address issues of wages, workers' compensation, health and safety, discrimination, displacement grievance procedures and attainment of employee status. The bill also proposed to require the commissioner to report on these matters to the Joint Standing Committee on Labor.

**Committee Amendment "A" (H-677)** proposed to replace the bill with more limited labor standards governing the use of workfare participants. The amendment proposed to prohibit the use of workfare participants to fill vacant positions when there is a labor dispute or in a manner that violates existing collective bargaining disputes or infringes upon promotional opportunities for employees. The amendment proposed that employers must provide access to a grievance procedure for participants and employees to resolve issues regarding displacement of employees. The amendment would have required the Department of Human Services and the Department of Labor to report to the Joint Standing Committee on Labor by February 1, 1998 on efforts at the federal level to develop standards for workfare participants. The amendment also would authorized the Joint Standing Committee on Labor to report out legislation on labor standards for workfare participants during the Second Regular Session of the 118th Legislature.

***Enacted law summary***

Public Law 1997, chapter 443 establishes limited labor standards governing the use of “workfare” participants, that is, individuals who are required to work as a condition for receiving public assistance. Employers are prohibited from using workfare participants to fill vacant positions when there is a labor dispute or in a manner that violates existing collective bargaining disputes or infringes upon promotional opportunities for employees. Employers must also provide access to a grievance procedure for workfare participants and employees to resolve issues regarding displacement of employees. The Department of Human Services and the Department of Labor are required to report to the Joint Standing Committee on Labor by February 1, 1998 on efforts at the federal level to develop standards for workfare participants. The Joint Standing Committee on Labor is authorized to report out legislation on labor standards for workfare participants during the Second Regular Session of the 118th Legislature.

**LD 1590**

**An Act to Provide Retirement Benefit Options for Fire Marshals  
and Motor Vehicle Investigators**

**PUBLIC 401**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM W	OTP-AM	H-618

LD 1590 proposed to permit state fire marshals, state fire marshal investigators and state fire marshal inspectors with 25 years creditable service to retire at the age of 55 without a reduction in benefits.

**Committee Amendment "A" (H-618)** replaced the bill and proposed retirement options for fire marshals and motor vehicle investigators similar to the options enacted in recent years for game wardens, marine resource officers, forest rangers and Baxter State Park Authority rangers. The amendment permitted fire marshals and motor vehicle investigators who are currently or in the future employed in those positions to participate in either the regular retirement plan for state employees and teachers or an optional retirement plan that permits retirement with full benefits at age 55 after at least 25 years of service. Participation in the optional plan was to be a one-time, irrevocable option that must be exercised within 90 days of hire by newly hired employees or by January 1, 1998 by current employees. Employees in the affected categories who do not elect to participate in the optional plan would be covered by the regular retirement plan. Each employee who elected the optional retirement plan would have had to pay to the Maine State Retirement System the full actuarial and administrative costs of retiring under the plan, including interest on back amounts due for current employees. Additionally, employees in either of the two categories would have the option to retire after at least 25 years of service and before attaining 55 years of age with the same reduction in benefits provided for other state employees and teachers who retire before normal retirement age.

***Enacted law summary***

Public Law 1997, chapter 401 permits fire marshals and motor vehicle investigators who are currently or in the future employed in those positions to participate in either the regular retirement plan for state employees and teachers or an optional retirement plan that permits retirement with full benefits at age 55 after at least 25 years of service. Participation in the optional plan is a one-time, irrevocable option that must be exercised within 90 days of hire by newly hired employees or by January 1, 1998 by current employees. Employees in the affected categories who do not elect to participate in the optional plan are covered by the regular retirement plan. Each employee who elects the optional retirement plan must pay to the Maine State Retirement System the full actuarial and administrative costs of retiring under the plan, including interest on back amounts due for current employees. Additionally, employees in either of the two categories have the option to retire after at least 25 years of service and before attaining 55 years of age with the same reduction in benefits provided for other state employees and teachers who retire before normal retirement age.

**LD 1606**

**An Act to Amend the Laws Governing Severance Pay Obligations**

**ONTP**

Sponsor(s)  
LEMKE

Committee Report  
ONTP

Amendments Adopted

LD 1606 proposed to extend the severance pay laws to include employers that employ at least 100 persons in total rather than just those that employ 100 at the facility that is being closed or relocated. This bill also proposed to change the time that an employer has employed 100 persons from the preceding 12-month period to a 24-month period.

**LD 1644**

**An Act to Give the Director of the Bureau of Labor Standards Rule-making Authority for All Wage and Hour and Other Related Laws That the Bureau of Labor Standards Is Charged with Enforcing**

**PUBLIC 377**

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

LD 1644 proposed to allow the Director of the Bureau of Labor Standards to adopt rules regarding any labor laws under the bureau's jurisdiction where that authority is not specifically granted to a board or commission.

*Enacted law summary*

Public Law 1997, chapter 377 allows the Director of the Bureau of Labor Standards to adopt rules regarding any labor laws under the bureau's jurisdiction where that authority is not specifically granted to a board or commission.

**LD 1654**

**An Act to Extend Collective Bargaining Rights to Employees of Large Industrial Agricultural Operations**

**PUBLIC 472**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON	OPT-AM MAJ ONTP MIN	H-550 H-740 HATCH

LD 1654 proposed to give employees of certain agricultural employers the right to bargain collectively and specified the parties' mutual obligation to bargain. The bill proposed procedures for determining bargaining units and bargaining agents, including procedures for appeal of such determinations. The bill proposed to prohibit specified acts of agricultural employers and agricultural labor organizations and provided for enforcement of those prohibitions by the Maine Labor Relations Board and subsequently through civil action in Superior Court.

**Committee Amendment "A" (H-550)** proposed to change the definition of agricultural employee in the bill to include supervisors and exclude managers and confidential employees. The amendment also proposed to clarify that only those employees within the definition of agricultural employee are counted to determine if an employer is subject to the Agricultural Employees Labor Relations Act by employing at least 75 employees for 180 days. The amendment proposed to clarify that the period during which a party may question the unit or representation status relates to the anniversary date of the contract if the agreement contains no expiration date.

**House Amendment "B" to Committee Amendment "A" (H-740)** proposed to change the bill title and limit the application of the bill to egg processing facilities that have over 500,000 laying birds and that employ more than 100 agricultural employees. This amendment would prohibit agricultural employers governed by the bill from locking out their employees and prohibits their employees from striking.

*Enacted law summary*

Public Law 1997, chapter 472 gives employees of certain agricultural employers the right to bargain collectively and specifies the parties' mutual obligation to bargain. The law establishes procedures for determining bargaining units

and bargaining agents, including procedures for appeal of such determinations. The law prohibits specified acts of agricultural employers and agricultural labor organizations and provides for enforcement of those prohibitions by the Maine Labor Relations Board and subsequently through civil action in Superior Court. Among other things, the law prohibits agricultural employers from locking out their employees and prohibits their employees from striking. The rights and obligations established by this chapter only apply to egg processing facilities that have over 500,000 laying birds and that employ more than 100 agricultural employees.

**LD 1661**                      **An Act to Implement the Recommendations of the Blue Ribbon Commission on Hunger and Food Security**                      **CARRIED OVER**

Sponsor(s)  
BENOIT

Committee Report

Amendments Adopted

LD 1661 was jointly referred to the Labor Committee and the Taxation Committee. The bill proposes to implement the recommendations of the Blue Ribbon Commission on Hunger and Food Security by making the following changes in state law.

1. It proposes to set the state minimum wage at 25¢ more than the federal minimum wage and establish an out-of-poverty wage for state employees and state contractors equal to the amount necessary to produce an income equal to the federal poverty guideline for a family of three.
2. It proposes a state earned income tax credit equal to 25% of the federal earned income tax credit and provides that persons not required to file for federal income tax purposes are not required to file for state income tax purposes and are not required to pay state income tax.
3. It proposes to reestablish state participation in extended unemployment benefits and provides that failure of child care or transportation arrangements necessary for work are not grounds for denying unemployment benefits.
4. The bill maintains transitional child care benefits at a minimum of the level for fiscal year 1996-97.
5. The Department of Human Services is required to apply for a federal waiver to permit Medicaid coverage to families up to 185% of federal poverty guidelines.
6. It proposes to require a school to participate in the school breakfast program if at least 35% of the students are eligible for free or reduced-price meals.
7. It proposes food security motor vehicle registration plates with revenues distributed to the Maine Food Security Fund and creates a voluntary food security income tax checkoff.
8. The bill proposes to establish the Office of Food Security within the Department of Human Services to coordinate and monitor food assistance programs and administer a food security outreach program and the Maine Food Security Fund.
9. It proposes the Maine Millennium Commission on Hunger and Food Security to evaluate the actions taken under the recommendation of the Blue Ribbon Commission on Hunger and Food Security and investigate the condition of the State with regard to hunger and food security. The proposed commission will conduct its review in the years 2000

and 2001 and report to the Legislature that convenes in December 2001. This bill was carried over to the Second Regular Session.

**LD 1708**                      **Resolve, Establishing the Commission to Study the Issue of**                      **CARRIED OVER**  
**Discrimination against Veterans in Workers' Compensation Cases**

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

LD 1708 proposes to establish the Commission to Study the Issue of Discrimination against Veterans in Workers' Compensation Cases to determine whether insurance companies are discriminating against veterans in processing workers' compensation claims. The resolve was carried over to the Second Regular Session.

**LD 1709**                      **An Act Regarding Errors and Inconsistencies in the Maine**                      **PUBLIC 293**  
**Employment Security Law**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON R CATHCART	OTP-AM	H-482 S-254 MURRAY

LD 1709 proposed to clarify references to the Commissioner of Labor and make several technical corrections to the employment security laws.

**Committee Amendment "A" (H-482)** proposed to delete a reference to the "commissioner" and restore the current law reference to the "commission" as the entity with discretion to deduct from future unemployment benefits amounts paid erroneously to a person.

**Senate Amendment "A" (S-254)** proposed to correct technical errors in the bill on behalf of the Committee on Bills in the Second Reading.

*Enacted law summary*

Public Law 1997, chapter 293 clarifies references to the Commissioner of Labor and makes several technical corrections to the employment security laws.

**LD 1724**                      **An Act to Amend the Unemployment Insurance Laws**                      **ONTP**

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

LD 1724 proposed to entitle school bus drivers and part-time faculty members of the University of Maine System to receive unemployment benefits between school years or terms.

**LD 1734**                      **An Act to Remove the Disqualification for Unemployment Insurance Benefits for Claimants Who Are Locked Out by an Employer**                      **PUBLIC 391**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	OTP-AM    MAJ ONTP        MIN	H-501

LD 1734 proposed to remove the disqualification from unemployment compensation for employees who are locked out by an employer.

**Committee Amendment "A" (H-501)** This amendment proposed to add a definition of "lockout" to the bill.

*Enacted law summary*

Public Law 1997, chapter 391 removes the disqualification from unemployment compensation for employees who are locked out by their employer.

**LD 1753**                      **An Act to Preserve the Solvency of the Unemployment Compensation Fund**                      **PUBLIC 380**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	OTP-AM    MAJ ONTP        MIN	H-502

LD 1753 proposed to ensure the solvency of the Unemployment Compensation Fund by reducing the maximum weekly benefit amount by 6% from September 28, 1997 to September 26, 1998 and by reducing the weekly benefit amount by \$3 for all new claims filed in 1998. The bill proposed to impose a surtax on employers of 4/10 of 1% of covered wages and tax Schedule P for 1998. The proposals are based on recommendations of the state advisory council consisting of public, labor and business members appointed by the Commissioner of Labor. The bill also proposed a study of the solvency issue and various benefit eligibility issues with regard to the Unemployment Compensation Fund.

**Committee Amendment "A" (H-502)** proposed to delete the section of the original bill that requires the Commissioner of Labor to study the unemployment compensation program. The solvency of the Unemployment Compensation Fund will be studied by the commission created by LD 332.

*Enacted law summary*

Public Law 1997, chapter 380 protects the solvency of the Unemployment Compensation Fund by reducing the maximum weekly benefit amount by 6% from September 28, 1997 to September 26, 1998 and by reducing the weekly benefit amount by \$3 for all new claims filed in 1998. The law also imposes a surtax on employers of 4/10 of 1% of covered wages and tax Schedule P for 1998.



**LD 1755**

**Resolve, to Study the Efficiency of the State's Work Force Development Programs**

**ONTP**

Sponsor(s)  
WINN

Committee Report  
ONTP

Amendments Adopted

LD 1755 proposed to establish the Work Force Development Study Group, with representatives from a variety of agencies and individuals interested in work force development. The study group would have been required to review the various work force development programs and develop and implement a plan to streamline and coordinate work force development efforts. The study group would have been required to place particular emphasis on increasing the amount of students served with existing resources and on incorporating the needs of at-risk students, special education students and rural or geographically disadvantaged students. See LD 1815.

**LD 1797**

**An Act to Amend the Provisions of the Disability Retirement Laws Administered by the Maine State Retirement System**

**PUBLIC 384  
EMERGENCY**

Sponsor(s)  
HATCH

Committee Report  
OTP

Amendments Adopted

LD 1797 was presented by the retirement system as a housekeeping bill. The bill proposed to repeal the requirement that members of the Judicial Retirement System file statements of health. Public Law 1995, chapter 643, enacted in 1996, repealed the requirement that state employees, Legislators and participating local district employees file statements of health at the time of employment as the statements are no longer used by the Maine State Retirement System. In addition the clarified various disability retirement provisions of current law. This bill also proposed to reenact language that, for the reason of clarity, should not have been deleted by amendments enacted by Public Law 1991, chapter 887.

***Enacted law summary***

Public Law 1997, chapter 384 repeals the requirement that members of the Judicial Retirement System file a statement of health, clarifies various provisions of current disability retirement law and reenacts certain disability retirement provisions that were erroneously repealed. Chapter 384 was enacted as an emergency measure effective May 31, 1997.

**LD 1815**

**An Act to Enhance the State's Work Force Development System**

**PUBLIC 410**

Sponsor(s)  
CATHCART  
HATCH

Committee Report  
OTP-AM

Amendments Adopted  
H-634 HATCH  
S-246

LD 1815 proposed to combine nine existing workforce councils into one council called the Maine Jobs Council. The proposed council's purpose is to provide ongoing oversight of Maine's workforce development system and to make recommendations to the Governor and the Legislature on ways to improve that system. The nine

organizations proposed to be collapsed into the new Maine Jobs Council are: The Governor's Committee on Employment of People with Disabilities, the Maine Council on Vocational Education, the Maine Enterprise Option Advisory Committee, the Maine Human Resource Development Council, the Maine Occupational Information Coordinating Committee, the School-to-Work CO2 Executive Committee, the School-to-Work CO2 Delegate Agency Council, the School-to-Work CO2 Steering Committee and the State Apprenticeship Council.

**Committee Amendment "A" (S-246)** proposed to clarify the responsibilities of the Maine Jobs Council and proposed that the council have the additional responsibility of ensuring balance between rural and urban workforce development. The amendment also would have required that consideration be given to the balance among small, medium and large firms within the business representation on the council, and clarified that organized labor comprise no less than 15% of the total membership on the council. The amendment proposed to completely replace the specified functions and duties of the council with language to clarify that the council's role is to provide policy recommendations, and in some cases oversight, in the areas listed. The amendment also proposed that the responsibilities of the State Apprenticeship and Training Council be assumed by the Maine Jobs Council through its subcommittee on apprenticeship.

**House Amendment "A" (H-634)** This amendment proposed two punctuation corrections.

***Enacted law summary***

Public Law 1997, chapter 410 combines nine existing workforce councils into one council called the Maine Jobs Council. The council's purpose is to provide ongoing policy recommendations to the Governor and the Legislature on Maine's workforce development system and to provide oversight of certain aspects of that system. The nine organizations collapsed into the new Maine Jobs Council are: The Governor's Committee on Employment of People with Disabilities, the Maine Council on Vocational Education, the Maine Enterprise Option Advisory Committee, the Maine Human Resource Development Council, the Maine Occupational Information Coordinating Committee, the School-to-Work CO2 Executive Committee, the School-to-Work CO2 Delegate Agency Council, the School-to-Work CO2 Steering Committee and the State Apprenticeship Council.

**LD 1839**                      **An Act to Promote Temporary Service by Retired Public Employees**                      **ONTP**

<u>Sponsor(s)</u> CHIZMAR	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1839 would have provided that if a recipient of a service retirement benefit under the Maine State Retirement System is restored to service and enters into a written agreement with the recipient's employer that provides that any part of the compensation for services be deferred to a subsequent year, this deferred compensation must be treated as having been received in the year in which it is actually paid.

**LD 1843**

**Resolve, Directing the Department of Labor to Transfer  
Appropriate Functions and Positions to the Office that Houses the  
Fort Kent Employment Security Office**

**ONTP**

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

LD 1843 would have directed the Department of Labor to transfer appropriate functions and personnel, including, but not limited to, a Job Service office, to the office that houses the unemployment compensation office in Fort Kent, which is being closed.

**LD 1847**

**An Act to Modify the Retirement Laws for the 38th Training Troop CARRIED OVER  
of the Maine State Police**

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

LD 1847 proposes to change the cutoff date for eligibility of retirement benefits after 20 years of creditable service for state police officers from September 1, 1984, to September 16, 1984. The purpose of this bill is to make members of the Maine State Police 38th Training Troop eligible for retirement benefits upon the completion of 20 years of creditable service, with no age restrictions. These are the eligibility requirements and benefits available to state police until August 31, 1984 and were awarded to all training classes before Troop 38. Members of the 38th Training Troop were not officially hired until September 3, 1984, two days after the law imposing the new 25 years of service and 55 years of age requirement took effect. This bill was carried over to the Second Regular Session.

## Joint Standing Committee on Labor

### SUBJECT INDEX

#### *Employment Conditions - General*

##### Enacted

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##### Not Enacted

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LD 346	An Act to Exempt Retail Shoe Store Employees Who Are Paid on a Commission Basis from the Minimum Wage Laws	ONTP	Page 558
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*Employment Conditions - Health and Safety, Substance Abuse Testing*

Enacted

LD 454	An Act to Amend the Drug Testing Program Approval Laws	PUBLIC 49	Page 562
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**Not Enacted**

<b>LD 60</b>	<b>An Act to Provide for the Collection of Data Relating to the Risks from Exposure to Chemicals in the Workplace</b>	<b>ONTP</b>	<b>Page 548</b>
<b>LD 879</b>	<b>An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals</b>	<b>ONTP</b>	<b>Page 571</b>
<b>LD 909</b>	<b>An Act to Establish Mandatory Drug and Alcohol Testing of Emergency Vehicle Operators</b>	<b>ONTP</b>	<b>Page 571</b>

***Employment Conditions - Minors***

**Enacted**

<b>LD 177</b>	<b>An Act to Amend the Child Labor Laws as They Pertain to Employment of Minors 15 Years of Age</b>	<b>PUBLIC 347</b>	<b>Page 553</b>
<b>LD 901</b>	<b>An Act to Allow Minors under 16 Years of Age to Work at Certain Commercial Places of Amusement</b>	<b>PUBLIC 353 EMERGENCY</b>	<b>Page 571</b>
<b>LD 1244</b>	<b>An Act to Clarify Part-time School Week for the Purpose of Enforcing Child Labor Laws in the State</b>	<b>PUBLIC 131</b>	<b>Page 580</b>

**Not Enacted**

None

***Public Sector Labor Relations***

**Enacted**

<b>LD 1393</b>	<b>An Act Amending the Compensation for Members of the Panel of Mediators</b>	<b>PUBLIC 412</b>	<b>Page 583</b>
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**Not Enacted**

<b>LD 147</b>	<b>An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Fewer Than 6 Months</b>	<b>VETO SUSTAINED</b>	<b>Page 552</b>
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LD 358	An Act to Restore State Funding for Mediation Services Provided by the Maine Labor Relations Board	ONTP	Page 560
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### *Retirees Health Insurance*

Enacted

LD 86	An Act to Clarify Eligibility for State Employee Health Insurance Program Benefits	P & S 9 EMERGENCY	Page 549
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Not Enacted

LD 174	An Act to Increase Health Insurance Benefits for Retired Educators	CARRIED OVER	Page 553
LD 277	An Act to Require the State to Pay the Full Insurance Premium for Retired Public School Teachers	ONTP	Page 555

### *Retirement - Benefits, Plans and Alternatives*

Enacted

LD 411	An Act to Bring Certain State Retirement Laws into Compliance with Federal Laws	PUBLIC 192 EMERGENCY	Page 561
LD 752	An Act to Include in the Legislative and Judicial Retirement Systems the Same Provisions for Post-retirement Divorce That Are in the Maine State Retirement System	PUBLIC 55	Page 568
LD 1226	An Act to Amend the Retirement System as it Pertains to Qualified Survivors	PUBLIC 396	Page 579
LD 1590	An Act to Provide Retirement Benefit Options for Fire Marshals and Motor Vehicle Investigators	PUBLIC 401	Page 594

Not Enacted

<b>LD 336</b>	<b>An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage</b>	<b>ONTP</b>	<b>Page 558</b>
<b>LD 373</b>	<b>Resolve, to Exempt Matthew Scott from Maine State Retirement System Restrictions on Income Earned as Deputy Commissioner of Inland Fisheries and Wildlife</b>	<b>ONTP</b>	<b>Page 560</b>
<b>LD 632</b>	<b>Resolve, Directing the Department of Public Safety to Study the Issue of a Retirement Program for Firefighters</b>	<b>ONTP</b>	<b>Page 566</b>
<b>LD 979</b>	<b>An Act to Allow Options within the Legislative Retirement System</b>	<b>ONTP</b>	<b>Page 572</b>
<b>LD 999</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System</b>	<b>CARRIED OVER</b>	<b>Page 573</b>
<b>LD 1014</b>	<b>An Act to Give State Employees the Option of Entering the Social Security System</b>	<b>ONTP</b>	<b>Page 573</b>
<b>LD 1259</b>	<b>Resolve, to Phase Out the Maine State Retirement System and Replace it with a System of Individual Retirement Accounts</b>	<b>ONTP</b>	<b>Page 581</b>
<b>LD 1370</b>	<b>Resolve, to Create Pension Portability for State and Local Government</b>	<b>CARRIED OVER</b>	<b>Page 582</b>
<b>LD 1383</b>	<b>An Act to Provide Part-time State and Participating Local District Employees with the Option of Joining the Maine State Retirement System</b>	<b>ONTP</b>	<b>Page 583</b>
<b>LD 1494</b>	<b>An Act to Replace the Defined Benefit Retirement Plan for State and Other Public Employees with a Defined Contribution Plan</b>	<b>ONTP</b>	<b>Page 587</b>
<b>LD 1497</b>	<b>An Act to Amend the Benefits Received by Legislators</b>	<b>ONTP</b>	<b>Page 588</b>
<b>LD 1839</b>	<b>An Act to Promote Temporary Service by Retired Public Employees</b>	<b>ONTP</b>	<b>Page 600</b>
<b>LD 1847</b>	<b>An Act to Modify the Retirement Laws for the 38th Training Troop of the Maine State Police</b>	<b>CARRIED OVER</b>	<b>Page 601</b>



## *Retirement - Disability and Life Insurance*

### Enacted

<b>LD 1797</b>	<b>An Act to Amend the Provisions of the Disability Retirement Laws Administered by the Maine State Retirement System</b>	<b>PUBLIC 384 EMERGENCY</b>	<b>Page 599</b>
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### Not Enacted

None

## *Retirement - Educators*

### Enacted

<b>LD 988</b>	<b>An Act to Exclude Coaches from Participation in the Maine State Retirement System</b>	<b>PUBLIC 355 EMERGENCY</b>	<b>Page 572</b>
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<b>LD 1027</b>	<b>An Act to Permit Teachers to Transfer Retirement System Creditable Service Earned as a Teacher's Aide while Employed by a School and Covered by a Participating Local District</b>	<b>PUBLIC 161</b>	<b>Page 575</b>
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### Not Enacted

<b>LD 659</b>	<b>An Act to Authorize Members of the Maine State Retirement System to Combine Years of Service Under Different Plans</b>	<b>ONTP</b>	<b>Page 566</b>
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## *Retirement - Eligibility and Service Credit*

### Enacted

<b>LD 878</b>	<b>An Act to Further Facilitate the Purchase of Service Credit in the Maine State Retirement System</b>	<b>PUBLIC 190</b>	<b>Page 570</b>
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<b>LD 988</b>	<b>An Act to Exclude Coaches from Participation in the Maine State Retirement System</b>	<b>PUBLIC 355 EMERGENCY</b>	<b>Page 572</b>
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**LD 1027**            **An Act to Permit Teachers to Transfer Retirement System Creditable Service Earned as a Teacher's Aide while Employed by a School and Covered by a Participating Local District**            **PUBLIC 161**    **Page 575**

**LD 1590**            **An Act to Provide Retirement Benefit Options for Fire Marshals and Motor Vehicle Investigators**            **PUBLIC 401**    **Page 594**

**Not Enacted**

**LD 659**            **An Act to Authorize Members of the Maine State Retirement System to Combine Years of Service Under Different Plans**            **ONTP**    **Page 566**

**LD 1100**            **An Act to Amend the Laws Relating to Vesting in the Maine State Retirement System**            **CARRIED OVER**    **Page 575**

**LD 1383**            **An Act to Provide Part-time State and Participating Local District Employees with the Option of Joining the Maine State Retirement System**            **ONTP**    **Page 583**

**LD 1847**            **An Act to Modify the Retirement Laws for the 38th Training Troop of the Maine State Police**            **CARRIED OVER**    **Page 601**

***Retirement - Participating Local Districts***

**Enacted**

**LD 756**            **An Act to Continue the Participating Local District Consolidated Plan Advisory Committee**            **PUBLIC 12**    **Page 568**  
**EMERGENCY**

**Not Enacted**

**LD 870**            **An Act to Protect Pension Benefits of Participating Local District Members**            **ONTP**    **Page 570**

***Retirement System Administration***

**Enacted**

**LD 298**            **An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1998**            **P & S 12**    **Page 555**  
**EMERGENCY**

**LD 1797**      **An Act to Amend the Provisions of the Disability Retirement Laws Administered by the Maine State Retirement System**      **PUBLIC 384 EMERGENCY**      **Page 599**

**Not Enacted**

**LD 577**      **An Act Increasing the Number of Members of the Board of Trustees of the Maine State Retirement System**      **ONTP**      **Page 563**

**LD 999**      **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System**      **CARRIED OVER**      **Page 573**

***Unemployment Compensation and Employment Training***

**Enacted**

**LD 49**      **An Act to Exempt Contract Dance Instructors and National Service Volunteers from the Unemployment Tax**      **PUBLIC 431 EMERGENCY**      **Page 558**

**LD 332**      **Resolve, to Establish the Commission to Study the Unemployment Compensation System**      **RESOLVE 65 EMERGENCY**      **Page 557**

**LD 389**      **An Act to Exclude from the Definition of "Employment" Services Provided by Lessees of Taxicabs**      **PUBLIC 349**      **Page 560**

**LD 1189**      **An Act to Revise the Procedure to Appeal Nonacceptance into a Self-employment Assistance Program**      **PUBLIC 130**      **Page 578**

**LD 1429**      **An Act to Amend the Maine Apprenticeship Program**      **PUBLIC 522**      **Page 584**

**LD 1517**      **An Act to Enhance the Collection of Unemployment Benefit Overpayments**      **PUBLIC 434**      **Page 589**

**LD 1709**      **An Act Regarding Errors and Inconsistencies in the Maine Employment Security Law**      **PUBLIC 293**      **Page 597**

<b>LD 1734</b>	<b>An Act to Remove the Disqualification for Unemployment Insurance Benefits for Claimants Who Are Locked Out by an Employer</b>	<b>PUBLIC 391</b>	<b>Page 598</b>
<b>LD 1753</b>	<b>An Act to Preserve the Solvency of the Unemployment Compensation Fund</b>	<b>PUBLIC 380</b>	<b>Page 598</b>
<b>LD 1755</b>	<b>Resolve, to Study the Efficiency of the State's Work Force Development Programs</b>	<b>ONTP</b>	<b>Page 599</b>
<b>LD 1815</b>	<b>An Act to Enhance the State's Work Force Development System</b>	<b>PUBLIC 410</b>	<b>Page 600</b>
<b><u>Not Enacted</u></b>			
<b>LD 96</b>	<b>An Act to Exempt Seasonal Golf Course Employees from the Unemployment Compensation Laws</b>	<b>ONTP</b>	<b>Page 550</b>
<b>LD 168</b>	<b>An Act to Amend the Eligibility Requirements for Collecting Unemployment Benefits</b>	<b>ONTP</b>	<b>Page 552</b>
<b>LD 173</b>	<b>An Act to Provide Disclosure of the Bureau of Unemployment Compensation Records and Reports to Authorized Agents</b>	<b>ONTP</b>	<b>Page 553</b>
<b>LD 270</b>	<b>An Act to Have Taxi Drivers Deemed as Independent Contractors</b>	<b>ONTP</b>	<b>Page 555</b>
<b>LD 355</b>	<b>An Act to Further Define Disqualification for Unemployment Benefits</b>	<b>ONTP</b>	<b>Page 559</b>
<b>LD 630</b>	<b>An Act to Create a Toll-free Number for Regional Unemployment Offices</b>	<b>ONTP</b>	<b>Page 565</b>
<b>LD 1110</b>	<b>An Act to Decrease the Threshold Amount Required for Receiving Unemployment</b>	<b>ONTP</b>	<b>Page 576</b>
<b>LD 1309</b>	<b>An Act to Provide for the Interception of an Individual's Unemployment Compensation to Repay an Overissue of Food Stamp Coupons</b>	<b>ONTP</b>	<b>Page 581</b>
<b>LD 1406</b>	<b>An Act to Clarify Laws Relating to Unemployment Compensation for Service with Nonprofit Organizations, Educational Institutions, State Government and Local Governments</b>	<b>ONTP</b>	<b>Page 584</b>
<b>LD 1724</b>	<b>An Act to Amend the Unemployment Insurance Laws</b>	<b>ONTP</b>	<b>Page 598</b>

LD 1843	Resolve, Directing the Department of Labor to Transfer Appropriate Functions and Positions to the Office that Houses the Fort Kent Employment Security Office	ONTP	Page 601
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*Workers' Compensation*

Enacted

LD 1140	An Act to Clarify the Workers' Compensation Law Concerning Seasonal Agricultural Laborers	PUBLIC 359 EMERGENCY	Page 577
LD 1351	An Act to Amend the Maine Workers' Compensation Act of 1992 Regarding Nonresident Employers	PUBLIC 366	Page 582
LD 1523	An Act to Make the Workers' Compensation System More Equitable	PUBLIC 486	Page 590

Not Enacted

LD 75	An Act to Provide that the Change in Calculation of Workers' Compensation Benefits to Include Fringe Benefits Does Not Apply Retroactively	ONTP	Page 549
LD 136	An Act to Require Workers' Compensation Hearings within 30 Days of a Request	ONTP	Page 551
LD 138	An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Worker Reinstatement Rights	ONTP	Page 551
LD 189	An Act to Exempt Companies That Employ 5 People or Fewer from Carrying Workers' Compensation Insurance	ONTP	Page 554
LD 321	An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Compensation for Total Incapacity	DIED BETWEEN BODIES	Page 556
LD 462	An Act to Require Employers to Pay the Legal Fees of an Employee Who Wins a Workers' Compensation Case	ONTP	Page 563

<b>LD 625</b>	<b>An Act to Clarify the Laws Governing the Calculation of Interest on Decrees under the Workers' Compensation Laws</b>	<b>ONTP</b>	<b>Page 565</b>
<b>LD 830</b>	<b>Resolve, Directing the Workers' Compensation Board to Study the Effect on Injured Workers of Delayed Medical Treatment and Payment of Valid Claims by Insurance Companies</b>	<b>ONTP</b>	<b>Page 569</b>
<b>LD 835</b>	<b>Resolve, Instructing the Workers' Compensation Board to Study and Make Recommendations Regarding the Occupational Disease Law</b>	<b>CARRIED OVER</b>	<b>Page 569</b>
<b>LD 1023</b>	<b>An Act to Clarify the Definition of Total Incapacity for the Purpose of Workers' Compensation</b>	<b>ONTP</b>	<b>Page 574</b>
<b>LD 1024</b>	<b>An Act To Provide That Disability Benefits for Partial Incapacity Be Continued for the Full Duration of Disability</b>	<b>ONTP</b>	<b>Page 574</b>
<b>LD 1101</b>	<b>An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Payment of Benefits Pending Appeal</b>	<b>ONTP</b>	<b>Page 576</b>
<b>LD 1127</b>	<b>An Act to Change the Definition of Occupational Disease for Purposes of the Occupational Disease Law</b>	<b>ONTP</b>	<b>Page 576</b>
<b>LD 1130</b>	<b>An Act Restoring the Right to Sue to Workers Injured Due to Negligence</b>	<b>ONTP</b>	<b>Page 577</b>
<b>LD 1131</b>	<b>An Act Restoring the Right to Sue to Workers Injured Due to Gross Negligence</b>	<b>ONTP</b>	<b>Page 577</b>
<b>LD 1180</b>	<b>An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers</b>	<b>VETO SUSTAINED</b>	<b>Page 578</b>
<b>LD 1192</b>	<b>An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers</b>	<b>CARRIED OVER</b>	<b>Page 579</b>
<b>LD 1193</b>	<b>An Act to Permit a Suit Against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death</b>	<b>CARRIED OVER</b>	<b>Page 579</b>
<b>LD 1318</b>	<b>An Act to Clarify the Doctrine of Res Judicata in Workers' Compensation Cases</b>	<b>CARRIED OVER</b>	<b>Page 582</b>

<b>LD 1456</b>	<b>An Act to Increase the Maximum Benefit Levels Provided for Injured Workers</b>	<b>ONTP</b>	<b>Page 585</b>
<b>LD 1457</b>	<b>An Act to Extend the Period for Payment of Workers' Compensation Benefits</b>	<b>CARRIED OVER</b>	<b>Page 585</b>
<b>LD 1472</b>	<b>An Act to Modify the Work Search Requirements for Workers' Compensation Recipients</b>	<b>ONTP</b>	<b>Page 586</b>
<b>LD 1474</b>	<b>An Act to Provide for Limited Payment of Attorney's Fees for Injured Workers Who Prevail on Meritorious Claims</b>	<b>ONTP</b>	<b>Page 586</b>
<b>LD 1477</b>	<b>An Act to Require That Workers' Compensation Coverage Be Equitably Applied to the Timber Industry</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 587</b>
<b>LD 1493</b>	<b>An Act to Adopt an Orderly Procedure for Determining the End of Entitlement to Partial Workers' Compensation Benefits</b>	<b>ONTP</b>	<b>Page 587</b>
<b>LD 1567</b>	<b>An Act to Reinstate Limited Rehabilitation Benefits under the Maine Workers' Compensation Act of 1992 for Those with Long-term Disabilities</b>	<b>CARRIED OVER</b>	<b>Page 592</b>
<b>LD 1708</b>	<b>Resolve, Establishing the Commission to Study the Issue of Discrimination against Veterans in Workers' Compensation Cases</b>	<b>CARRIED OVER</b>	<b>Page 597</b>

*Miscellaneous*

**Enacted**

<b>LD 1245</b>	<b>An Act to Revise the Confidentiality Provisions of the Maine Revised Statutes, Title 26</b>	<b>PUBLIC 132</b>	<b>Page 580</b>
<b>LD 1429</b>	<b>An Act to Amend the Maine Apprenticeship Program</b>	<b>PUBLIC 522</b>	<b>Page 584</b>
<b>LD 1578</b>	<b>An Act to Protect Workers and Establish Labor Standards for "Workfare" Participants</b>	<b>PUBLIC 443</b>	<b>Page 593</b>
<b>LD 1644</b>	<b>An Act to Give the Director of the Bureau of Labor Standards Rule-making Authority for All Wage and Hour and Other Related Laws That the Bureau of Labor Standards Is Charged with Enforcing</b>	<b>PUBLIC 377</b>	<b>Page 595</b>

<b>LD 1815</b>	<b>An Act to Enhance the State's Work Force Development System</b>	<b>PUBLIC 410</b>	<b>Page 600</b>
 <b><u>Not Enacted</u></b>			
<b>LD 66</b>	<b>An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike</b>	<b>VETO SUSTAINED</b>	<b>Page 549</b>
<b>LD 113</b>	<b>An Act to Prohibit the Employment of Professional Strikebreakers</b>	<b>VETO SUSTAINED</b>	<b>Page 551</b>
<b>LD 163</b>	<b>An Act to Shift from Small Business Owners to the Department of Labor the Responsibility for Providing the Department of Human Services with Information on New Employees</b>	<b>ONTP</b>	<b>Page 552</b>
<b>LD 300</b>	<b>An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike</b>	<b>CARRIED OVER</b>	<b>Page 556</b>
<b>LD 1661</b>	<b>An Act to Implement the Recommendations of the Blue Ribbon Commission on Hunger and Food Security</b>	<b>CARRIED OVER</b>	<b>Page 596</b>
<b>LD 1755</b>	<b>Resolve, to Study the Efficiency of the State's Work Force Development Programs</b>	<b>ONTP</b>	<b>Page 599</b>
<b>LD 1843</b>	<b>Resolve, Directing the Department of Labor to Transfer Appropriate Functions and Positions to the Office that Houses the Fort Kent Employment Security Office</b>	<b>ONTP</b>	<b>Page 601</b>





## Joint Standing Committee on Legal and Veterans' Affairs

**LD 5**                                 **An Act to Amend the Election Laws Concerning Vacancies in the Office of State Representative**                                 **ONTP**

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

LD 5 proposed to require municipal political committees to allow any voter eligible to vote in the party's primary to vote in the political committee's election to nominate a candidate to fill a vacancy in the office of Representative to the Legislature.

**LD 7**                                 **An Act to Allow the Town of Old Orchard Beach to Operate High-stakes Beano**                                 **ONTP**

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

LD 7 proposed to allow the Chief of the State Police to issue a license to operate high-stakes beano to the Town of Old Orchard Beach. If issued a license to operate high-stakes beano, the Town of Old Orchard Beach would be subject to the same guidelines and restrictions as federally recognized Indian tribes licensed to operate high-stakes beano under current law.

**Committee Amendment "A" (H-338)** replaced the bill and proposed to allow a municipality, upon approval of the voters, to conduct high-stakes beano for not more than six consecutive months in any year. The amendment would have prohibited the Chief of the State Police from issuing any new licenses after January 1, 2001.

**LD 20**                                 **An Act to Clarify the Law Concerning Evictions from Mobile Home Parks**                                 **PUBLIC 27  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON CHIZMAR	OTP-AM	S-27

LD 20 proposed to allow eviction of a mobile home park tenant due to disruptive or malicious behavior or behavior that violates park rules by the tenant's guests, family members, cohabitantes, or invitees, as well as that of the tenant.

**Committee Amendment "A" (S-27)** proposed to remove reference to family members from the bill, so that a mobile home park tenant can not be evicted from the mobile home park for the actions of a family member unless the family member is also a cohabitee, a guest or an invitee of the tenant.

***Enacted law summary***

Public Law 1997, chapter 27 allows eviction of a mobile home park tenant if the tenant’s guests, cohabitees or invitees violate park rules or otherwise engage in disruptive or malicious behavior. Chapter 27 was enacted as an emergency measure effective March 27, 1997.

**LD 59                      An Act to Authorize Actions under the Unfair Trade Practices Act                      ONTP**  
**Regarding Habitability of Dwelling Units**

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

LD 59 proposed to make it a violation of the Unfair Trade Practices Act to provide one or more dwelling units that do not comply with the implied warranty and covenant of habitability, thereby enabling the Attorney General to bring an action against violators.

**LD 72                      An Act Regarding the Timely Filing of Campaign Reports by                      ONTP**  
**Candidates for State Office**

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

LD 72 proposed to require the Secretary of State to remove from the general election ballot the name of any candidate for State Senator or State Representative who has not filed required pre-primary and post-primary campaign finance reports at least 60 days before the general election.

**LD 79                      An Act to Restrict the Size of Political Signs                      ONTP**

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

LD 79 proposed to establish a maximum sign size of 14 inches by 22 inches for political signs.

**LD 89**

**An Act to Prohibit the Gathering of Signatures at a Polling Place**

**DIED IN  
CONCURRENCE**

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

LD 89 proposed to prohibit petitioners and survey takers from conducting their activities inside polling places on election day, but would not have affected monitoring of voters or exit polls.

**LD 115**

**An Act to Amend the Treatment of Security Deposits to Provide a Remedy for Failure to Comply**

**ONTP**

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

Current law prohibits landlords from commingling security deposits with the assets of the landlord and requires the landlord to disclose the location of the security deposit. LD 115 proposed to provide a remedy of \$500 in damages for a landlord’s failure to disclose the location of the security deposit.

**LD 205**

**An Act to Exempt Family Entertainment Centers from Gambling Prohibitions**

**ONTP**

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

LD 205 proposed to authorize family amusement centers to have up to half of the games and amusement devices located in such a facility be redemption poker machines or redemption slot machines, which would have entitled the person playing or operating the game or machine to receive points or coupons that may be exchanged for merchandise only, excluding cash and alcoholic beverages. The value of the points or coupons received would not exceed 2 1/2 cents for each point on the game or machine.

**LD 238**

**An Act to Prohibit Legislators from Accepting Gifts from Lobbyists**

**ONTP**

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

LD 238 proposed to prohibit lobbyists from giving gifts to legislators and would have prohibited legislators from accepting gifts from lobbyists.

**LD 239**                      **An Act to Require Picture Identification to be Used by Persons Registering to Vote on Election Day**                      **ONTP**

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

LD 239 proposed to require a person who registers on election day to show proof of identity and residency that contains a photograph of the person registering.

**LD 247**                      **An Act to Reduce the Hours Required of the Registrar to Register Voters Prior to Election Day**                      **ONTP**

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

LD 247 proposed to repeal the requirement that the registrar accept voter registrations during certain hours in the last five days before an election and to enact a requirement that the registrar must accept registrations until the polls close on election day.

**LD 250**                      **An Act Relating to the Collection of Initiative Petition Signatures at Polling Places**                      **ONTP**

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

LD 250 proposed to allow a person to collect signatures on initiative or referendum petitions at a voting place only if the person was registered to vote in an electoral district served by that voting place. It would also have required election wardens to allow a person to remain at the voting place to speak in opposition to a proposed initiative or referendum, but only if the person is a registered voter in an electoral district served by that voting place.

**LD 254**                      **Resolve, Compensating Robert O'Malley for Claims against the State**                      **RESOLVE 69**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND ABROMSON	ONTP      MAJ OTP-AM    MIN	H-337

LD 254 proposed to authorize Robert O'Malley to sue the State and individual past and present employees of the Department of the Attorney General who are covered by a liability insurance policy or policies to recover up to \$250,000 for damages resulting from investigation and prosecution of charges against him.

**Committee Amendment "A" (H-337)** proposed to replace the resolve. Instead of authorizing Robert O'Malley to sue the State, it requires the Governor to pay him \$150,000 in settlement of all claims resulting from the investigation and prosecution and appropriates \$150,000 from the General Fund.

***Enacted law summary***

Resolve 1997, chapter 69 requires the Governor to pay Robert O'Malley \$150,000 in settlement of all claims resulting from investigation and prosecution of charges against him.

**LD 255                      An Act to Consider the Horse Supply in the Assignment of Race Dates                      PUBLIC 416**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRIPP	OTP      MAJ ONTP     MIN	H-539 TRIPP

LD 255 proposed to repeal the provision of law that requires every commercial harness horse racing track that was licensed for a specific calendar year to be given all the race dates it requests if it conducted live racing on those dates during the immediately preceding calendar year.

**House Amendment "A" (H-539)** replaced the original bill and proposed to allow the State Harness Racing Commission to conduct a hearing to determine the adequacy of the horse supply when establishing the number of dashes that a licensee may race.

***Enacted law summary***

Public Law Chapter 416 allows the State Harness Racing Commission to conduct a hearing to determine the adequacy of the horse supply when establishing the number of dashes that a licensee may race.

**LD 257                      An Act to Amend the Liquor Laws                      PUBLIC 501**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRUE	OTP-AM	H-428 S-416 MICHAUD

LD 257 proposed to:

1. Clarify that gifts may not be offered to the purchaser of an alcoholic beverage either on the container or the packaging;
2. Change a reference from "drinks" to "liquor;"

3. Regulate areas where the service and consumption of liquor may take place when it is offered for sale by on-premise licensees;
4. Allow the Bureau of Liquor Enforcement to immediately take back and void a license issued to an in-state winery or brewery when the licensee fails to make required tax payments; and
5. Prohibit the importation of liquor by mail order.

**Committee Amendment "A" (H-428)** clarified how merchandise, certificates or mail-in offers may be distributed and requires that they be packaged at the brewery or winery. The amendment also extended to restaurants the ability to obtain an auxiliary license in a separate building with restrictions.

**Senate Amendment "A" (S-416)** removed the provision that extends to restaurants the ability to obtain an auxiliary license in a separate building.

***Enacted law summary***

Public Law 1997, 501 clarifies how merchandise, certificates or mail-in offers may be distributed and requires that they be packaged at the brewery or winery. P.L. 501 also prohibits the importation of liquor by mail order.

**LD 267                      An Act Regarding the Redistricting of Ogunquit                      ONTP**

<u>Sponsor(s)</u> LAWRENCE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 267 proposed to redistrict the Town of Ogunquit to place all of the town in House District 3.

**LD 278                      An Act to Allow Candidates' Presence at Voting Places Solely for the Purpose of Voting                      ONTP**

<u>Sponsor(s)</u> MARVIN BENOIT	<u>Committee Report</u> ONTP    MAJ OTP-AM    MIN	<u>Amendments Adopted</u>
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LD 278 proposed to allow a candidate to attend the voting place on election day only for the purpose of voting, and would have prohibited a candidate from lingering or communicating with other voters at the voting place.

**Committee Amendment "A" (H-217)**, which was not adopted, proposed to replace the bill. Instead of prohibiting candidates from being present at the voting place for purposes other than voting, it would have clarified the warden's powers with regard to candidates at the voting place, allowed a warden to designate a location for the candidate to be positioned for purposes other than voting and clarified that the warden has the authority to have a peace officer remove the candidate for failure to comply with the location designation or the prohibition against influencing voters.

**LD 280**                      **An Act Regarding Opening Hours of Voting Places**                      **ONTP**

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

LD 280 proposed to require that voting places be opened no later than 8 a.m. for presidential and gubernatorial elections.

**LD 312**                      **An Act to Remove Instant Lottery Ticket Vending Machines**                      **ONTP**

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

LD 312 proposed to remove the authority of the State Lottery Commission to place vending machines for the sale of instant lottery tickets.

**LD 339**                      **An Act to Establish Maine as a Sponsor of the Women in Military Service for America Memorial in Arlington National Cemetery**                      **P & S 49**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON	OTP-AM	H-171 S-352    MICHAUD

LD 339 proposed a General Fund appropriation to assist in the construction of the Women in Military Service for America Memorial in Arlington National Cemetery.

**Committee Amendment "A" (H-171)** raised the appropriation for the construction of the Women in Military Service for America Memorial in Arlington National Cemetery from \$5,000 to \$8,200. The \$8,200 represented the number of women veterans in the State, appropriating \$1 per woman veteran.

**Senate Amendment "A" (S-352)** reduced the appropriation to \$5,000.

*Enacted law summary*

Private and Special Law 1997, chapter 39 provides a General Fund appropriation of \$5,000 to assist in the construction of the Women in Military Service for America Memorial in Arlington National Cemetery.



**LD 341**

**An Act to Open a Discount State Liquor Store in Calais**

**CARRIED OVER**

Sponsor(s)  
DRISCOLL  
CASSIDY

Committee Report

Amendments Adopted

This bill requires the location of a discount state liquor store in Calais. The bill was recommitted to the Appropriation and Financial Affairs Committee and subsequently carried over to the second regular session.

**LD 376**

**An Act to Eliminate the Requirement That Agency Liquor Stores Be a Certain Distance Apart**

**ONTP**

Sponsor(s)  
MICHAUD

Committee Report  
ONTP

Amendments Adopted

LD 376 proposed to delete the requirement that agency liquor stores be a certain distance apart.

**LD 381**

**An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places**

**INDEF PP**

Sponsor(s)  
CAREY

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted

LD 381 proposed to prohibit the circulators of direct initiative of legislation petitions from presenting any such petition and requesting voter signatures in the voting place or within 250 feet of the entrance to the voting place.

**LD 383**

**An Act to Clarify the Reporting Responsibility of Lobbyists**

**DIED ON  
ADJOURNMENT**

Sponsor(s)  
BUTLAND

Committee Report  
ONTP MAJ  
OTP MIN

Amendments Adopted

LD 383 proposed to require a lobbyist who spent \$300 or more on behalf of a Legislator to report the expenditure to the Legislator.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM A	S-122
	OTP-AM B	S-184 LAWRENCE
	ONTP C	

LD 387 proposed to amend the requirements governing an off-premise retail licensee's ability to conduct taste testings of wine on those licensee's premises. It added the category of spirits to wine and malt liquor, the sale of which must make up 50% or more of a licensee's gross income.

**Committee Amendment "B" (S-122)**, which was adopted, is the minority report of the committee. It proposed to add provisions to the bill relating to taste testing at fine wine stores. It decreased the number of different wine labels that must be carried at a store to qualify as a fine wine store from 500 to 250 labels. It also repealed the language requiring that taste testing at a fine wine store be conducted in an area separate from the retail sales floor and not readily accessible to the general public. The amendment also allowed a farm winery to engage in taste testing its product at the premises of other retail licensees.

*Enacted law summary*

Public Law 1997, chapter 414 amends the requirements governing which off-premise retail licensees can conduct taste testings of wine on those licensee's premises. It adds the category of spirits to wine and malt liquor, the sale of which must make up 50% or more of a licensee's gross income. It adds provisions to the bill relating to taste testing at fine wine stores. It decreases the number of different wine labels that must be carried at a store to qualify as a fine wine store from 500 to 250 labels. It also repeals the language requiring that taste testing at a fine wine store be conducted in an area separate from the retail sales floor and not readily accessible to the general public.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD	OTP-AM	S-83

LD 406 proposed to allow a third person to have 10 or fewer absentee ballots for voters in a municipality at any time. Current law allows a person to have only one or two absentee ballots.

**Committee Amendment "A" (S-83)** proposed to allow a third person to have five absentee ballots.

*Enacted law summary*

Public Law 1997, chapter 120 increases the number of absentee ballots a third person may have from two to five.

LD 424

**Resolve, Recognizing the Theta Chi Building Association as a Nonprofit Corporation**

**RESOLVE 27**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ ONTP MIN	S-28

LD 424 proposed to authorize the Board of Directors of the Theta Chi Building Association to file with the Secretary of State as a nonprofit corporation and be recognized as a nonprofit corporation for all purposes under the Maine Revised Statutes, Title 13-B, retroactively to January 1, 1997.

**Committee Amendment "A" (S-28)** proposed to replace the resolve. It clarifies the intent of the resolve by allowing the Theta Chi Building Association, which is currently a business corporation filed pursuant to the Maine Revised Statutes, Title 13-A, to be changed to and recognized as a nonprofit corporation for all purposes under Title 13-B. The amendment retains the corporation's original filing date of August 15, 1907. This change takes effect retroactively to January 1, 1997.

*Enacted law summary*

Resolve 1997, chapter 27 allows the Theta Chi Building Association, which is currently a business corporation filed pursuant to the Maine Revised Statutes, Title 13-A, to be changed to and recognized as a nonprofit corporation for all purposes under Title 13-B, retaining the corporation's original filing date of August 15, 1907.

LD 440

**An Act to Require Responsibility of the Employers of Persons who Collect Signatures**

**PUBLIC 61**

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

Current law prohibits a petition circulator from accepting compensation based on the number of signatures collected. LD 440 instead proposed to prohibit a person from paying the circulator of a petition on the basis of the number of signatures collected.

*Enacted law summary*

Public Law 1997, chapter 61 amends the law prohibiting a person circulating a petition from accepting compensation based on the number of signatures collected to instead prohibit a person from paying compensation on that basis.

**LD 484**                      **An Act Relating to Alcohol Beverage Price Promotions and Price Posting**                      **ONTP**

<u>Sponsor(s)</u> FERGUSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 484 proposed to clarify that certificate of approval holders may offer discounted prices to wholesalers who choose to participate in the certificate of approval holder's price promotion and may post prices with the Bureau of Alcoholic Beverages and Lottery Operations accordingly.

**LD 496**                      **An Act to Eliminate the Requirement of Cash on Delivery for Beer and Wine Sales to Businesses**                      **ONTP**

<u>Sponsor(s)</u> LIBBY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 496 proposed to repeal the requirement that a liquor the licensee pay cash, check or credit card payment upon delivery of liquor.

**LD 501**                      **An Act to Prohibit Political Action Committee and Corporate Contributions in State Elections**                      **ONTP**

<u>Sponsor(s)</u> LIBBY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 501 proposed to prohibit corporations and political action committees from making contributions to candidates for state office.

**LD 512**                      **An Act to Prohibit Liquor Licensing of an Establishment Managed by a Person with a Criminal Record**                      **ONTP**

<u>Sponsor(s)</u> LABRECQUE	<u>Committee Report</u> ONTP      MAJ OTP      MIN	<u>Amendments Adopted</u>
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LD 512 proposed to prohibit liquor licensees from employing as a manager or person in charge of the licensed premises any person who has ever been convicted of a Class A, Class B or Class C crime or the violation of any liquor laws or whose license to sell liquor has been revoked.

**LD 526**

**An Act to Establish a Part-time Liquor License**

**INDEF PP**

<u>Sponsor(s)</u> BUNKER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-94
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LD 526 proposed to establish a six-month part-time license to sell alcoholic beverages.

**LD 531**

**An Act to Repeal the Requirement That Special Hours Be Set for Walk-in Voter Registration**

**ONTP**

<u>Sponsor(s)</u> LEMONT KIEFFER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 531 proposed to repeal the laws requiring voter registrars to be open during particular hours before an election, allowing municipal officers to change the registration schedule and prohibiting a clerk from delivering absentee ballots to third persons who are members of a candidate's immediate family.

**LD 557**

**An Act to Amend Certain Election Laws Regarding Voter Registration**

**ONTP**

<u>Sponsor(s)</u> UNDERWOOD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 557 proposed to repeal election day registration, require voters to register at least 48 hours before polls open, and require voters to provide proof of identification when voting on election day. It also would have required town clerks to remove from the list of eligible voters those voters who have not voted in the two previous elections.

**LD 563**

**An Act to Clarify Enforcement Provisions of the Gambling Laws**

**ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 563 proposed to define illegal gambling machines and provide that illegal gambling machines and their monetary contents are 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 was incident to a search that was in conformity with constitutional requirements governing searches and seizures.

**LD 574**

**Resolve, to Authorize the Secretary of State to Propose Legislation to Establish Package Stores for the Sale of Alcoholic Beverages**

**ONTP**

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

LD 574 proposed to authorize the Secretary of State to draft proposed legislation to create a package store system to sell beer, wine and liquor in Maine. The Secretary of State would have been required to submit the proposed legislation to the Joint Standing Committee on Legal and Veterans’ Affairs.

**LD 576**

**An Act to Increase the Number of High-stakes Beano Games**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE CASSIDY	OTP-AM MAJ ONTP MIN	H-146

LD 576 proposed to allow an organization licensed to operate high stakes beano to hold games on any weekend during the year. Current law limits an organization to 27 weekends per year.

**Committee Amendment "A" (H-146)** proposed to allow high-stakes beano games on 40 weekends and clarified that a weekend includes Fridays.

The bill was vetoed by the Governor.

**LD 589**

**An Act to Amend the Mobile Home Park Laws Regarding Sales of Homes**

**PUBLIC 213**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMAIRE FERGUSON	OTP-AM	H-299

LD 589 proposed to prohibit a mobile home park owner from interfering with or discouraging the sale of a mobile home in that park to directly or indirectly profit from the tenant's inability to sell.

**Committee Amendment "A" (H-299)** proposed to remove the language specifying that interference is prohibited only if it is done in order to indirectly or directly profit.

***Enacted law summary***

Public Law 1997, chapter 213 prohibits a mobile home park owner from interfering with or discouraging the sale of a mobile home located in the owner’s park.

**LD 606**

**An Act to Amend the Off-track Betting Laws as They Pertain to  
Reduced Payments for Small Market Licensees**

**PUBLIC 542**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD	ONTP MAJ	S-348 DAGGETT
PARADIS	OTP-AM MIN	

LD 606 proposed to amend the law providing for reduced payments by off-track betting facilities that serve small markets. It clarified that a facility licensed before January 1, 1995 is eligible for reduced payments, regardless of whether the identity of the licensee changes after that date.

**Committee Amendment "A" (S-258)**, the minority report, which was not adopted, proposed to expand the reduced payment option to any off-track betting facility which did not exceed certain weekly wager amounts.

**Senate Amendment "A" (S-348)** changed the date by which an off-track betting facility must be licensed in order to qualify for reduced payments from January 1, 1995 to April 1, 1997.

***Enacted law summary***

Public Law 1997, chapter 542 provides for reduced payments by an off-track betting facility that serves a small market area and is licensed as an off-track betting facility by April 1, 1997.

**LD 613**

**An Act to Allow Primary Elections to Be Held on Saturdays**

**ONTP**

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

LD 613 proposed to allow primary elections to be held on Saturdays.

**LD 614**

**Resolve, Directing the Secretary of State to Create a Pilot Project to  
Establish Voting by Mail**

**ONTP**

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

LD 614 proposed to direct the Secretary of State to establish a pilot program for voting by mail, to be conducted at the next statewide primary election in at least one county.

**LD 615**

**An Act Concerning the Removal of Campaign Signs**

**ONTP**

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

LD 615 proposed to increase the amount of the forfeiture from \$100 to a minimum of \$200 and a maximum of \$500 that could be levied for political signs that were erected more than six weeks prior to an election or that were not taken down within a week after the election. The candidate or the candidate's political committee would have been required to pay the penalty.

**LD 638**

**An Act to Amend the Law Regarding the Sale of Alcohol on Golf Courses**

**ONTP**

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

LD 638 proposed to repeal the provision in current law that prohibits the sale of liquor on golf courses for consumption away from the licensed area.

**LD 646**

**An Act to Limit Corporate Contributions and to Establish Voluntary Spending Limits for Citizen-Initiated Ballot Campaigns**

**ONTP**

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

LD 646 proposed to limit corporate contributions to citizen-initiated ballot campaigns to \$500 unless the corporation was a nonprofit corporation meeting certain criteria or the corporation formed a separate segregated fund financed by contributions from shareholders, employees or members of the corporation. The bill also would have established a voluntary spending limit for political action committees with regard to citizen-initiated ballot campaigns.

**LD 672**

**An Act to Prohibit the State Auditor and Constitutional Officers from Engaging in Political Fund-raising Activities**

**ONTP**

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

LD 672 proposed to prohibit any political fund-raising activities by constitutional officers and the State Auditor and candidates for those offices.



**LD 695**

**An Act to Amend Security Deposit Provisions for Residential Rental Units**

**PUBLIC 261**

<u>Sponsor(s)</u> CHIZMAR JENKINS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-333
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LD 695 proposed to allow a landlord to retain a tenant's security deposit if the landlord incurs unanticipated costs for the cleaning of the rented premises.

**Committee Amendment "A" (H-333)** replaced the bill. It proposed to clarify that costs of cleaning a rental unit to return it to habitable condition are not sums attributable to normal wear and tear, and therefore the landlord may withhold those costs from the tenant's security deposit.

***Enacted law summary***

Public Law 1997, chapter 261 clarifies that costs of cleaning a rental unit to return it to habitable condition are not sums attributable to normal wear and tear, and therefore the landlord may withhold those costs from the tenant's security deposit.

**LD 708**

**An Act to Protect Small, Independent Businesses Not Meeting Minimum Lottery Sales Requirements**

**CARRIED OVER**

<u>Sponsor(s)</u> FULLER KILKELLY	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 708 proposes to require that an agent whose license is recommended for suspension or revocation by the Director of Alcoholic Beverages and Lottery Operations be immediately notified of the recommendation and given the opportunity to file within 15 days a statement in opposition to the director's recommendation.

The bill proposes to allow the State Lottery Commission to consider the impact that suspension or revocation of the license would have within the geographic area served, specify the procedure for appealing the commission's decision and authorize the commissioner to adopt rules necessary to implement the provision governing suspension and revocation of licenses.

This bill has been carried over to the second regular session.

**LD 719**

**An Act to Provide Certain Renters with the Status of Tenant at Will**

**ONTP**

<u>Sponsor(s)</u> JONES K	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 719 proposed to accord the legal status of tenant at will to a resident of a boardinghouse who rents the same premises for more than 60 consecutive days.

**LD 723**                      **An Act to Establish a Residential Care Facility for Veterans in Washington County**                      **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 723 proposed to require the Board of Trustees of the Maine Veterans' Homes to establish a veterans' home in Washington County when federal funds become available for construction. The home would have provided residential care or assisted living care, and eligibility would have been determined using Medicaid eligibility standards in effect prior to enactment of the so-called "Med '94" standards.

**LD 731**                      **An Act to Aid Municipalities by Eliminating Same Day Registration**                      **ONTP**

<u>Sponsor(s)</u> LANE KIEFFER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 731 proposed to repeal election-day voter registration and require a person to register at least 24 hours before the polls open on election day.

**LD 740**                      **An Act to Permit the Temporary Removal of Gravestones from Cemeteries for the Purpose of Repair**                      **PUBLIC 193**

<u>Sponsor(s)</u> LAYTON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-224
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LD 740 proposed to permit the removal of a gravestone or marker from a cemetery for repair or restoration if permission is granted and the repair can not be accomplished at the site.

**Committee Amendment "A" (H-224)** required notification to the municipality before removal of a memorial.

*Enacted law summary*

Public Law 1997, chapter 193 permits the removal of a gravestone or marker from a cemetery for repair or restoration if permission is granted, the municipality is notified prior to the removal and the repair can not be accomplished at the site.

**LD 778**

**Resolve, to Create a Voluntary Commission to Study the Integrity of Political Advertisements and Their Effect on the Voters**

**ONTP**

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

LD 778 proposed to establish the Voluntary Commission to Study the Integrity of Political Advertisements and their Effect on the Voters.

**LD 782**

**An Act to Ensure the Availability of Expertise on Dam Safety**

**PUBLIC 517**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS	OTP-AM	H-172 S-425 MICHAUD

LD 782 proposed that a state dam inspector be available to provide technical assistance to the owners, lessees or persons in control of a dam or to a municipality in which a dam is located if the Director of the Maine Emergency Management Agency orders the owners, lessees or persons in control of the dam to correct unsafe conditions.

**Committee Amendment "A" (H-172)** removed funding for fiscal year 1997-98 and retained the funding of a Dam Inspector position for fiscal year 1998-99. The amendment also added an effective date and a fiscal note to the bill.

**Senate Amendment "A" (S-353)** delayed the effective date and reduced the General Fund Appropriation.

*Enacted law summary*

Public Law 1997, chapter 517 provides for the appropriation of funds for one dam inspector position to carry out dam inspections and provide technical assistance.

**LD 817**

**An Act Relating to the Use of Public Offices or Agency Facilities in Campaigns and Ballot Questions**

**ONTP**

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

LD 817 proposed to prohibit an elected official or the official's employee from using a public office or agency facilities to assist a campaign for the election of any person to any office or to promote or oppose any ballot proposition.

**LD 824**                      **An Act to Allow Limited Partnerships between Brewers and Wholesalers**                      **ONTP**

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

LD 824 proposed to allow brewers and wholesalers to form limited partnerships in order for the brewer to be the limited partner and the wholesaler to be the general partner. Consistent with the Maine Revised Uniform Limited Partnership Act, only the general partner would be involved in day-to-day management. The bill also proposed a 10-year maximum term for any limited partnership established pursuant to this bill.

**LD 845**                      **An Act to Prohibit the Clerk of the House and the Secretary of the Senate from Participating in Political Activities while in Office**                      **ONTP**

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

LD 845 proposed to prohibit the Clerk of the House of Representatives and the Secretary of the Senate from participating in political activities while in office.

**LD 850**                      **An Act to Reduce the Time Political Signs May Be Placed in the Public Right-of-Way**                      **ONTP**

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

LD 850 proposed to further restrict the placement of political election signs in a right-of-way from the current law of not more than six weeks before the election to not more than three weeks before the election.

**LD 864**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify Voting Rights**                      **CON RES 1**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN MILLS	OTP-AM	H-129

LD 864 proposed an amendment to the Constitution of Maine to remove language providing that persons under guardianship for reasons of mental illness are disqualified from voting and require that the proposed change be put out to referendum at the next statewide election.

**Committee Amendment "A" (H-129)** added a fiscal note to the resolution.

***Enacted law summary***

Constitutional Resolution 1997, chapter 1 proposes an amendment to the Constitution of Maine to remove language providing that persons under guardianship for reasons of mental illness are disqualified from voting and requires that the proposed change be put out to referendum at the next statewide election.

**LD 867                      An Act to Clarify the Requirement for Party Affiliation of Replacement Candidates                      ONTP**

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

LD 867 proposed to establish the same party enrollment qualifications for replacement candidates to certain state offices as exist for candidates for primary nomination under the Maine Revised Statutes, Title 21-A, section 334. Under this bill, a replacement nominee would have to be enrolled in the same political party as the original candidate by March 15th.

**LD 881                      An Act to Impose Liability Upon Persons Who Entrust Motor Vehicles to Unsafe Drivers                      ONTP**

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

LD 881 proposed to require a liquor licensee to carry a liquor liability insurance policy with minimum coverage of \$300,000 per occurrence; provide civil liability for a person who knowingly or with reason to know allowed an unlicensed driver to drive that person's vehicle; provide Class E criminal liability for a person having control of a motor vehicle who permitted another person to operate the vehicle knowing or having reason to know that the person was under the influence of alcohol or has no license or privilege to operate the motor vehicle; change the liquor liability law cap from \$250,000 plus medical expenses to \$250,000 plus all economic losses including medical expenses, loss of income or earning capacity and loss due to death and burial costs. The bill also would have divided the damages payable by the server and the intoxicated person into two parts and provided that for the first half of damages, both parties are jointly and severally liable; for the other half, the damages are divided based on percentage of fault. Finally, the bill would have altered the notice requirement.

**LD 884**

**An Act to Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee**

**ONTP**

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

LD 884 proposed to appropriate \$28,000 to reimburse Philip Wolley for litigation expenses incurred in connection with his termination and subsequent reinstatement as a state employee.

**LD 885**

**An Act to Amend the Qualifications of the Administrator of the Maine Veterans' Homes**

**PUBLIC 147**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT GAGNE	OTP-AM	S-97

LD 885 proposed to expand the pool of applicants qualified to administer the Maine Veterans' Homes' five nursing home facilities by eliminating the requirement that the administrator of the Maine Veterans' Homes be a war veteran.

**Committee Amendment "A" (S-97)** removed the qualification that would have allowed any eligible individual to be an administrator. The amendment reinstated the language to clarify that the administrator must be a veteran, although not a "war veteran," which would expand the pool of applicants and still retain the veteran requirement.

***Enacted law summary***

Public Law 1997, chapter 147 provides that an administrator of the Maine Veterans' Homes must be a veteran, not a "war veteran" as previously required. This will expand the pool of applicants, while still maintaining the veteran requirement.

**LD 898**

**An Act to Repeal the Presidential Primary**

**DIED BETWEEN BODIES**

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

LD 898 proposed to repeal the presidential preference primary in Maine.

**LD 921**

**An Act to Amend the Laws Regarding Beano and Bingo**

**ONTP**

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

LD 921 was a concept draft pursuant to Joint Rule 208. The bill proposed to amend the laws governing beano in the following ways: Change the maximum payout from \$1,400 to \$2,000; provide for new machines with verifying equipment; clarify the procedures to be followed when problems arise, such as when "beano" is invalidly called; addressed the issue of uniformity in house rules; it also proposed to clarify the law authorizing the Chief of the State Police to make and adopt rules governing beano; prohibit persons under 16 years of age from admittance to the playing area; and require that rules adopted governing "beano" be published in a format that allows them to be placed in a binder to save money on printing.

**LD 924**

**An Act to Clarify the Responsibilities of Directors of Nonprofit Corporations**

**ONTP**

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

LD 924 proposed to require that corporate records of a nonprofit corporation pertaining to expenditure of funds received from any source be made available to the public within 10 days of a request.

**LD 936**

**An Act to Permit Voters to Affirmatively Vote against All Named Candidates**

**ONTP**

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

LD 936 proposed to require the inclusion of the choice "None of the above" on primary election ballots, presidential preference primary ballots and general election ballots.

**LD 949**

**An Act Regarding the Wording of Ballot Questions**

**ONTP**

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

LD 949 proposed to require the Secretary of State, in writing the ballot question for citizen-initiated legislation, to include a description of each major element of the law at issue. It also would have given the Secretary of State flexibility to write the question to avoid confusion about the impact of an affirmative vote.

**LD 965**                      **RESOLUTION, Proposing an Amendment to the Constitution of  
Maine to Provide for a Passamaquoddy Representative District**                      **ONTP**

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

LD 965 proposed an amendment to the Constitution of Maine requiring the creation of a state legislative district consisting solely of all Passamaquoddy Indian Reservation lands.

**LD 970**                      **An Act to Put to Referendum the Option of Authorizing a Tribe-  
owned Casino**                      **ONTP**

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

Subject to public referendum, LD 970 proposed to require the Governor to negotiate a compact with the Passamaquoddy Tribe regarding the operation of electronic and table games of chance on Passamaquoddy Indian Reservation lands.

**LD 971**                      **An Act to Protect Private Enterprise from Tax-subsidized  
Competition**                      **ONTP**

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

LD 971 proposed that nonprofit corporations obtain the same licenses, certification and registrations required of private enterprise when they compete with unsubsidized private corporations for state-funded projects or sales. The bill would have prohibited secondary schools or postsecondary educational institutions that receive state financial support and the Maine State Prison from competing with an unsubsidized or private business or corporation for a project.

**LD 977**                      **An Act to Establish the Rider Safety Act**                      **PUBLIC 303**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KERR MICHAUD	OTP	H-454    TUTTLE

LD 977 proposed to enact the Rider Safety Act to delineate safe conduct by amusement ride riders. It set forth a code of conduct for amusement ride riders, a requirement for the reporting of injuries sustained on amusement rides



to amusement owners, qualifications for those riding amusement rides and a requirement for the posting by amusement owners of instructional signs. The bill provided criminal penalties for violations of the Rider Safety Act.

**House Amendment "A" (H-454)** deleted the specific penalty provisions and replaced them with language specifying that the bill did not preclude any criminal or civil action available under any other law.

***Enacted law summary***

Public Law 1997, chapter 303 enacts the Rider Safety Act to delineate safe conduct by amusement ride riders. It sets forth a code of conduct for amusement ride riders, a requirement for the reporting of injuries sustained on amusement rides to amusement owners, qualifications for those riding amusement rides and a requirement for the posting by amusement owners of instructional signs.

**LD 986                      An Act to Allow Independent Voters to Vote in Primary Elections                      ONTP**

<u>Sponsor(s)</u> LEMKE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 986 proposed to allow an unenrolled voter to vote in a primary by allowing the voter to choose in which party's primary the voter would like to participate.

**LD 989                      An Act to Grandfather Existing Structures in Relation to Fire Doors and Exits                      CARRIED OVER**

<u>Sponsor(s)</u> TUTTLE	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 989 proposes to grandfather structures existing before September 1, 1994 from Life Safety Code 101 requirements regarding fire doors and exits. This bill has been carried over to the Second Regular Session.

**LD 1004                      An Act to Provide Equal Political Rights for Employees                      PUBLIC 498**

<u>Sponsor(s)</u> HATCH CATHCART	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-429 H-749 HATCH
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LD 1004 proposed to expand and further detail the prohibitions on political activity for classified state employees. The bill also removed the restrictions on classified state employees relating to fund raising and political contributions on nonwork time when no conflict of interest exists.

**Committee Amendment "A" (H-429)** expanded current restrictions on political activities to members of the executive branch in the unclassified service, made technical changes and also added a new section which specified political activities in which members of the classified and unclassified service could participate.

**House Amendment "A" (H-740)** clarified the nature of prohibited political activities and made several technical corrections.

***Enacted law summary***

Public Law 1997, chapter 498 expands and details the prohibitions on political activity for classified state employees and unclassified employees in the executive branch. It also specifies political activities in which members of the classified and unclassified service may participate.

**LD 1029**                      **An Act to Provide Fairness in Ballot Access**                      **ONTP**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1029 proposed to make the number of signatures required for listing an unenrolled candidate on a ballot for President of the United States, United States Senator and United States Representative the same as the number required for party candidates to be listed on a primary ballot for that office.

**LD 1047**                      **An Act to Prohibit Persons Registering to Vote from Voting Unless They Provide Adequate Identification**                      **ONTP**

<u>Sponsor(s)</u> MERES		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1047 proposed to repeal the law allowing a person who registers to vote within 15 days of an election to cast a challenged ballot if the person does not provide satisfactory proof of identity and residency.

**LD 1056**                      **An Act to Authorize Courts to Suspend Driving Privileges for Youth Who Violate Tobacco Laws**                      **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1056 proposed to amend the existing law to strengthen the penalties the court may impose on persons under 18 years of age for the purchase, possession and use of tobacco products or use of false identification to purchase tobacco products. These provisions would be similar to the ones imposed on minors who are convicted of illegal possession or transportation of alcohol.

**LD 1072**

**An Act Pertaining to the Sanford National Guard Armory**

**CARRIED OVER**

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

LD 1072 proposes to sell the Sanford Armory for \$1.00 to the Town of Sanford. This bill has been carried over to the Second Regular Session.

**LD 1075**

**An Act to Protect the Reputation of Candidates for Public Office**

**ONTP**

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

LD 1075 proposed to make it a civil violation for a person to sponsor political advertising that contains a false statement of material fact. The person must have acted with actual malice and with knowledge that the statement is false or with reckless disregard of whether the statement was false.

**LD 1094**

**An Act to Prohibit the Sale of Kegs of Beer to Individuals**

**ONTP**

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

LD 1094 proposed to prohibit the sale of malt liquor in kegs to individuals unless individuals are agents of a licensee or licensed establishment.

**LD 1146**

**Resolve, to Authorize Robert Gray or His Legal Representative to Bring a Civil Action against the State in Order to Investigate Errors Made by State Officials That Caused Children to Erroneously Believe They Had Been the Victims of a Crime**

**ONTP**

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

1146 proposed to authorize Robert Gray to sue the State and to authorize the release of certain confidential information pertaining to Robert Gray's claim that errors made by state officials caused children to believe that they had been victims of a crime.

**LD 1161**

**An Act to Extend Political Party Status to 4 Years**

**ONTP**

Sponsor(s)  
GERRY

Committee Report  
ONTP

Amendments Adopted

LD 1161 proposed to require political parties to satisfy the 5% presidential or gubernatorial vote or the 5% petition requirement only once every four years instead of every two years.

**LD 1170**

**An Act to Amend Department of Defense and Veterans' Affairs Laws**

**PUBLIC 455**

Sponsor(s)  
DAGGETT  
TUTTLE

Committee Report  
OTP-AM

Amendments Adopted  
S-114

LD 1170 was an omnibus bill for the Department of Defense and Veterans' Services. The bill proposed a number of technical changes as well as a number of substantive changes. (The substantive changes are outlined in the "Enacted law summary.")

**Committee Amendment "A" (S-114)** clarified a potential interpretation problem by clarifying that volunteers would not have to be paid 12 times the minimum wage.

The amendment maintained statutory qualifications for the positions of Adjutant General and Adjutant General's assistant.

The amendment also added an appropriation section and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 455 makes a number of technical changes as well as several substantive changes as follows:

The bill restores the Division of Veterans' Services to bureau status as it had existed before 1991 and renames it as the Bureau of Maine Veterans' Services.

The bill specifies that the Maine National Guard may charge for services provided with state authorization. The money collected pays the costs of providing those services.

The bill replaces the Director of Civil Emergency Preparedness with the Director of the Maine Emergency Management Agency, and restores the Director of the Bureau of Maine Veterans' Services to pay range 85.

The bill provides an automatic extension of the power of attorney that a member of the United States Armed Forces Reserves used to provide a temporary guardian in their place in the event of their mobilization. If the mobilization exceeded six months, then that power of attorney would be automatically extended until 30 days after the service member returns from duty or until order of the court.

**LD 1172**

**An Act Regarding the Funded Depreciation Accounts of the Maine Veterans' Homes**

**PUBLIC 98**

<u>Sponsor(s)</u> BENNETT GAGNE	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1172 proposed to allow the Maine Veterans' Homes to more easily meet cumulative cash flow deficit requirements for working capital loan portions of tax-exempt bond issues under the federal tax code.

***Enacted law summary***

Public Law 1997, chapter 98 makes it easier for the Maine Veterans' Homes to issue tax-exempt working capital loans while continuing to maintain the funded depreciation accounts. The Federal Treasury regulations require that any money contained in a funded depreciation account, must be reimbursed in compliance with a Legislative requirement.

**LD 1212**

**An Act to Strengthen Legislative Ethics Laws**

**ONTP**

<u>Sponsor(s)</u> DONNELLY BENNETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1212 proposed to prohibit legislators, legislative candidates and employees and officers of the Legislature from accepting or soliciting gifts from a lobbyist or lobbyist employer except under specified listed circumstances.

**LD 1261**

**An Act Concerning Public Notice of Lottery Odds**

**PUBLIC 301**

<u>Sponsor(s)</u> PERKINS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-427
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LD 1261 proposed to require the State Lottery Commission to give notice to a person purchasing a lottery ticket in the State of the odds of winning in a game of chance by printing the odds on the face of the lottery ticket.

**Committee Amendment "A" (H-427)** clarified that all lottery tickets must include the overall odds of winning a prize.

***Enacted law summary***

Public Law 1997, chapter 301 requires the Director of the Bureau of Alcoholic Beverages and Lottery Operations to have printed on all lottery tickers the overall odds of winning a prize.

**LD 1270**

**Resolve, to Waive Sovereign Immunity and Tort Claims Limitation on Damages Relative to the Wrongful Death of Wrendy Hayne**

**ONTP**

Sponsor(s)  
AMERO  
JONES K

Committee Report  
ONTP

Amendments Adopted

LD 1270 proposed to authorize Janice Burns as personal representative of the estate of Wrendy Hayne to sue the State for damages resulting from the alleged treatment and subsequent murder of Wrendy Hayne at the Augusta Mental Health Institute. As a result of negotiations during the legislative session, the State and Mrs. Burns came to a settlement in the case.

**LD 1297**

**An Act Pertaining to Free Meals for Legislators during a Prayer Breakfast**

**PUBLIC 223**

Sponsor(s)  
BENOIT  
JOY

Committee Report  
OTP

Amendments Adopted

LD 1297 proposed to allow Legislators to receive a free meal if it was during a prayer breakfast or during a meeting to establish a prayer breakfast.

***Enacted law summary***

Public Law 1997, chapter 223 amends the criminal law prohibiting gifts to Legislators, to allow a legislator to receive a free meal at a prayer breakfast.

**LD 1300**

**An Act to Increase the Number of Signatures Required for a Name to Appear on the Ballot for Certain Offices**

**ONTP**

Sponsor(s)  
RUHLIN

Committee Report  
ONTP

Amendments Adopted

LD 1300 proposed to double the number of signatures required for a candidate to appear on a primary ballot or for a third-party candidate to appear on an election ballot for the offices of President of the United States, United States Senator, Representative to Congress and Governor. The bill also would have repealed the provision that permits a candidate to appear on a presidential primary ballot without submitting a petition with signatures.

**LD 1306**                      **An Act to Place Certain Restrictions on Persons Collecting Signatures on Election Day**                      **ONTP**

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

LD 1306 proposed to authorize town clerks to publish guidelines as to location, conduct and number of petitioners circulating petitions on election day.

**LD 1316**                      **An Act to Remove Restrictions on Items that May Be Auctioned by Public Broadcasting Stations**                      **PUBLIC 483**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J	OTP-AM    MAJ ONTP        MIN	H-270 S-190    DAGGETT

LD 1316 proposed to allow a brewery, winery or wholesaler to donate a gift certificate to purchase its product to a public broadcasting station for the purpose of an auction or other fundraising activity.

**Committee Amendment "A" (H-270)** removed the phrase "or other fundraising activity" to clarify that the bill applies only to auctions.

**Senate Amendment "A" (S-190)** removed the emergency preamble and emergency clause from the bill.

*Enacted law summary*

Public Law 1997, chapter 483 allows a brewery, winery or wholesaler to donate a gift certificate to purchase its product to a public broadcasting station for the purpose of an auction.

**LD 1317**                      **An Act to Prohibit Party Change While in Public Office**                      **ONTP**

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

LD 1317 proposed to prohibit a public official from changing party membership while holding public office, except during the last 30 days of the official's term.

**LD 1342**

**An Act to Improve Procedures for Citizen Referenda and Initiatives**

**ONTP**

Sponsor(s)  
MILLS

Committee Report  
ONTP

Amendments Adopted

LD 1342 proposed to make a number of changes in the law regarding the citizen initiative process. With regard to the collecting of signatures on a petition, the bill would have required that a copy of the full text of the proposed law be offered to each potential signer and that signatures in a number equal to at least one percent of the required number of signatures be collected from each county. It also would have required that persons collecting signatures inside or within 250 feet of a voting place be located so that voters can exit the voting place without passing immediately by that location. With regard to voting on an initiated ballot question, the bill would have required the summary prepared by the Revisor of Statutes to appear on the ballot after the initiative question and would have required that a copy of the full text of the proposed law be available for inspection at the voting place on election day.

**LD 1350**

**An Act to Require the Printing of the Toll-free Telephone Number of the Council on Compulsive Gambling on all Lottery Tickets Sold in the State**

**ONTP**

Sponsor(s)  
MACK  
HALL

Committee Report  
ONTP

Amendments Adopted

LD 1350 proposed to require that the toll-free telephone number of the Council on Compulsive Gambling, or its successor organization, be printed in bold type on the face of all lottery tickets sold in the State.

**LD 1360**

**An Act Allowing Political Parties to Nominate by Caucus or Convention**

**ONTP**

Sponsor(s)  
GERRY

Committee Report  
ONTP

Amendments Adopted

LD 1360 proposed to clarify how and when minor political parties may choose their method of nominating candidates. It provided for nomination by primary, following the current procedure for primary nominations, or by caucus or convention. It would have required a minor party to notify the Secretary of State of its nominees within 10 days after the party's primary, caucus or convention. It would have also required all parties to notify the Secretary of State no later than December 15th prior to an election year of the enrollment qualifications of voters eligible to vote in that party's primary, caucus or convention.



**LD 1361**

**An Act to Amend the Laws Concerning Commercial Tenancies**

**ONTP**

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

LD 1361 proposed to allow a landlord of commercial property to exercise the right of reentry by self-help, such as changing locks or shutting off electricity, provided there is no breach of the peace and provided other conditions are met. It also would have established a separate process for forcible entry and detainer actions for commercial tenancies. It would have provided for agreements to arbitrate disputes between commercial landlords and tenants and it would have provided a presumption of abandonment of commercial premises when the tenant does not conduct business activity on the premises for a continuous period of two weeks.

**LD 1376**

**An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes**

**INDEF PP**

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

LD 1376 proposed to increase access to the ballot and other election processes for new parties, unenrolled candidates and unenrolled voters by requiring a 5% vote or petition requirement to be met every four years instead of every two years; allowing 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 other than the one being formed; clarifying the petition filing procedures for new political parties by adding a separate and earlier deadline for petitions to be submitted to local election officials before they are submitted to the Secretary of State; allowing registered voters who are not enrolled in a political party to serve as elections clerks on election day; improving access to municipal lists of registered voters; prohibiting use of the word "independent" as the name of a political party so that it may be used only by candidates who do not belong to any political party; and declaring a proposed political party to be a legally qualified political party whenever it first meets the 5% threshold requirement of collecting signatures or winning votes.

**LD 1389**

**An Act to Allow Partially Consumed Bottles of Wine to be Taken from Restaurants**

**PUBLIC 306**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M	ONTP MAJ	H-308
DAGGETT	OTP-AM MIN	

LD 1389 proposed to allow restaurant patrons to transport unfinished bottles of wine purchased at the restaurant from the premises. It required that the wine must be ordered with a meal by patrons and the wine must be partially consumed on the premises. The purchaser could not be visibly intoxicated and the partially consumed bottle of wine must be resealed and bagged by the licensee.

**Committee Amendment "A" (H-308)** clarified the penalty provision and exempted the transport of liquor for partially consumed bottles of wine with certain restrictions.

***Enacted law summary***

Public Law 1997, chapter 306 allows restaurant patrons to take home an unfinished bottle of wine purchased at the restaurant, as long as the patron ordered the wine with the meal, is not visibly intoxicated and the bottle is resealed by the restaurant.

**LD 1390**

**An Act to Protect the Voting Rights of Stalking Victims**

**PUBLIC 248**

<u>Sponsor(s)</u> SAXL M KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-332
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LD 1390 proposed to prohibit a voter registrar from allowing public inspection of a voter's address if the voter has signed a statement that the physical safety of the voter or a member of the voter's family residing with the voter is jeopardized by public disclosure of the address. The address must be disclosed to law enforcement authorities who request it and to persons specified in a court order. The voter's name, political affiliation, electoral district and the sworn statement would remain subject to public inspection.

**Committee Amendment "A" (H-332)** adds a mandate preamble and changes "sworn statement" to "signed statement".

***Enacted law summary***

Public Law 1997, chapter 248 prohibits the registrar of voters from disclosing a voter's address if the voter has signed a statement that the physical safety of the voter or a member of the voter's family residing with the voter is jeopardized by public disclosure of the address.

**LD 1446**

**An Act to Require That Campaign Finance Reports Be Considered Filed on the Date They Are Postmarked**

**ONTP**

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1446 proposed to consider campaign finance reports postmarked on the date they are due to be timely filed.

**LD 1458**

**An Act to Ensure Integrity in Government by Prohibiting Contributions when the Legislature Is in Session**

**ONTP**

<u>Sponsor(s)</u> DAVIDSON LAWRENCE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1532 proposed to require all licensees serving liquor to obtain at least \$250,000 of liquor liability insurance.

**LD 1547**                      **An Act to Require that All State-owned Flag Poles Fly the Prisoner-of-war Flag**                      **ONTP**

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

LD 1547 proposed to require that the prisoner-of-war flag be flown from each flag pole where the state flag is flown.

**LD 1549**                      **An Act to Promote Microbreweries**                      **PUBLIC 228**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M	OTP-AM	H-269

LD 1549 proposed to allow the holder of a brewery license or small brewery license to offer its malt beverages to licensed retailers for the purposes of taste testing the product. Current law allows one license at one location.

**Committee Amendment "A" (H-269)** replaced the original bill and established conditions in which a brewery, small brewery, farm winery or wholesaler may give a retail licensee samples of products.

***Enacted law summary***

Public Law 1997, chapter 228 allows persons licensed as a small brewery, farm winery or wholesaler to give retail licensees samples of products. The samples must comply with certain conditions.

**LD 1550**                      **An Act to Prohibit Landlords from Collecting Rent More than 3 Months in Advance**                      **ONTP**

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

LD 1550 proposed to prohibit a landlord from collecting rent more than three months in advance of the date the rent is due.

**LD 1563**

**An Act to Allow Wine to Be Ordered by Mail**

**ONTP**

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

LD 1563 proposed to allow the purchase of wine through the mail.

**LD 1572**

**An Act to Make Technical Changes in the Laws Relating to the Sale of Alcoholic Beverages**

**PUBLIC 373**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY TUTTLE	OTP-AM	H-521 LABRECQUE S-182

LD 1572 proposed to update statutory provisions to reflect changes made in unallocated language in Public Law 1993, chapter 410, Parts XX and ZZ. Part XX of that law combined the State Liquor Commission and the State Lottery Commission into the State Liquor and Lottery Commission. Part ZZ transferred the licensing functions and the taxation responsibilities of the Bureau of Liquor Enforcement from the Department of Administrative and Financial Services to the Department of Public Safety. This bill also amended the liquor laws to correct gender references, repeal obsolete provisions and make other technical changes to reflect current drafting standards.

**Committee Amendment "A" (S-182)** incorporated in the bill changes that were made in the Maine Revised Statutes, Title 28-A, section 606 by Public Law 1997, chapter 24. It also corrected references and made several other technical changes.

**House Amendment "A" (H-521)** made corrections to the list of state liquor stores to reflect current conditions.

***Enacted law summary***

Public Law 1997, chapter 373 updates statutory provisions to reflect changes made in unallocated language in Public Law 1993, chapter 410, Parts XX and ZZ. Part XX of that law combined the State Liquor Commission and the State Lottery Commission into the State Liquor and Lottery Commission. Part ZZ transferred the licensing functions and the taxation responsibilities of the Bureau of Liquor Enforcement from the Department of Administrative and Financial Services to the Department of Public Safety. This law also corrects gender references, repeals obsolete provisions and makes other technical changes to reflect current legislative drafting standards.

**LD 1630**

**An Act to Amend the Campaign Finance Reform Laws**

**ONTP**

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

LD 1630 proposed to prohibit a member of the Legislature from soliciting campaign contributions from any person during a legislative biennium, and would have prohibited any person from making campaign contributions during that time. This bill also would have limited to \$1,000 the amount a corporation, association, political committee or other committee may contribute in support of the candidacy of one person. (See LD 1882)

**LD 1650                      An Act to Optimize the Utility of the 5 Maine Veterans' Homes                      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINGLASS RUHLIN	OTP-AM	H-651

LD 1650 proposed to allow the Maine Veterans' Homes, not the Department of Human Services, to receive and retain the stipend provided by the federal Veterans' Administration and awarded to each Maine veteran who served on active duty in the armed forces during stipulated wartime periods. The bill would have extended the opportunity for admission to Maine Veterans' Homes to all Maine veterans who have recorded at least 180 days of active service and are awarded honorable discharges and to the "gold star" parents of armed service members who died in combat or as a consequence of wounds received on active duty in the armed forces.

The bill was moved into LD 1138, Part P in the supplemental budget bill. LD 1138 incorporates all of the language in 1650 except that it removes any references to eligibility standards for Medicaid and LD 1138 provides the necessary funding for the stipend funds.

**LD 1655                      An Act to Prohibit Fund-raising Efforts and Certain Contributions                      ONTP**  
**to Legislators while the Legislature is in Session**

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

LD 1655 proposed to prohibit members of the Legislature from soliciting and lobbyists, lobbyist associates and their employers from making campaign contributions during a legislative session, except for solicitation for bona fide social events hosted for nonpartisan purposes. (See LD 1882)

**LD 1676                      An Act to Preserve Live Harness Racing in the State                      CARRIED OVER**

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

LD 1676 proposes to authorize the operation at existing regulated pari-mutuel facilities of video lottery terminals and establishes the State's share of net terminal income at 40%. This bill has been carried over to the Second Regular Session.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-212

LD 1683 proposed to require the court in any forcible entry and detainer action with regard to leasehold tenancies and tenancies at will to issue a writ of possession, when judgment is for the plaintiff, to be effective seven days after the judgment is rendered. The bill also proposed that the appeal period run from the day after the judgment is rendered. When the ground for termination of the tenancy was a rent arrearage, the appeal period would be three days and the appellant in such an appeal would be required to place the amount of rent arrearage in escrow.

**Committee Amendment "A" (S-212)** replaced the bill. It provided for issuance of the writ of possession seven calendar days after the judgment is entered. It clarified that the time for filing an appeal of a District Court judgment in a forcible entry and detainer action expires upon issuance of the writ of possession or 30 days from the time the judgment is entered, whichever occurs first. It also requires a defendant to pay the lesser of the rent arrearage or the unpaid portion of the current month's rent to the plaintiff or to the District Court at the time of an appeal to Superior Court and to pay rent that accrues during the appeal as a condition of maintaining the stay of the writ of possession.

*Enacted law summary*

Public Law 1997, chapter 336 provides for issuance of a writ of possession seven calendar days after the judgment is entered in a forcible entry and detainer action. It clarifies that the time for filing an appeal of a District Court judgment expires upon issuance of the writ of possession or 30 days from the time the judgment is entered, whichever occurs first. It also requires a defendant to pay the lesser of the rent arrearage or the unpaid portion of the current month's rent to the plaintiff or to the District Court at the time of an appeal to Superior Court and to pay rent that accrues during the appeal as a condition of maintaining the stay of the writ of possession.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT TUTTLE	OTP-AM	S-230

LD 1731 proposed to make minor technical changes in the election laws to correct statutory references and maintain consistency with changes to other sections of law. It also makes a number of substantive changes in election laws, which are noted in the "Enacted law summary"

**Committee Amendment "A" (S-230)** proposed to:

Change the number of years that the registrar must maintain records for a voter whose name has been removed from the list from 10 years to five years;

Add a provision that if the municipal officers fail to appoint a registrar to fill a vacancy within 15 days after the officers receive notice of the vacancy, then the municipal clerk appoints a registrar;

Continue to allow the use of a hunting or fishing license for residency identification;

Remove from the bill the provision that a person with a nontraditional residence need not have a mailing address in order to establish residency;

Amend the bill to clarify that the Governor issues a proclamation declaring a vacancy and establishes the deadline for filling the vacancy but the party committees establish the time and place to meet;

Clarify when residents of nursing homes may vote by absentee ballot;

Clarify that the distribution of any advertising material intended to influence a voter's decision is prohibited within 250 feet of the clerk's office, and that the law does not apply to private property, and subjects those materials to the current requirement that on election day all materials must be removed. The amendment clarifies that campaign advertising on an automobile or on a campaign button is permissible when a person is visiting a municipal office for the purpose of conducting municipal business or voting absentee; and

Remove a section of the bill regarding the payment of petition circulators since this provision is now Public Law 1997, chapter 61.

### ***Enacted law summary***

Public Law 1997, chapter 436 makes numerous changes in the election laws. The law:

Expands the definition of "immediate family" to include stepparents, stepchildren and step siblings;

Changes the timing of appointment of the registrar of voters. Current law requires the municipal officers to appoint a registrar within 10 days of the regular election of municipal officials. This bill requires the municipal officers to appoint the registrar on a two-year cycle, beginning January 1st of the off-election year;

Changes the cutoff date for mail-in voter registrations from 15 regular days before the election to 10 business days;

Changes the hours that the registrar's office must be open during the last five business days that the clerk's office is open before an election. Current law requires the registrar to be open from 1-5 p.m. and 7-9 p.m. on three of the last five days. This bill requires that the registrar be open for two hours in the evening, anytime between 5 and 9 p.m., on three of those days;

Clarifies that a voter cannot withdraw party enrollment and enroll in a different party for 15 days after the withdrawal;

Changes the deadline for parties to hold their municipal caucuses and certify them to the Secretary of State, from April 15th to March 20th;

Requires the chair and secretary of each state party committee to certify their party platform and presidential electors within 30 days, instead of 60 days, after the state convention;



Allows a candidate for presidential elector to file for one additional federal, state or county office at the same election;

Streamlines the process for identifying replacement candidates in the event of a vacancy.

Allows political parties to determine who may participate in the party's presidential preference primary;

Allows a handicapped voter whose voting place is not handicap accessible to vote either by absentee ballot in the clerk's office or other location that has been designated handicapped accessible or to vote by regular ballot at the central voting place if the municipality uses a central voting place;

Adds a reason for a voter's ballot to be challenged if the voter was provided with the wrong ballot for that voter's electoral district;

Clarifies the requirement to keep a list of challenged voters that can be made available for public inspection after the polls close;

Increases the threshold that a write-in candidate must receive in order to be listed on the election tabulation by name, rather than as "other" from 1% to 5% of the vote;

Allows any voter to cast an absentee ballot in any election;

Allows the voter or the voter's immediate family to submit an absentee ballot application or written request by facsimile;

Clarifies the restrictions on political activities within 250 feet of the clerk's office during the time that absentee voting is occurring, so that it is consistent with the restrictions around the polling place on election day;

Allows a voter who receives an absentee ballot by mail to return the ballot by mail or in person; and

In a municipality that processes absentee ballots before the polls close on election day, allows candidates or their representatives, upon prior notification, to inspect the applications and envelopes of absentee ballots which have not yet been processed for 30 minutes after the declared processing time.

**LD 1756**

**An Act Regarding the Economic Security and Safety of Harness Horsepersons**

**PUBLIC 474**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRUE FERGUSON	OTP-AM MAJ ONTP MIN	H-683 TUTTLE H-706 TUTTLE

LD 1756 proposed several changes to the laws governing harness racing. It required the Harness Racing Commission to adopt rules establishing an exclusive bargaining agent for harness horsepersons at each racing venue in the State. It also required each racetrack licensee to establish an account to hold purse money in trust for the benefit of harness horsepersons. All funds used to pay purses under current law must be deposited in the trust account. In addition, the bill required each live-racing licensee to deposit in the trust account an additional sum of

money to be used for purses. One and one-half percent of the account must be paid to the exclusive bargaining agent.

The bill would require an applicant for a racetrack license to disclose the name and address of each person with control or with a legal or equitable interest in the applicant or any entity that owns or controls the applicant. These persons must also meet the same standards of integrity and financial responsibility as the applicant.

The bill required the Harness Racing Commission to treat simulcasting at a racetrack the same as simulcasting at an off-track betting parlor during the time the racetrack is not conducting live racing.

The bill amended the definition of "commercial racetrack" to include tracks that conduct live racing on the required number of days in any calendar year instead of in the previous two calendar years.

The bill allowed the commission to issue licenses with conditions.

The bill repealed the provision of law that requires every commercial racetrack to be given all the race dates it requests if it raced on those dates in the preceding year.

**Committee Amendment "A" (H-563)**, which was not adopted, would have changed the percent payable for purses. The amendment would also have simplified the process for certifying the exclusive bargaining agent and clarified that the permitted use of trust funds included reimbursement of purse account over payments.

**House Amendment "A" (H-683)** proposed to:

1. Establish a Trust Account for the horsepersons who race at each facility;
2. Preserve the two-year waiting period before new tracks can qualify as commercial tracks, but creates an exception in the event that an existing commercial track closes;
3. Provide that licenses to operate race tracks and simulcasting facilities and the assignment of race dates are for two-year periods, so that those licenses will be coextensive with the two-year term for the certification of bargaining agents to represent licensed harness horse owners, trainers and drivers;
4. Amend the provisions relating to the trust accounts to allow for tracks to borrow from those accounts; and
5. Amend the provisions relating to the election of bargaining agents to provide for separate biannual elections with respect to each of three separate racing segments within the harness racing industry.

**House Amendment "A" to House Amendment "A" (H-706)** proposed to clarify language to make it consistent with language in other sections of the legislation and corrected a typographical error.

#### *Enacted law summary*

Public Law 1997, chapter 474 makes a number of changes to the harness racing industry including:

1. Establishes a Trust Account for the horsepersons who race at each facility;
2. Preserves the two-year waiting period before new tracks can qualify as commercial tracks, but creates an exception in the event that an existing commercial track closes;

3. Provides that licenses to operate race tracks and simulcasting facilities and the assignment of race dates are for two-year periods, so that those licenses will be coextensive with the two-year term for the certification of bargaining agents to represent licensed harness horse owners, trainers and drivers;
4. Amends the provisions relating to the trust accounts to allow for tracks to borrow from those accounts; and
5. Amends the provisions relating to the election of bargaining agents to provide for separate biannual elections with respect to each of three separate racing segments within the harness racing industry.

**LD 1773                      Resolve, Directing the Maine State Housing Authority to                      ONTP**  
**Recommend Certain Safety Standards**

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

LD 1773 proposed to require the Maine State Housing Authority to recommend standards for security systems in housing projects for elderly persons and window safety to protect against persons falling from upper floors.

**LD 1781                      An Act to Create the Maine Scholarship Lottery Game                      ONTP**

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

LD 1781 proposed to create a scholarship lottery game developed by the State Liquor and Lottery Commission. Proceeds from the game would have been used to provide funding for Maine Student Incentive Scholarship Program, administered by the Finance Authority of Maine, to provide grants for post-secondary education to students demonstrating financial need.

**LD 1799                      An Act to Privatize Liquor Sales                      CARRIED OVER**

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

LD 1799 proposes to remove the State from the liquor business, including both retail and wholesale sales. The current system for the sale of liquor would be replaced by a system currently used for the sale and distribution of beer and wine. A flat tax of \$3.50 per gallon would be assessed on all spirits, in addition to premium and sales

taxes. The intent of this level of taxation on liquor products is to allow enough pricing flexibility under the new system to recapture sales lost to New Hampshire.

The State would close all liquor-related operations as of January 1, 1998. All existing restrictions on agency store locations would be repealed. Any retailer may apply for a license. The initial license fee for the first year will be \$1,200 and \$1,000 annually for renewals for those retailers with annual sales in the prior year greater than or equal to \$400,000, \$600 and \$500, respectively, for retailers with annual sales less than \$400,000. Existing agency stores will be granted a one-year exemption from the renewal fee. Wholesalers that have had a presence in Maine for five years will have be able to apply for a wholesale liquor license for \$1,400 annually for a principal location and \$600 for each additional warehouse or distribution center. This bill has been carried over to the Second Regular Session.

**LD 1818                      An Act to Strengthen Existing Lobbying Laws                      ONTP**

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

LD 1818 proposed to change the definitions of “lobbyist” and “employer;” require lobbyist associates and their activities to be included in certain reports filed by lobbyists; shorten the time period within which lobbyists and lobbyist associates must register with the Commission on Governmental Ethics and Election Practices; require lobbyists and lobbyist associates to wear name tags, to identify their employer when testifying before a joint standing committee of the Legislature and to fully disclose to each prospective employer any interest represented by the lobbyist or lobbyist associate that is adverse to the interests of the prospective employer. It also would have prohibited lobbyists, lobbyist associates and their employers from giving any official of the Legislature any pecuniary benefit and provided a definition of that term.

**LD 1827                      An Act to Authorize the Operation of Video Gaming Terminals by      CARRIED OVER  
Certain Nonprofit Organizations**

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

LD 1827 proposes to authorize the operation of video gaming terminals at nonprofit organizations for members. The State’s share of the net terminal income would be 20%, with the remaining portion split evenly between the organizations and the owners of the machines. This bill has been carried over to the Second Regular Session.

**LD 1828                      An Act to Preserve Financial Integrity of the Bureau of Alcoholic      CARRIED OVER  
Beverages and Lottery Operations**

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

LD 1828 proposes several changes to the laws governing sales of alcoholic beverages.

1. It would repeal all references to "State Liquor Commission" and replaces it with the "Bureau of Alcoholic Beverages and Lottery Operations" and replaces the reference to "commission" in the Maine Revised Statutes, Title 28-A with "alcohol bureau."
2. It would mandate that the Bureau of Alcoholic Beverages and Lottery Operations relocate the discount liquor store in Kittery by September 1, 1997.
3. It would require the Bureau of Alcoholic Beverages and Lottery Operations to establish a special price allowance program.
4. It would require the Bureau of Alcoholic Beverages and Lottery Operations to place megabucks machines in all state liquor stores.
5. It would require the Bureau of Alcoholic Beverages and Lottery Operations to establish minimum inventory levels for all state liquor stores.
6. It would establish the Alcoholic Beverages Advisory Board.

This bill has been carried over to the Second Regular Session.

**LD 1846**                      **An Act to Prohibit the Opening of Liquor Stores on the Maine Turnpike**                      **CARRIED OVER**

<u>Sponsor(s)</u> DONNELLY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1846 proposes to repeal the provision authorizing the establishment of two discount liquor stores at Exit 3 of the Maine Turnpike and would enact a law prohibiting the location or operation of a liquor store on the Maine Turnpike. This bill has been carried over to the Second Regular Session.

**LD 1856**                      **An Act to Allow Private Labeling of Wine for On-premise Consumption**                      **ONTP**

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1856 proposed to establish a mechanism by which an on-premise retail licensee could obtain a private label for wine, with certain restrictions.

**LD 1864**

**An Act to Implement the Majority Recommendation of the Harness Racing Task Force**

**PUBLIC 390**

Sponsor(s)  
SPEAR

Committee Report  
OTP

Amendments Adopted

LD 1864 proposed to require a commercial track that is within a 35-mile radius of an agricultural fair to pay a certain percentage to the agricultural fair when simulcasting races during or on days when that commercial licensee not conducting live racing. Further, this bill required a licensee conducting simulcasting to offer broadcasts originating in the State on monitors in the facility.

*Enacted law summary*

Public Law 1997, chapter 390 requires a commercial track within a 35-mile radius of an agricultural fair to pay a certain percentage to the agricultural fair when simulcasting races during or on days when that commercial licensee is not conducting live racing. Further, it requires a licensee conducting simulcasting to offer broadcasts originating in the State on monitors in the facility.

**LD 1865**

**An Act to Implement the Recommendation of the Harness Racing Task Force Requiring an Executive Director of the State Harness Racing Commission**

**PUBLIC 527  
EMERGENCY**

Sponsor(s)  
SPEAR

Committee Report  
OTP-AM

Amendments Adopted  
H-652

LD 1865, which contains one of the recommendations of the Harness Racing Task Force, proposed to eliminate the position of full-time chair of the State Harness Racing Commission and replace it with a position of executive director.

**Committee Amendment “A” (H-652)** appropriated money from the General Fund to pay for the Executive Director position.

*Enacted law summary*

Public Law 1997, chapter 527 eliminates the position of full-time chair of the State Harness Racing Commission and establishes an executive director position. Chapter 527 was enacted as an emergency measure effective June 12, 1997.

**LD 1866**

**An Act to Allow the Maine Harness Racing Commission to Issue Conditional Licenses**

**PUBLIC 406**

Sponsor(s)  
CHIZMAR

Committee Report  
OTP-AM

Amendments Adopted  
H-608

LD 1866 proposed to grant the Maine Harness Racing Commission the authority to impose conditions on a license issued under the Maine Revised Statutes, Title 8, section 271.

**Committee Amendment “A” (H-608)** replaced the original bill and clarified that the commission could place conditions on a license based on the criteria established in statute.

***Enacted law summary***

Public Law 1997, chapter 406 gives the commission the option of imposing conditions on a license if one or more of the criteria established in statute are not met at the time the license is issued, but may be brought into compliance within a specified time period.

**LD 1868                      An Act to Implement the Recommendations of the Harness Racing Task Force                      PUBLIC 528**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR	OTP-AM	H-690 S-410 MICHAUD

LD 1868 proposed to implement recommendations of the Harness Racing Task Force established by Executive Order No. 6 FY 95-96 to study the harness racing industry and made recommendations for improvements to the Governor and the Legislature.

The bill reorganized and clarified the regulatory, promotional and policy-making roles of the Harness Racing Commission, the Harness Racing Promotional Board and the Department of Agriculture, Food and Rural Resources. The bill replaced the full-time chair position for the Harness Racing Commission with an executive director position. The bill made the Harness Racing Promotional Board a public instrumentality. The bill clarified the license fee for racetracks and authorized the Harness Racing Commission to issue conditional licenses.

The bill provided for licensing fees for off-track betting facilities and clarified the need for annual renewals of off-track betting facility licenses and the authority of the Harness Racing Commission to approve days of operation.

The bill replaced the sections of law providing for the distribution of revenues from harness racing to make them easier to understand. It raised the cap on General Fund share to retain in the General Fund sufficient revenues to fund the costs of harness racing regulation.

**Committee Amendment “A” (H-690)** proposed to:

Remove the provision creating the executive director position. The position was dealt with in LD 1865;

Clarify the conditional license provision, by specifying that any conditions must be in accordance with the criteria established in that section;

Return the cap on total wagers above which the General Fund share was divided among the commercial meet account, the Sire Stakes Fund and the Stipend Fund back to the amount in current law, which is \$33,500,000. The bill raised the cap to \$37,000,000; and

Clarify how assets are to be distributed if the Harness Racing Promotional Board ceases to exist.

**Senate Amendment “A” (S-410)** proposed to increase the cap on total wagers above which the General Fund share was divided among the commercial meet account, the Sire Stakes Fund and the Stipend Fund from \$33,500,000 to \$35,000,000.

***Enacted law summary***

Public Law 1997, chapter 528 reorganizes and clarifies the regulatory, promotional and policy-making roles of the Harness Racing Commission, the Harness Racing Promotional Board and the Department of Agriculture, Food and Rural Resources and makes the Harness Racing Promotional Board a public instrumentality.

The law clarifies the license fee for racetracks, authorizes the Harness Racing Commission to issue conditional licenses, provides for licensing fees for off-track betting facilities and clarifies the need for annual renewals of off-track betting facility licenses and the authority of the Harness Racing Commission to approve days of operation.

Chapter 528 replaces the sections of law providing for the distribution of revenues from harness racing to make them easier to understand and increases the cap on total wagers above which the General Fund share is divided among the commercial meet account, the Sire Stakes Fund and the Stipend Fund \$33,500,000 to \$35,000,000.

**LD 1876**                      **Resolve, to Allow Certain Employees to Continue to Sue the State to Recover Wages Improperly Denied under Federal Wage and Hour Laws**                      **CARRIED OVER**

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

LD 1876 proposes to waive the State’s claim to sovereign immunity in the case of Alden et al. v. State of Maine, No. CV-96-751 (Me. Super. Ct., Cum. Cty.), in which probation and parole officers are suing the State for overtime they allege is due them under federal law. The bill has been carried over to the Second Regular Session.

**LD 1882**                      **An Act Concerning Acceptance of Campaign Contributions during Legislative Sessions**                      **PUBLIC 529**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-649 DONNELLY H-724 DAVIDSON

LD 1882 would have prohibited legislators and their staff and agents from soliciting and lobbyists, lobbyists associates and their employers from giving campaign contributions during the legislative session.

**House Amendment “A” (H-649)** would have incorporated constitutional officers to the list of people who may not solicit or accept contributions from a lobbyist, lobbyist associate or employer during a legislative session.

**House Amendment “A” to House Amendment “A” (H-724)** would have incorporated the provisions of House



Amendment “A” and adds the Governor to the list of people who may not solicit or accept contributions from a lobbyist, lobbyist associate or employer during a legislative session.

***Enacted law summary***

Public Law 529 prohibits the Governor, a member of the Legislature or any constitutional officer or their staff or agent of the Governor, a member of the Legislature or any constitutional officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment. Public Law 529 also prohibits a lobbyist, associates or employer from giving, offering or promising to contribute to the Governor, member of the Legislature or any constitutional officers, or to any of their staff when the Legislature is in session. Public Law 529 does not apply to bonafide charitable or nonpartisan events, special elections or after the deadline for filing as a candidate.

**LD 1901                      An Act to Extend the Authorization for Federally Funded Positions                      PUBLIC 559**  
**to Establish a Military Rebuild Site at the Former Loring Air Force**  
**Base**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KIEFFER O'NEAL		

LD 1901 would have extended the authorization for federally funded positions to establish a military rebuild site at the former Loring Air Force Base.

***Enacted law summary***

Public Law 559 extends authorization for federally funded positions to establish a military rebuild site at the former Loring Air Force Base

## Joint Standing Committee on Legal and Veterans' Affairs

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#### *Campaign Finance*

##### Enacted

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**LD 646**      **An Act to Limit Corporate Contributions and to Establish Voluntary Spending Limits for Citizen-Initiated Ballot Campaigns**      **ONTP**    **Page 631**

**LD 1446**      **An Act to Require That Campaign Finance Reports Be Considered Filed on the Date They Are Postmarked**      **ONTP**    **Page 649**

**LD 1458**      **An Act to Ensure Integrity in Government by Prohibiting Contributions when the Legislature Is in Session**      **ONTP**    **Page 650**

**LD 1630**      **An Act to Amend the Campaign Finance Reform Laws**      **ONTP**    **Page 653**

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Not Enacted

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### *Election Laws*

#### Enacted

<b>LD 406</b>	<b>An Act to Amend the Election Laws Pertaining to Absentee Ballots</b>	<b>PUBLIC 120</b>	<b>Page 625</b>
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<b>LD 531</b>	<b>An Act to Repeal the Requirement That Special Hours Be Set for Walk-in Voter Registration</b>	<b>ONTP</b>	<b>Page 627</b>
<b>LD 557</b>	<b>An Act to Amend Certain Election Laws Regarding Voter Registration</b>	<b>ONTP</b>	<b>Page 627</b>
<b>LD 613</b>	<b>An Act to Allow Primary Elections to Be Held on Saturdays</b>	<b>ONTP</b>	<b>Page 630</b>
<b>LD 614</b>	<b>Resolve, Directing the Secretary of State to Create a Pilot Project to Establish Voting by Mail</b>	<b>ONTP</b>	<b>Page 630</b>
<b>LD 615</b>	<b>An Act Concerning the Removal of Campaign Signs</b>	<b>ONTP</b>	<b>Page 630</b>
<b>LD 731</b>	<b>An Act to Aid Municipalities by Eliminating Same Day Registration</b>	<b>ONTP</b>	<b>Page 633</b>
<b>LD 867</b>	<b>An Act to Clarify the Requirement for Party Affiliation of Replacement Candidates</b>	<b>ONTP</b>	<b>Page 636</b>
<b>LD 898</b>	<b>An Act to Repeal the Presidential Primary</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 637</b>
<b>LD 936</b>	<b>An Act to Permit Voters to Affirmatively Vote against All Named Candidates</b>	<b>ONTP</b>	<b>Page 638</b>
<b>LD 949</b>	<b>An Act Regarding the Wording of Ballot Questions</b>	<b>ONTP</b>	<b>Page 638</b>
<b>LD 965</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for a Passamaquoddy Representative District</b>	<b>ONTP</b>	<b>Page 638</b>
<b>LD 986</b>	<b>An Act to Allow Independent Voters to Vote in Primary Elections</b>	<b>ONTP</b>	<b>Page 640</b>
<b>LD 1029</b>	<b>An Act to Provide Fairness in Ballot Access</b>	<b>ONTP</b>	<b>Page 641</b>
<b>LD 1047</b>	<b>An Act to Prohibit Persons Registering to Vote from Voting Unless They Provide Adequate Identification</b>	<b>ONTP</b>	<b>Page 641</b>

<b>LD 1075</b>	<b>An Act to Protect the Reputation of Candidates for Public Office</b>	<b>ONTP</b>	<b>Page 642</b>
<b>LD 1161</b>	<b>An Act to Extend Political Party Status to 4 Years</b>	<b>ONTP</b>	<b>Page 642</b>
<b>LD 1212</b>	<b>An Act to Strengthen Legislative Ethics Laws</b>	<b>ONTP</b>	<b>Page 644</b>
<b>LD 1306</b>	<b>An Act to Place Certain Restrictions on Persons Collecting Signatures on Election Day</b>	<b>ONTP</b>	<b>Page 646</b>
<b>LD 1317</b>	<b>An Act to Prohibit Party Change While in Public Office</b>	<b>ONTP</b>	<b>Page 646</b>
<b>LD 1342</b>	<b>An Act to Improve Procedures for Citizen Referenda and Initiatives</b>	<b>ONTP</b>	<b>Page 647</b>
<b>LD 1360</b>	<b>An Act Allowing Political Parties to Nominate by Caucus or Convention</b>	<b>ONTP</b>	<b>Page 647</b>
<b>LD 1376</b>	<b>An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes</b>	<b>INDEF PP</b>	<b>Page 648</b>
<b>LD 1515</b>	<b>An Act to Allow Unenrolled Voters to Serve as Election Workers at Polls</b>	<b>ONTP</b>	<b>Page 650</b>
<b>LD 1520</b>	<b>An Act to Amend Various Election Laws</b>	<b>ONTP</b>	<b>Page 650</b>

### *Ethics & Lobbying*

#### Enacted

<b>LD 1004</b>	<b>An Act to Provide Equal Political Rights for Employees</b>	<b>PUBLIC 498</b>	<b>Page 640</b>
<b>LD 1297</b>	<b>An Act Pertaining to Free Meals for Legislators during a Prayer Breakfast</b>	<b>PUBLIC 223</b>	<b>Page 645</b>
<b>LD 1882</b>	<b>An Act Concerning Acceptance of Campaign Contributions during Legislative Sessions</b>	<b>PUBLIC 529</b>	<b>Page 664</b>

#### Not Enacted

<b>LD 238</b>	<b>An Act to Prohibit Legislators from Accepting Gifts from Lobbyists</b>	<b>ONTP</b>	<b>Page 618</b>
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<b>LD 383</b>	<b>An Act to Clarify the Reporting Responsibility of Lobbyists</b>	<b>DIED ON ADJOURNMENT</b>	<b>Page 624</b>
<b>LD 672</b>	<b>An Act to Prohibit the State Auditor and Constitutional Officers from Engaging in Political Fund-raising Activities</b>	<b>ONTP</b>	<b>Page 631</b>
<b>LD 778</b>	<b>Resolve, to Create a Voluntary Commission to Study the Integrity of Political Advertisements and Their Effect on the Voters</b>	<b>ONTP</b>	<b>Page 633</b>
<b>LD 817</b>	<b>An Act Relating to the Use of Public Offices or Agency Facilities in Campaigns and Ballot Questions</b>	<b>ONTP</b>	<b>Page 634</b>
<b>LD 845</b>	<b>An Act to Prohibit the Clerk of the House and the Secretary of the Senate from Participating in Political Activities while in Office</b>	<b>ONTP</b>	<b>Page 635</b>
<b>LD 1458</b>	<b>An Act to Ensure Integrity in Government by Prohibiting Contributions when the Legislature Is in Session</b>	<b>ONTP</b>	<b>Page 650</b>
<b>LD 1630</b>	<b>An Act to Amend the Campaign Finance Reform Laws</b>	<b>ONTP</b>	<b>Page 653</b>
<b>LD 1655</b>	<b>An Act to Prohibit Fund-raising Efforts and Certain Contributions to Legislators while the Legislature is in Session</b>	<b>ONTP</b>	<b>Page 653</b>
<b>LD 1818</b>	<b>An Act to Strengthen Existing Lobbying Laws</b>	<b>ONTP</b>	<b>Page 659</b>

***Landlord/Tenant***

**Enacted**

<b>LD 20</b>	<b>An Act to Clarify the Law Concerning Evictions from Mobile Home Parks</b>	<b>PUBLIC 27 EMERGENCY</b>	<b>Page 616</b>
<b>LD 589</b>	<b>An Act to Amend the Mobile Home Park Laws Regarding Sales of Homes</b>	<b>PUBLIC 213</b>	<b>Page 629</b>
<b>LD 695</b>	<b>An Act to Amend Security Deposit Provisions for Residential Rental Units</b>	<b>PUBLIC 261</b>	<b>Page 631</b>
<b>LD 1683</b>	<b>An Act to Clarify Issuance of the Writ of Possession</b>	<b>PUBLIC 336</b>	<b>Page 654</b>

**Not Enacted**

<b>LD 59</b>	<b>An Act to Authorize Actions under the Unfair Trade Practices Act Regarding Habitability of Dwelling Units</b>	<b>ONTP</b>	<b>Page 617</b>
<b>LD 115</b>	<b>An Act to Amend the Treatment of Security Deposits to Provide a Remedy for Failure to Comply</b>	<b>ONTP</b>	<b>Page 618</b>
<b>LD 719</b>	<b>An Act to Provide Certain Renters with the Status of Tenant at Will</b>	<b>ONTP</b>	<b>Page 632</b>
<b>LD 989</b>	<b>An Act to Grandfather Existing Structures in Relation to Fire Doors and Exits</b>	<b>CARRIED OVER</b>	<b>Page 640</b>
<b>LD 1361</b>	<b>An Act to Amend the Laws Concerning Commercial Tenancies</b>	<b>ONTP</b>	<b>Page 648</b>
<b>LD 1550</b>	<b>An Act to Prohibit Landlords from Collecting Rent More than 3 Months in Advance</b>	<b>ONTP</b>	<b>Page 652</b>

***Liquor Laws***

**Enacted**

<b>LD 257</b>	<b>An Act to Amend the Liquor Laws</b>	<b>PUBLIC 501</b>	<b>Page 621</b>
<b>LD 387</b>	<b>An Act to Amend the Laws Pertaining to Wine Tasting</b>	<b>PUBLIC 414</b>	<b>Page 624</b>
<b>LD 1316</b>	<b>An Act to Remove Restrictions on Items that May Be Auctioned by Public Broadcasting Stations</b>	<b>PUBLIC 483</b>	<b>Page 646</b>
<b>LD 1389</b>	<b>An Act to Allow Partially Consumed Bottles of Wine to be Taken from Restaurants</b>	<b>PUBLIC 306</b>	<b>Page 648</b>
<b>LD 1549</b>	<b>An Act to Promote Microbreweries</b>	<b>PUBLIC 228</b>	<b>Page 651</b>
<b>LD 1572</b>	<b>An Act to Make Technical Changes in the Laws Relating to the Sale of Alcoholic Beverages</b>	<b>PUBLIC 373</b>	<b>Page 652</b>

**Not Enacted**

<b>LD 341</b>	<b>An Act to Open a Discount State Liquor Store in Calais</b>	<b>CARRIED OVER</b>	<b>Page 623</b>
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<b>LD 376</b>	<b>An Act to Eliminate the Requirement That Agency Liquor Stores Be a Certain Distance Apart</b>	<b>ONTP</b>	<b>Page 623</b>
<b>LD 484</b>	<b>An Act Relating to Alcohol Beverage Price Promotions and Price Posting</b>	<b>ONTP</b>	<b>Page 626</b>
<b>LD 496</b>	<b>An Act to Eliminate the Requirement of Cash on Delivery for Beer and Wine Sales to Businesses</b>	<b>ONTP</b>	<b>Page 626</b>
<b>LD 512</b>	<b>An Act to Prohibit Liquor Licensing of an Establishment Managed by a Person with a Criminal Record</b>	<b>ONTP</b>	<b>Page 627</b>
<b>LD 526</b>	<b>An Act to Establish a Part-time Liquor License</b>	<b>INDEF PP</b>	<b>Page 627</b>
<b>LD 574</b>	<b>Resolve, to Authorize the Secretary of State to Propose Legislation to Establish Package Stores for the Sale of Alcoholic Beverages</b>	<b>ONTP</b>	<b>Page 628</b>
<b>LD 638</b>	<b>An Act to Amend the Law Regarding the Sale of Alcohol on Golf Courses</b>	<b>ONTP</b>	<b>Page 630</b>
<b>LD 824</b>	<b>An Act to Allow Limited Partnerships between Brewers and Wholesalers</b>	<b>ONTP</b>	<b>Page 634</b>
<b>LD 881</b>	<b>An Act to Impose Liability Upon Persons Who Entrust Motor Vehicles to Unsafe Drivers</b>	<b>ONTP</b>	<b>Page 636</b>
<b>LD 1094</b>	<b>An Act to Prohibit the Sale of Kegs of Beer to Individuals</b>	<b>ONTP</b>	<b>Page 642</b>
<b>LD 1532</b>	<b>An Act to Amend the Maine Liquor Liability Act</b>	<b>ONTP</b>	<b>Page 651</b>
<b>LD 1563</b>	<b>An Act to Allow Wine to Be Ordered by Mail</b>	<b>ONTP</b>	<b>Page 652</b>
<b>LD 1799</b>	<b>An Act to Privatize Liquor Sales</b>	<b>CARRIED OVER</b>	<b>Page 659</b>
<b>LD 1828</b>	<b>An Act to Preserve Financial Integrity of the Bureau of Alcoholic Beverages and Lottery Operations</b>	<b>CARRIED OVER</b>	<b>Page 660</b>
<b>LD 1846</b>	<b>An Act to Prohibit the Opening of Liquor Stores on the Maine Turnpike</b>	<b>CARRIED OVER</b>	<b>Page 661</b>
<b>LD 1856</b>	<b>An Act to Allow Private Labeling of Wine for On-premise Consumption</b>	<b>ONTP</b>	<b>Page 661</b>

*Lottery/Gaming/Gambling/Harness Racing*

Enacted

<b>LD 255</b>	<b>An Act to Consider the Horse Supply in the Assignment of Race Dates</b>	<b>PUBLIC 416</b>	<b>Page 620</b>
<b>LD 606</b>	<b>An Act to Amend the Off-track Betting Laws as They Pertain to Reduced Payments for Small Market Licensees</b>	<b>PUBLIC 542</b>	<b>Page 629</b>
<b>LD 1261</b>	<b>An Act Concerning Public Notice of Lottery Odds</b>	<b>PUBLIC 301</b>	<b>Page 644</b>
<b>LD 1756</b>	<b>An Act Regarding the Economic Security and Safety of Harness Horsepersons</b>	<b>PUBLIC 474</b>	<b>Page 657</b>
<b>LD 1864</b>	<b>An Act to Implement the Majority Recommendation of the Harness Racing Task Force</b>	<b>PUBLIC 390</b>	<b>Page 661</b>
<b>LD 1865</b>	<b>An Act to Implement the Recommendation of the Harness Racing Task Force Requiring an Executive Director of the State Harness Racing Commission</b>	<b>PUBLIC 527 EMERGENCY</b>	<b>Page 662</b>
<b>LD 1866</b>	<b>An Act to Allow the Maine Harness Racing Commission to Issue Conditional Licenses</b>	<b>PUBLIC 406</b>	<b>Page 662</b>
<b>LD 1868</b>	<b>An Act to Implement the Recommendations of the Harness Racing Task Force</b>	<b>PUBLIC 528</b>	<b>Page 663</b>

Not Enacted

<b>LD 7</b>	<b>An Act to Allow the Town of Old Orchard Beach to Operate High-stakes Beano</b>	<b>ONTP</b>	<b>Page 616</b>
<b>LD 205</b>	<b>An Act to Exempt Family Entertainment Centers from Gambling Prohibitions</b>	<b>ONTP</b>	<b>Page 618</b>
<b>LD 312</b>	<b>An Act to Remove Instant Lottery Ticket Vending Machines</b>	<b>ONTP</b>	<b>Page 622</b>
<b>LD 563</b>	<b>An Act to Clarify Enforcement Provisions of the Gambling Laws</b>	<b>ONTP</b>	<b>Page 628</b>
<b>LD 576</b>	<b>An Act to Increase the Number of High-stakes Beano Games</b>	<b>VETO SUSTAINED</b>	<b>Page 628</b>

<b>LD 708</b>	<b>An Act to Protect Small, Independent Businesses Not Meeting Minimum Lottery Sales Requirements</b>	<b>CARRIED OVER</b>	<b>Page 632</b>
<b>LD 921</b>	<b>An Act to Amend the Laws Regarding Beano and Bingo</b>	<b>ONTP</b>	<b>Page 637</b>
<b>LD 970</b>	<b>An Act to Put to Referendum the Option of Authorizing a Tribe-owned Casino</b>	<b>ONTP</b>	<b>Page 639</b>
<b>LD 1350</b>	<b>An Act to Require the Printing of the Toll-free Telephone Number of the Council on Compulsive Gambling on all Lottery Tickets Sold in the State</b>	<b>ONTP</b>	<b>Page 647</b>
<b>LD 1676</b>	<b>An Act to Preserve Live Harness Racing in the State</b>	<b>CARRIED OVER</b>	<b>Page 654</b>
<b>LD 1781</b>	<b>An Act to Create the Maine Scholarship Lottery Game</b>	<b>ONTP</b>	<b>Page 659</b>
<b>LD 1827</b>	<b>An Act to Authorize the Operation of Video Gaming Terminals by Certain Nonprofit Organizations</b>	<b>CARRIED OVER</b>	<b>Page 660</b>

### *Manufactured Housing*

**Enacted**

<b>LD 20</b>	<b>An Act to Clarify the Law Concerning Evictions from Mobile Home Parks</b>	<b>PUBLIC 27 EMERGENCY</b>	<b>Page 616</b>
<b>LD 589</b>	<b>An Act to Amend the Mobile Home Park Laws Regarding Sales of Homes</b>	<b>PUBLIC 213</b>	<b>Page 629</b>

**Not Enacted**

None

### *Political Signs*

**Enacted**

None

**Not Enacted**

<b>LD 79</b>	<b>An Act to Restrict the Size of Political Signs</b>	<b>ONTP</b>	<b>Page 617</b>
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<b>LD 615</b>	<b>An Act Concerning the Removal of Campaign Signs</b>	<b>ONTP</b>	<b>Page 630</b>
<b>LD 850</b>	<b>An Act to Reduce the Time Political Signs May Be Placed in the Public Right-of-Way</b>	<b>ONTP</b>	<b>Page 635</b>

### *Tobacco*

**Enacted**

None

**Not Enacted**

<b>LD 1056</b>	<b>An Act to Authorize Courts to Suspend Driving Privileges for Youth Who Violate Tobacco Laws</b>	<b>ONTP</b>	<b>Page 641</b>
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### *Veterans' Affairs*

**Enacted**

<b>LD 339</b>	<b>An Act to Establish Maine as a Sponsor of the Women in Military Service for America Memorial in Arlington National Cemetery</b>	<b>P &amp; S 49</b>	<b>Page 623</b>
<b>LD 885</b>	<b>An Act to Amend the Qualifications of the Administrator of the Maine Veterans' Homes</b>	<b>PUBLIC 147</b>	<b>Page 637</b>
<b>LD 1170</b>	<b>An Act to Amend Department of Defense and Veterans' Affairs Laws</b>	<b>PUBLIC 455</b>	<b>Page 643</b>
<b>LD 1172</b>	<b>An Act Regarding the Funded Depreciation Accounts of the Maine Veterans' Homes</b>	<b>PUBLIC 98</b>	<b>Page 643</b>

**Not Enacted**

<b>LD 723</b>	<b>An Act to Establish a Residential Care Facility for Veterans in Washington County</b>	<b>ONTP</b>	<b>Page 632</b>
<b>LD 1072</b>	<b>An Act Pertaining to the Sanford National Guard Armory</b>	<b>CARRIED OVER</b>	<b>Page 641</b>
<b>LD 1547</b>	<b>An Act to Require that All State-owned Flag Poles Fly the Prisoner-of-war Flag</b>	<b>ONTP</b>	<b>Page 651</b>



*Miscellaneous*

**Enacted**

<b>LD 424</b>	<b>Resolve, Recognizing the Theta Chi Building Association as a Nonprofit Corporation</b>	<b>RESOLVE 27</b>	<b>Page 625</b>
<b>LD 782</b>	<b>An Act to Ensure the Availability of Expertise on Dam Safety</b>	<b>PUBLIC 517</b>	<b>Page 634</b>
<b>LD 977</b>	<b>An Act to Establish the Rider Safety Act</b>	<b>PUBLIC 303</b>	<b>Page 639</b>

**Not Enacted**

<b>LD 924</b>	<b>An Act to Clarify the Responsibilities of Directors of Nonprofit Corporations</b>	<b>ONTP</b>	<b>Page 638</b>
<b>LD 971</b>	<b>An Act to Protect Private Enterprise from Tax-subsidized Competition</b>	<b>ONTP</b>	<b>Page 639</b>
<b>LD 1075</b>	<b>An Act to Protect the Reputation of Candidates for Public Office</b>	<b>ONTP</b>	<b>Page 642</b>

## Joint Standing Committee on Marine Resources

**LD 52**                      **An Act to Extend the Closed Season on Scallop Harvesting in a Certain Area of this State**                      **ONTP**

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

LD 52 proposed to prohibit the taking of scallops from April 15th to November 30th north of a line from Stanley Point in Steuben to Schoodic Point in Winter Harbor.

**LD 93**                      **An Act to Repeal the Requirement That Lobster Traps Have Tags**                      **ONTP**

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

LD 93 proposed to repeal the requirement that lobster traps have tags.

**LD 199**                      **An Act to Allow Wholesale Seafood License Holders to Process Parts of Lobster Tails**                      **PUBLIC 84  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAGLEY CASSIDY	OTP-AM    MAJ ONTP      MIN	H-84

LD 199 proposed to authorize the Commissioner of Marine Resources, with the advice and consent of the Marine Resources Advisory Council, to issue a special license that exempts a person who wants to develop and test market a processed seafood product from one or more marine resources' laws as to the time, place, length, condition, amount and manner of taking or possessing a marine organism and laws that prohibit the possession of parts of a marine organism.

**Committee Amendment "A" (H-84)** proposed to replace the bill. It proposed to allow a wholesale seafood license holder to process portions of lobster tails.

*Enacted law summary*

Public Law 1997, chapter 84 allows a wholesale seafood license holder to process portions of lobster tails. The law is effective on April 11, 1997.

**LD 246**

**An Act to Restrict the Identification Tags Used on Lobster Traps to Consecutive Numbers**

**ONTP**

<u>Sponsor(s)</u> TRIPP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 246 proposed to prohibit any tag issued by the Commissioner of Marine Resources under the lobster trap tag system from containing the lobster and crab fishing license number, name or any other form of personal identification of the person who purchases the tag. It would have required tags to be numbered and issued to individual lobster and crab fishing license holders in consecutive order.

**LD 273**

**Resolve, Directing the Commissioner of Marine Resources to Report on the Status of Discussions with the Passamaquoddy Tribe**

**RESOLVE 11  
EMERGENCY**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-33
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LD 273 proposed to require the Commissioner of Marine Resources meet with the Passamaquoddy Tribe to attempt to work out an agreement regarding the tribe's aboriginal fishing rights in coastal waters.

**Committee Amendment "A" (H-33)** proposed to replace the resolve. It proposed to require the Commissioner of Marine Resources, or the commissioner's designee, report to the Joint Standing Committee on Marine Resources by May 1, 1997 on the status of ongoing discussions between representatives of the Joint Tribal Council of the Passamaquoddy Tribe and of the State of Maine concerning the taking of marine resources by members of the Passamaquoddy Tribe, including any proposed amendments to the laws administered by the Department of Marine Resources.

***Enacted law summary***

Resolve 1997, chapter 11 requires the Commissioner of Marine Resources, or the commissioner's designee, to report to the Joint Standing Committee on Marine Resources by May 1, 1997 on the status of ongoing discussions between representatives of the Joint Tribal Council of the Passamaquoddy Tribe and of the State of Maine concerning the taking of marine resources by members of the Passamaquoddy Tribe, including any proposed amendments to the laws administered by the Department of Marine Resources. The resolve is effective on March 28, 1997.



**LD 276**

**An Act to Extend the Territorial Waters to 12 Miles for the Purpose of Marine Resource Protection and the Enforcement of Marine Resource Laws**

**ONTP**

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

LD 276 proposed to extend the statutory authority of the State's marine resources law to apply to all activities that occur within 12 geographic miles seaward of Maine's coastline.

**LD 311**

**An Act to Establish the Status of New Fisheries**

**ONTP**

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

LD 311 proposed to require all fisheries that are actively being fished to be identified in a registry. Those fisheries not on the registry would have been closed to fishing until the establishment of a management program. The bill would have given the Commissioner of Marine Resources the authority to allow participation in experimental fisheries for species not on the registry.

**LD 315**

**An Act to Amend the Laws Regarding Fees Charged in the Elver Fishery**

**PUBLIC 297**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM W	OTP-AM	H-457

LD 315 proposed to reduce to \$50 per net or trap the fee for the use of an elver fyke net, Sheldon eel trap or dip net to fish for or take elvers. The bill also proposed that the fee for one elver fyke net, Sheldon eel trap or dip net be included in the fee for an elver fishing license.

**Committee Amendment "A" (H-457)** proposed to clarify that the bill's \$50 increase in elver license fees, which includes the use of one elver fyke net, one Sheldon eel trap or one dip net, accrues to the dedicated Eel and Elver Management Fund. Under current law, all net fees are paid separately from license fees. The amendment also proposed changes in current law regarding the fees for use of additional gear. The fee for a first and second elver fyke net or Sheldon eel trap would be \$50, except that this fee would not apply to the first net if a person elected to use an elver fyke net or Sheldon eel trap as the one piece of gear allowed under the license fee. The per net fee for a third elver fyke net or Sheldon eel trap would be \$100. The per net fee for a fourth and fifth elver fyke net or Sheldon eel trap would be \$200. The amendment also proposed to reduce the fee for a dip net from \$75 to \$50, except that this fee would not apply to a first dip net used if a person elected to use a dip net as the one piece of gear allowed under the license fee.

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

***Enacted law summary***

Public Law 1997, chapter 297 raises the elver license fee by \$50, but includes the use of one elver fyke net, Sheldon eel trap or dip net be included in the fee for an elver fishing license. Previously all net fees were paid separately from the license. The public law also changes current law regarding the fees for use of additional gear. The fee for a first and second elver fyke net or Sheldon eel trap is \$50, except that this fee does not apply to the first net if a person elects to use an elver fyke net or Sheldon eel trap as the one piece of gear allowed under the license fee. The per net fee for a third elver fyke net or Sheldon eel trap is \$100. The per net fee for a fourth and fifth elver fyke net or Sheldon eel trap is \$200. The amendment also reduces the fee for a dip net from \$75 to \$50, except that this fee does not apply to a first dip net used if a person elects to use a dip net as the one piece of gear allowed under the license fee.

**LD 316                      An Act to Establish a 30-day Temporary Sea Urchin and Scallop Diving Tender License                      PUBLIC 158**

<u>Sponsor(s)</u> PINKHAM W	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-192 H-205 CAMERON
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LD 316 proposed to create a 30-day sea urchin and scallop diving tender license.

**Committee Amendment "A" (H-192)** proposed to replace the bill and allow a person to obtain a 30-day temporary sea urchin and scallop diving tender license if that person provides a current certificate documenting that the person has received training in cardiopulmonary resuscitation. The license would be issued to a person only one time and would not be renewable.

**House Amendment "A" to Committee Amendment "A" (H-205)** proposed to make a technical change in the Committee Amendment "A".

***Enacted law summary***

Public Law 1997, chapter 158 allows a person to obtain a 30-day temporary sea urchin and scallop diving tender license if that person provides a current certificate documenting that the person has received training in cardiopulmonary resuscitation. The license may be issued to a person only one time and is not renewable.

**LD 353                      An Act to Improve Management in the Elver Fishery                      PUBLIC 91**

<u>Sponsor(s)</u> ETNIER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-114
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LD 353 proposed to clarify the definition and construction of elver fyke nets and Sheldon eel traps. It also proposed to remove redundant language from the description of coastal waters, prohibits the setting of nets outside of the fishing season and adds dip nets

**Committee Amendment "A" (H-114)** proposed to require an elver fyke net be fitted with an excluder panel that measures one-half inch bar mesh and covers the entrance to the net. It proposed to enact a definition of elver dip net and add that for enforcement purposes an elver dip net immersed in the coastal waters between noon of March 15th and midnight of June 15th is presumed to be fishing for elvers. It proposed to prohibit a person from immersing a fyke net, Sheldon eel trap or dip net fitted with netting that measures one-eighth inch bar mesh or less in the coastal waters from midnight of June 15th to noon of March 15th. It proposed to change the portion of watercourses in which elvers may not be fished from the middle one-third as measured at mean high tide to the middle one-third as measured at mean low tide.

***Enacted law summary***

Public Law 1997, chapter 91 requires an elver fyke net be fitted with an excluder panel that measures one-half inch bar mesh and covers the entrance to the net. It enacts a definition of elver dip net and adds that for enforcement purposes an elver dip net immersed in the coastal waters between noon of March 15th and midnight of June 15th is presumed to be fishing for elvers. It prohibits a person from immersing a fyke net, Sheldon eel trap or dip net fitted with netting that measures one-eighth inch bar mesh or less in the coastal waters from midnight of June 15th to noon of March 15th. It changes the portion of watercourses in which elvers may not be fished from the middle one-third as measured at mean high tide to the middle one-third as measured at mean low tide.

**LD 403**                      **An Act to Offer a Free Subsistence Fishing License to Persons 70 Years of Age or Older**                      **ONTP**

<u>Sponsor(s)</u> BUTLAND	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 403 proposed to create a complimentary subsistence fishing license for coastal waters for people 70 years of age or older. It would have allowed a license holder to fish for any marine organism for which the license holder had been licensed to harvest at any time in the past and for which the Department of Marine Resources issues a license. A license holder could only harvest marine organisms for personal use and could not sell the organisms.

**LD 409**                      **An Act Concerning Commercial Marine Fishing Licenses**                      **ONTP**

<u>Sponsor(s)</u> GOLDTHWAIT ETNIER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 409 proposed to provide that a retailer who sells any marine species in a preprocessed form that was manufactured by the holder of a wholesale seafood license would not be required to hold a retail seafood license for the sale of that product.

The bill would have removed shrimp from the definition of "fish."

It would have provided that the holder of a commercial shellfish license could sell shellfish that person had taken only to a seafood dealer who is certified as a shellfish dealer or to the final consumer. It would have also

established a shrimp harvesting license, and it would have established the Shrimp Research Fund, a dedicated fund capitalized through commercial shrimp fishing license revenues.

The bill would have provided that a commercial shellfish harvester not licensed by the State could apply to a town for a municipal license but that a municipal commercial shellfish license could not be issued unless that applicant possessed a state commercial shellfish license.

**LD 436**                      **An Act Authorizing the St. George River Shellfish Management Committee to Determine Availability of and Fees for Clam Licenses**                      **PUBLIC 247**  
See LD 1837

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND PINGREE	OTP-ND-NT	

LD 436 would have allowed the municipalities of St. George, Cushing South Thomaston, Thomaston and Warren to determine the cost of municipal shellfish licenses. These five municipalities have entered into a regional shellfish management agreement and have formed the St. George River Shellfish Management Committee. The committee unanimously voted “ought to pass, new draft” on an amended version of the bill. This version was printed as LD 1837. LD 1837, which was enacted as Public Law 1997, chapter 247, removes, on a statewide basis, the \$200 cap that a municipality may set for a local resident shellfish license.

**LD 456**                      **An Act to Return Revenue from Lease Sites for Aquaculture to Municipalities**                      **ONTP**

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

LD 456 proposed that the proceeds from an aquaculture lease be transferred to the municipality in which the leased site is located.

**LD 468**                      **An Act Pertaining to the Aquaculture Lease Law**                      **PUBLIC 138**

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

LD 468 proposed to accomplish the following.

1. Provide for an experimental lease that may be for commercial aquaculture research as defined by the Commissioner of Marine Resources;
2. Eliminate the acreage cap for individual aquaculture leases and raise the individual ownership cap to 250 acres;

3. Provide that a hearing be held for an experimental lease only in the event that 5 or more individuals request one;
4. Provide that the biological assessment of an aquaculture site will take place during that time of the year determined to be biologically significant;
5. Add the Department of Inland Fisheries and Wildlife to the list of state agencies to be notified of an aquaculture hearing;
6. Raise the cap for total acreage to be owned by one individual to 250 acres in the context of lease renewals;
7. Raise the cap for total acreage owned by one individual to 250 acres in the context of transferring of leases;
8. Provide that a lease may be amended; and
9. Repeal that section of the statutes which provides for a lease by rule.

**Committee Amendment "A" (H-167)** proposed to strike from the bill an experimental aquaculture lease, an emergency aquaculture lease, authority for a person to hold an interest in up to 250 acres of aquaculture leases and authority for the Commissioner of Marine Resources to amend aquaculture leases. The amendment also proposed to strike a requirement that an aquaculture lease applicant assess the impact of an aquaculture operation on other potential uses of a site. It also proposed to expand the time period during which the Department of Marine Resources must conduct an assessment of a proposed aquaculture site from May to September to April 1st to November 15th. It also proposed to provide the Commissioner of Marine Resources the authority to establish by rule levels of assessment appropriate to the scale or potential environmental risk posed by a proposed lease activity.

***Enacted law summary***

Public Law 1997, chapter 138 strikes a requirement that an aquaculture lease applicant assess the impact of an aquaculture operation on other potential uses of a site. It also expands the time period during which the Department of Marine Resources must conduct an assessment of a proposed aquaculture site from May to September to April 1st to November 15th. It also provides the Commissioner of Marine Resources the authority to establish by rule levels of assessment appropriate to the scale or potential environmental risk posed by a proposed lease activity. The law also adds the Department of Inland Fisheries and Wildlife to the list of state agencies to be notified of an aquaculture hearing and repeals that section of the statutes which provides for a lease by rule. It also repeals a requirement that aquaculture leases be issued in five-acre tracts.

**LD 482                      An Act Regarding the Harvesting of Periwinkles in the Unorganized Townships                      DIED BETWEEN BODIES**

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

LD 482 proposed to allow a municipality to regulate the possession of periwinkles through the municipality's shellfish conservation ordinance.

**Committee Amendment "A" (H-252)** would have replaced the bill. It would have created a separate section of law to allow municipalities and unorganized territories to adopt ordinances regulating the harvesting of periwinkles in the intertidal zone. It would have required the Commissioner of Marine Resources to adopt rules by January 1, 1998 regarding the conservation and propagation of periwinkles. It also would have permitted the harvesting of periwinkles for personal use without a state commercial fishing license. The committee amendment was adopted by both the House and Senate, but the bill died in nonconcurrency.

**LD 485                                      An Act to Limit the Taking of Sea Urchins                                      ONTP**

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

LD 485 proposed to limit the amount of sea urchins a person could harvest to 12 standard totes per day. It also would have shortened the sea urchin season by 20 days.

**LD 500                                      An Act to Protect Near-shore Groundfish Spawning Areas                                      PUBLIC 92**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	OTP-AM      MAJ ONTP          MIN	S-68

LD 500 proposed to require that the Commissioner of Marine Resources adopt rules by January 1, 1998 that identify the time and location of cod, haddock and yellowtail flounder spawning in coastal waters. The bill proposed to allow only certain types of gear that is not capable of catching multispecies finfish in those spawning areas during the period those species are spawning. The bill proposed to require the commissioner to solicit information from interested parties in identifying coastal spawning areas.

**Committee Amendment "A" (S-68)** proposed to require the Commissioner of Marine Resources to identify by January 1, 1998 the location of all coastal waters that serve as spawning areas for cod, haddock or yellowtail flounder and the dates during which those spawning activities occur in each area. It proposed to require the commissioner to report by March 15, 2003 on areas identified as spawning areas for cod, haddock or yellowtail flounder and any actions taken by the commissioner regarding those spawning areas. It also proposed to repeal as of July 1, 2003 authority for the commissioner to identify spawning areas for cod, haddock or yellowtail flounder. The amendment also proposed to would also remove the emergency preamble and clause.

***Enacted law summary***

Public Law 1997, chapter 92 requires the Commissioner of Marine Resources to identify by January 1, 1998 the location of all coastal waters that serve as spawning areas for cod, haddock or yellowtail flounder and the dates during which those spawning activities occur in each area. It also requires the commissioner to report by March 15, 2003 on areas identified as spawning areas for cod, haddock or yellowtail flounder and any actions taken by the commissioner regarding those spawning areas. It also repeals as of July 1, 2003 authority for the commissioner to identify spawning areas for cod, haddock or yellowtail flounder.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM W MACKINNON	OTP-AM MAJ ONTP MIN	H-85

LD 506 would have permitted the Commissioner of Marine Resources to close waters to Maine registered vessels out to 200 miles from Maine’s coast.

**Committee Amendment "A" (H-85)** proposed to replace the bill. It proposed to authorize the Commissioner of Marine Resources to close federal waters to the harvesting of marine organisms when the commissioner determined the organisms could become contaminated or polluted. The closures of federal waters could only be accomplished in accordance with authority granted through application of federal rules and regulations.

*Enacted law summary*

Public Law 1997, chapter 93 authorizes the Commissioner of Marine Resources to close federal waters to the harvesting of marine organisms when the commissioner determines the organisms could become contaminated or polluted. The closures of federal waters may only be accomplished in accordance with authority granted through application of federal rules and regulations.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER MACKINNON	OTP-AM	H-233

LD 507 proposed to extend the termination date for the surcharges on the sea urchin licenses and extend the termination date for the sea urchin research fund.

**Committee Amendment "A" (H-233)** proposed to authorize the Commissioner of Marine Resources to designate up to 150 days in sea urchin zone 1 and up to 170 days in sea urchin zone 2 as open days for the harvesting of sea urchins by hand, trap or rake. Under current law, the commissioner is required to designate 150 days in zone 1 and 170 days in zone 2. The amendment also proposed to require the commissioner to consult with the Sea Urchin Zone Council before deciding upon research projects and grants funded by the Sea Urchin Research Fund. The amendment also proposed to require the commissioner to use the fund for communicating research results and uses of fund revenues to licensed sea urchin harvesters, boat tenders, processors and buyers. In addition, the amendment proposed to make authorized zone changes for harvesters effective as of the start of the sea urchin season.

*Enacted law summary*

Public Law 1997, chapter 177 extends the termination date for the surcharges on the sea urchin licenses and extends the termination date for the sea urchin research fund. It authorizes the Commissioner of Marine Resources to designate up to 150 days in sea urchin zone 1 and up to 170 days in sea urchin zone 2 as open days for the

harvesting of sea urchins by hand, trap or rake. Under current law, the commissioner is required to designate 150 days in zone 1 and 170 days in zone 2. The public law also requires the commissioner to consult with the Sea Urchin Zone Council before deciding upon research projects and grants funded by the Sea Urchin Research Fund. It also requires the commissioner to use the fund for communicating research results and uses of fund revenues to licensed sea urchin harvesters, boat tenders, processors and buyers. In addition, it makes authorized zone changes for harvesters effective as of the start of the sea urchin season. The law is effective on May 15, 1997.

**LD 524                      An Act to Modify the Process for Aquaculture Leases                      ONTP**

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

LD 524 proposed a process for arbitration of decisions by the Commissioner of Marine Resources regarding the granting of aquaculture leases.

**LD 528                      An Act Concerning Elver Fishing and Dip Nets                      ONTP**

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

LD 528 proposed to limit the method of elver harvesting to dip nets.

**LD 540                      An Act to Correct Certain Errors and Inconsistencies in Marine Resources Laws                      PUBLIC 19**

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

LD 540 proposed to correct an outdated reference to the cost of lobster and crab fishing licenses.

It proposed to remove sea urchins from the definition of "fish" as it applies to a commercial fishing license because sea urchins are licensed through a specific sea urchin license.

It proposed to make certain laws limiting lobster harvesting apply to registered Maine vessels no matter where those vessels fish.

It also proposed to provide that the holder of a sea urchin and scallop tender license may possess, sell, transport and ship only sea urchins and scallops that were harvested by harvesters for whom the license holder has tended.

***Enacted law summary***



Public Law 1997, chapter 19 corrects an outdated reference to the cost of lobster and crab fishing licenses.

It removes sea urchins from the definition of "fish" as it applies to a commercial fishing license because sea urchins are licensed through a specific sea urchin license.

It makes certain laws limiting lobster harvesting apply to registered Maine vessels no matter where those vessels fish.

It also provides that the holder of a sea urchin and scallop tender license may possess, sell, transport and ship only sea urchins and scallops that were harvested by harvesters for whom the license holder has tended.

It provides that the holder of a scallop tender license may possess, sell, transport or ship only scallops that were harvested by harvesters for whom the license holder has tended.

It removes reference to coastal waters with regard to where lobster trap limits apply.

**LD 670**

**An Act to Increase the Visibility of a Kayak on Salt Water**

**ONTP**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 670 proposed that a person operating a kayak on the coastal waters display safety flags in accordance with rules developed by the Commissioner of Marine Resources.

**LD 671**

**An Act Concerning Towing in Cable Areas**

**PUBLIC 78**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 671 proposed to amend the laws concerning dragging in waters identified as underwater cable or pipeline areas to clarify that a person may not operate a watercraft when towing a drag or trawl over such an area and to require that a drag or trawl must be lifted out of the water to transit a cable area.

***Enacted law summary***

Public Law 1997, chapter 78 amends the laws concerning dragging in waters identified as underwater cable or pipeline areas to clarify that a person may not operate a watercraft when towing a drag or trawl over such an area and to require that a drag or trawl must be lifted out of the water to transit a cable area.

**LD 692**

**An Act Concerning the Importation of Marine Organisms That May Be Dangerous to Indigenous Marine Life or Its Environment**

**PUBLIC 153**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER MACKINNON	OTP-AM	H-193

LD 692 proposed to allow the Commissioner of Marine Resources to embargo, condemn or order destroyed any marine organism or marine organism product when it is determined that the product is infected by any organism that may endanger indigenous marine life or its environment.

**Committee Amendment "A" (H-193)** proposed to provide the Commissioner of Marine Resources authority to embargo, condemn or order destroyed any marine organism or marine organism product that, if introduced to the coastal waters, could endanger indigenous marine life or the marine environment. It also proposed to provide the Commissioner of Marine Resources authority to restrict the importation of a marine organism from a particular location when the commissioner determines that a marine organism from that location is or may be diseased or infected in any manner.

*Enacted law summary*

Public Law 1997, chapter 153 provides the Commissioner of Marine Resources authority to embargo, condemn or order destroyed any marine organism or marine organism product that, if introduced to the coastal waters, could endanger indigenous marine life or the marine environment. It also provides the Commissioner of Marine Resources authority to restrict the importation of a marine organism from a particular location when the commissioner determines that a marine organism from that location is or may be diseased or infected in any manner.

**LD 722**

**An Act to Amend the Laws Regarding Scallop Harvesting**

**PUBLIC 281**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM MAJ OTP-AM MIN	H-210 H-257 SKOGLUND

LD 722 proposed to create a scallop fishing season that lasts from December 1st to April 15th. It proposed to require that any gear-conflict prevention rules that adjust the scallop harvesting dates be applied statewide if the rules result in a more restrictive season than that of December 1st to April 15th. It also would have expanded the current dragging limitations for South Bay in Lubec to apply to all of Cobscook Bay and the Maine waters of Passamaquoddy Bay and it would have added a limit on the ring size. The limitations would have been:

1. A maximum drag width of five feet, six inches for any combination of drags;
2. A minimum ring diameter of three inches; and
3. When a drag is used to harvest scallops, a maximum drag depth of eight rings.

**Committee Amendment "A" (H-210)** was the majority report of the Joint Standing Committee on Marine Resources. It proposed to change the scallop season to November 16th to April 15th from the current season of November 1st to April 15th. It proposed to phase in minimum ring sizes for scallop drags, with a minimum three-inch ring diameter required starting November 16, 1997, a minimum three and one-quarter-inch ring diameter required starting November 16, 1999, and a minimum three and one-half inch ring diameter required starting November 16, 2001. The amendment also proposed to require the Commissioner of Marine Resources to adopt rules that limit the mesh size of net material on the top of a scallop drag, prohibit chafing gear or cookies on the top of a scallop drag, establish ring link restrictions for a scallop drag and prohibit drag or net obstructions. The amendment proposed to limit scallop drag width to five feet, six inches from November 16th to December 15th and 10 feet, six inches during the rest of the season. The amendment also proposed to limit the width for all drags in Cobscook Bay and the Maine waters of Passamaquoddy Bay to five feet, six inches. In addition, any drag used for harvesting scallops in Cobscook Bay and the Maine waters of Passamaquoddy Bay could not be greater than eight rings deep. The amendment also proposed to add a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-257)** proposed to retain the current November 1st opening date for the scallop season. It also proposed to change the dates for phasing in minimum sizes for scallop drags and the dates for limiting drag widths to reflect a November 1st opening date.

***Enacted law summary***

Public Law 1997, chapter 281 phases in minimum ring sizes for scallop drags, with a minimum three-inch ring diameter required starting November 1, 1997, a minimum three and one-quarter inch ring diameter required starting November 1, 1999, and a minimum 3-1/2-inch ring diameter required starting November 1, 2001. It also requires the Commissioner of Marine Resources to adopt rules that limit the mesh size of net material on the top of a scallop drag, prohibit chafing gear or cookies on the top of a scallop drag, establish ring link restrictions for a scallop drag and prohibit drag or net obstructions. It also limits scallop drag width to five feet, six inches from November 1st to November 30th and 10 feet, six inches during the rest of the season. It also limits the width for all drags in Cobscook Bay and the Maine waters of Passamaquoddy Bay to five feet, six inches. It also provides that any drag used for harvesting scallops in Cobscook Bay and the Maine waters of Passamaquoddy Bay may not be greater than eight rings deep.

**LD 727                      An Act to Change the Membership of the Lobster Advisory Council                      PUBLIC 208**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM    MAJ ONTP        MIN	H-274

LD 727 proposed to change the membership of the Lobster Advisory Council. Current law appoints members to the council based on county residence. The bill proposed to instead appoint as members the chairs of each of the lobster management policy council. The bill also proposed to permit the Lobster Advisory Council to engage in dispute resolution of issues affecting lobster management policy councils.

**Committee Amendment "A" (H-274)** proposed to change the membership of the Lobster Advisory Council. It proposed to replace the eight county members of the council with members who are members of lobster management policy councils. It also proposed to add three members to the council who hold lobster and crab fishing licenses, but who are not members of a lobster management policy council.

***Enacted law summary***

Public Law 1997, chapter 208 changes the membership of the Lobster Advisory Council. It replaces the eight county members of the council with members who are members of lobster management policy councils. It also adds three members to the council who hold lobster and crab fishing licenses, but who are not members of a lobster management policy council.

**LD 741**                      **An Act to Repeal the Lobster Promotion Council**                      **ONTP**

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

LD 741 proposed to repeal the Lobster Promotion Council.

**LD 764**                      **An Act Concerning Regulatory Authority to Protect Certain Marine Organisms**                      **PUBLIC 123  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER GOLDTHWAIT	OTP-AM      MAJ ONTP      MIN	H-136

LD 764 proposed to amend current rule-making authority of the Commissioner of Marine Resources to allow the regulation of taking a particular marine organism in order to protect another marine organism.

**Committee Amendment "A" (H-136)** proposed to change the designation of rulemaking authority from routine technical to major substantive. This change would require any rules developed under this authority to be reviewed by the Legislature.

***Enacted law summary***

Public Law 1997, chapter 123 amends current rule-making authority of the Commissioner of Marine Resources to allow the regulation of taking a particular marine organism in order to protect another marine organism.

This law was enacted as an emergency measure effective April 25, 1997.

**LD 773**

**An Act to Study a Marine Ecological Reserves Designation in State Coastal Waters**

**ONTP**

Sponsor(s)  
CHARTRAND  
LAFOUNTAIN

Committee Report  
ONTP

Amendments Adopted

LD 773 proposed that the Commissioner of Marine Resources establish a study of ecological marine reserves in state waters and to seek funding for the study from the Gulf of Maine Council on the Marine Environment and other sources.

**LD 775**

**An Act Concerning Applied Aquaculture Research in the Coastal Waters of the State**

**PUBLIC 231  
EMERGENCY**

Sponsor(s)  
HONEY

Committee Report  
OTP-AM

Amendments Adopted  
H-249

LD 775 proposed to allow research to include commercial aquaculture production of marine organisms. Current law requires a person to have a license issued by the Commissioner of Marine Resources in order to operate aquaculture pens. The commissioner may grant an exemption for scientific research for a term not to exceed two years.

**Committee Amendment "A" (H-249)** proposed to replace the bill. It proposed to authorize the Commissioner of Marine Resources to grant a limited-purpose lease of submerged lands for scientific research or commercial aquaculture research and development. A limited-purpose lease would cover a maximum of two acres and be issued for a period of three years or less, unless application were made for a full aquaculture lease, in which case the limited-purpose lease could be occupied until the Commissioner of Marine Resources rendered a decision on the full aquaculture lease. The amendment also proposed to authorize the Commissioner of Marine Resources to grant an emergency aquaculture lease to relocate shellfish from an aquaculture lease area where the health and safety of the shellfish are threatened. An emergency aquaculture lease could be issued for a period of six months or less, unless application were made for a full aquaculture lease or a limited-purpose aquaculture lease, in which case the emergency aquaculture lease could be occupied until the Commissioner of Marine Resources rendered a decision on the other lease application.

***Enacted law summary***

Public Law 1997, chapter 231 authorizes the Commissioner of Marine Resources to grant a limited-purpose lease of submerged lands for scientific research or commercial aquaculture research and development. A limited-purpose lease may cover a maximum of two acres and be issued for a period of three years or less, unless application is made for a full aquaculture lease, in which case the limited-purpose lease may be occupied until the Commissioner of Marine Resources renders a decision on the full aquaculture lease. The law also authorizes the Commissioner of Marine Resources to grant an emergency aquaculture lease to relocate shellfish from an aquaculture lease area where the health and safety of the shellfish are threatened. An emergency aquaculture lease may be issued for a period of six months or less, unless application is made for a full aquaculture lease or a limited-purpose aquaculture lease, in which case the emergency aquaculture lease may be occupied until the Commissioner of Marine Resources renders a decision on the other lease application. The law is effective on May 20, 1997.

LD 786

**An Act to Increase the Department of Marine Resources' Involvement in Dredge Permitting**

**PUBLIC 164**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER BUTLAND	OTP-AM	H-194

LD 786 proposed to require transportation routes associated with dredging operations be approved by the Commissioner of Marine Resources. It proposed to prohibit dredging from April 1st to October 31st, unless an exception is granted by the Commissioner of Marine Resources. It proposed to authorize the Commissioner of Marine Resources to require dredging transportation routes be clearly marked. It also proposed to authorize the Commissioner of Marine Resources to require a dredge operator to publish in a newspaper the dredge spoils transportation route and the process a person can pursue to seek compensation for lost or damaged fishing gear caused by dredging-related activities outside of marked areas.

**Committee Amendment "A" (H-194)** proposed to require that the Commissioner of Marine Resources provide the Department of Environmental Protection with an assessment of the impacts of a proposed dredging operation on the fishing industry. It also proposed to require that a person granted a dredging permit clearly mark or designate the dredging area, the spoils disposal route and the transportation route; publish in a newspaper of general circulation in the area adjacent to the route the approved transportation route of the dredge spoils; and publish in a newspaper of general circulation in the area adjacent to the route a procedure that the applicant will use to respond to inquiries regarding the loss of fishing gear during the dredging operation.

***Enacted law summary***

Public Law 1997, chapter 164 requires that the Commissioner of Marine Resources provide the Department of Environmental Protection with an assessment of the impacts of a proposed dredging operation on the fishing industry. It also requires that a person granted a dredging permit clearly mark or designate the dredging area, the spoils disposal route and the transportation route; publish in a newspaper of general circulation in the area adjacent to the route the approved transportation route of the dredge spoils; and publish in a newspaper of general circulation in the area adjacent to the route a procedure that the applicant will use to respond to inquiries regarding the loss of fishing gear during the dredging operation.

LD 847

**An Act to Amend the Laws Pertaining to Sea Urchin Licenses**

**ONTP**

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

LD 847 proposed that limited entry sea urchin harvesters hold either a handfishing license or a dragging license. It would have prohibited a sea urchin harvester from holding both licenses in one calendar year unless that harvester held both licenses in 1993. The limited entry provisions of the sea urchin laws began with the 1994 calendar year.

**LD 942**

**An Act to Repeal the Scallop Season**

**ONTP**

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

LD 942 proposed to repeal the law that establishes the scallop season.

**LD 951**

**An Act to Maximize the State's Processing of Aquaculture Fish and to Extend the Salmon Aquaculture Monitoring, Research and Development Fund**

**PUBLIC 189  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM	H-251

LD 951 proposed to require that marine organisms raised under an aquaculture lease issued by the Commissioner of Marine Resources be processed in the United States.

**Committee Amendment "A" (H-251)** proposed to change the repeal of the Salmon Aquaculture Monitoring, Research and Development Fund and the Maine Salmon Aquaculture Advisory Council from July 1, 1997 to July 1, 1999. It also proposed to require the Commissioner of Marine Resources to report by February 1, 1998 on strategies to maximize in-state processing of fish raised in Maine aquaculture facilities and strategies for growth of the State's aquaculture industry in a manner compatible with traditional fisheries.

***Enacted law summary***

Public Law 1997, chapter 189 changes the repeal of the Salmon Aquaculture Monitoring, Research and Development Fund and the Maine Salmon Aquaculture Advisory Council from July 1, 1997 to July 1, 1999. It also requires the Commissioner of Marine Resources to report by February 1, 1998 on strategies to maximize in-state processing of fish raised in Maine aquaculture facilities and strategies for growth of the State's aquaculture industry in a manner compatible with traditional fisheries. The law is effective on May 15, 1997.

**LD 992**

**An Act to Amend the Sea Urchin Management Plan**

**ONTP**

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

LD 992 proposed to eliminate the 150-day limit for taking sea urchins in Zone 1 and the 170-day limit for taking sea urchins in Zone 2.

**LD 1122**

**An Act to Repeal Municipal Shellfish Ordinances**

**ONTP**

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

LD 1122 proposed to repeal municipal authority to limit the harvesting of shellfish in a municipality or require a municipal license to harvest shellfish in that municipality. It proposed to permit the Commissioner of Marine Resources to enter into agreements with municipalities to participate in shellfish management activities undertaken by the Department of Marine Resources. It would have authorized the Commissioner of Marine Resources to distribute grants from the Shellfish Fund to municipalities that have entered into shellfish management agreements with the commissioner and that have established shellfish committees. It proposed to require the commissioner to set by rule the fee for a state shellfish license at a level that is adequate to fund the shellfish management activities of the department and activities related to any cooperative shellfish management agreements with municipalities.

**LD 1202**

**Resolve, to Require the Governor to Provide for Ballast Water Management Planning**

**ONTP**

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

LD 1202 proposed that the Governor appoint an ex officio member to the federal Aquatic Nuisance Species Task Force to address issues related primarily to ballast water. The resolve would have also required the Governor to prepare and submit to the task force a state aquatic nuisance species management plan.

**LD 1263**

**An Act to Eliminate the Need for a Retail Seafood License to Sell Prepared Seafood**

**PUBLIC 544  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
UNDERWOOD	OTP-AM	H-234 H-259 UNDERWOOD

LD 1263 proposed to permit persons who own restaurants and stores to sell seafood that has been previously prepared by a third party without a retail seafood license.

**Committee Amendment "A" (H-234)** proposed to replace the bill and allow a person to sell at retail shucked shellfish, provided the shellfish is obtained from a certified shellfish dealer. It also proposed to allow a person to sell lobster parts and meat, provided the lobster parts and meat are obtained from a wholesale seafood license holder who has a permit to process lobster parts and meat.

**House Amendment "A" to Committee Amendment "A" (H-259)** proposed to add an emergency preamble and clause to the bill to allow the bill to take effect immediately.



***Enacted law summary***

Public Law 1997, chapter 544 allows a person to sell at retail shucked shellfish, provided the shellfish is obtained from a certified shellfish dealer. It also allows a person to sell lobster parts and meat, provided the lobster parts and meat are obtained from a wholesale seafood license holder who has a permit to process lobster parts and meat. The law is effective on June 12, 1997.

**LD 1264                      An Act to Extend the Lobster Promotion Council and Its Personnel Requirements                      PUBLIC 211**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER GOLDTHWAIT	OTP-AM    MAJ ONTP        MIN	H-250

LD 1264 proposed to allow the Lobster Promotion Council to hire staff as needed and continue to capitalize the fund through surcharges on lobster and crab licenses extended through the year 2001.

**Committee Amendment "A" (H-250)** proposed to repeal the requirement that at least 50% of the Lobster Promotion Council's annual expenditures from the Lobster Promotion Fund be for the purposes of promotion, advertising and marketing development. The repeal would clarify the Lobster Promotion Council's authority to account for staff time spent on promotion, advertising and marketing development.

***Enacted law summary***

Public Law 1997, chapter 211 allows the Lobster Promotion Council to hire staff as needed and continues to capitalize the fund through surcharges on lobster and crab licenses extended through the year 2001. It also repeals the requirement that at least 50% of the Lobster Promotion Council's annual expenditures from the Lobster Promotion Fund be for the purposes of promotion, advertising and marketing development. This repeal clarifies the Lobster Promotion Council's authority to account for staff time spent on promotion, advertising and marketing development.

**LD 1388                      Resolve, Directing the Commissioner of Marine Resources to Request the Secretary of the United States Department of Commerce to Amend the United States Coast and Geodetic Survey                      ONTP**

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

LD 1388 proposed that the Commissioner of Marine Resources request the Secretary of the United States Department of Commerce to amend the United States Coast and Geodetic Survey, which is compiled by the Department of Commerce.

**LD 1445                    An Act to Establish a Requirement That Holders of Lobster Fishing Licenses Must Own or Control the Vessel from Which They Conduct Authorized Activities                    CARRIED OVER**

<u>Sponsor(s)</u> ETNIER	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1445 proposes to require that a holder of a Class I, Class II or Class III lobster and crab fishing license must fish from a vessel owned or controlled by the license holder or a member of the license holder's family unless there is a documented illness or disability. This requirement applies to persons who, on the effective date of the Act, hold a Class I, Class II or Class III license and fishing from a vessel not owned or controlled by the license holder. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1478                    An Act to Decriminalize Various Marine Resource Violations and Enhance Collectibility of Associated Penalties                    CARRIED OVER**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1478 proposes to change the general penalty for violation of the marine resources laws from a Class D crime to a civil violation for which a forfeiture of not less than \$100 and not more than \$500 would be adjudged. The bill changes several criminal violations to civil violations. Violations kept as crimes would be amended to specifically state that they are Class D crimes. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1488                    Resolve, to Study the Restriction of Entry in Lobster Management Zones                    RESOLVE 28**

<u>Sponsor(s)</u> ETNIER	<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN	<u>Amendments Adopted</u> H-247
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LD 1488 proposed to allow a lobster management zone council to recommend rules to the Commissioner of Marine Resources to limit the number of people who may fish a majority of their lobster traps in a zone. It also proposed to give the Commissioner of Marine Resources authority to adopt those rules. The rules would limit the number of people who may fish a majority of their traps in a zone to a number that is less than or equal to a 20% reduction from the number of lobster and crab fishing license holders who, as of December 31st of the first full calendar year in which the zone was operational, designated that zone as their declared lobster zone. The bill also proposed to provide a method for allowing new zone entrants to fish a majority of their traps in a limited harvesting lobster zone when the number falls below the capped amount.

**Committee Amendment "A" (H-247)** proposed to change the bill from an Act to a resolve. It proposed to direct the Lobster Advisory Council to submit a report to the Joint Standing Committee on Marine Resources by February 1, 1998 regarding the establishment of limited entry provisions for lobster management zones.

***Enacted law summary***

Resolve 1997, chapter 28 directs the Lobster Advisory Council to submit a report to the Joint Standing Committee on Marine Resources by February 1, 1998 regarding the establishment of limited entry provisions for lobster management zones.

**LD 1501                      An Act to Amend the Lobster Laws and Study the Issuance of Lobster and Crab Fishing Licenses Based on Income Derived from Commercial Fishing                      PUBLIC 250**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM    MAJ	H-307
	ONTP      MIN	H-340    ETNIER

LD 1501 proposed to amend the eligibility requirements for obtaining a Class I, Class II or Class III lobster and crab fishing license. The bill proposed to require a person to meet one of the three following eligibility requirements to obtain a license:

1. Document to the commissioner that the person harvested lobsters in calendar year 1996 while in possession of a Class I, Class II or Class III license;
2. Meet the requirements of the apprentice program; or
3. Be 65 years of age or older and have held a lobster and crab fishing license in the past.

The bill also proposed to require the Commissioner of Marine Resources to report by January 15, 1998 to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the feasibility of basing categories of lobster and crab fishing licenses on the percentage of income an applicant derives from commercial lobster fishing.

**Committee Amendment "A" (H-307)** proposed to provide that a person may not obtain a Class I, Class II or Class III lobster and crab fishing license unless that person held one of those licenses in the previous calendar year. The amendment did not proposed to change the bill's repeal of three of the license eligibility requirements: injury or medical condition, substantial investment and sternman experience. The amendment proposed to strike from the bill the repeal of the suspended license eligibility requirement. It also proposed to amend that requirement by allowing a person to obtain a Class I, Class II or Class III lobster and crab fishing license if that person could not obtain a license in the previous calendar year because of a lobster and crab fishing license suspension. The amendment also proposed to clarify that the study proposed in the bill pertains to categories of lobster and crab fishing licenses that are based on the percentage of income an applicant derives from commercial fishing.

**House Amendment "A" (H-340)** proposed to repeal the provision under the lobster apprenticeship program that allows for a waiver of the practical lobster fishing experience component if a person documents to the Commissioner of Marine Resources that the person harvested lobster while in possession of a license issued to that person under the Maine Revised Statutes, Title 12, section 6421.

***Enacted law summary***

Public Law 1997, chapter 250 amends the eligibility requirements for obtaining a Class I, Class II or Class III lobster and crab fishing license. A person must meet one of the four following eligibility requirements to obtain a license:

1. Document to the commissioner that the person possessed a Class I, Class II or Class III license in the previous calendar year;
2. Meet the requirements of the apprentice program;
3. Be 65 years of age or older and have held a lobster and crab fishing license in the past;
4. Have been unable to obtain a lobster and crab fishing license in the previous calendar year because that person's license had been suspended by the commissioner.

The public law repeals the following three eligibility requirements: injury or medical condition, substantial investment and sternman experience. The public law also repeals the provision under the lobster apprenticeship program that allows for a waiver of the practical lobster fishing experience component if a person documents to the Commissioner of Marine Resources that the person harvested lobster while in possession of a lobster and crab fishing license.

It also requires the Commissioner of Marine Resources to report by January 15, 1998 to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the feasibility of basing categories of lobster and crab fishing licenses on the percentage of income an applicant derives from commercial fishing.

**LD 1519**

**An Act to Prevent Unnecessary Search and Rescue Operations on Marine Waters**

**PUBLIC 300**

<u>Sponsor(s)</u> ETNIER KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-413
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LD 1519 proposed to establish the Search and Rescue Fund to fund search and rescue activities of the Department of Inland Fisheries and Wildlife and the Department of Marine Resources. The revenue generated from a \$1 surcharge on licenses sold by the Department of Marine Resources and on all-terrain vehicle and snowmobile registrations would have been deposited in the fund. The fund would have been managed and overseen by a committee consisting of representatives of the Department of Inland Fisheries and Wildlife and the Department of Marine Resources and public members. The bill proposed to allow the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to recover the cost of providing search and rescue services from a person who intentionally gives false or misleading information that causes an unnecessary search and rescue effort or prolongs an ongoing search and rescue effort.

**Committee Amendment "A" (H-413)** proposed to replace the bill. It proposed to create a civil penalty for intentionally providing the Department of Marine Resources or causing to be given to the Department of Marine Resources false or misleading information that results in an unnecessary search and rescue effort or prolongs an ongoing search and rescue effort. The State could recover the costs of the search and rescue operation and reasonable attorney's fees.

***Enacted law summary***

Public Law 1997, chapter 300 creates a civil penalty for intentionally providing the Department of Marine Resources or causing to be given to the Department of Marine Resources false or misleading information that results in an unnecessary search and rescue effort or prolongs an ongoing search and rescue effort. The State may recover the costs of the search and rescue operation and reasonable attorney's fees.

**LD 1752**                      **An Act to Amend the Laws Governing the Shrimp Harvesting Season**                      **ONTP**

<u>Sponsor(s)</u> WHEELER G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1752 proposed to set the commercial shrimp harvesting season as February 1st to March 31st.

**LD 1837**                      **An Act to Authorize Shellfish Management Committees to Determine Fees for Clam Licenses**                      **PUBLIC 247**  
See LD 436

<u>Sponsor(s)</u> SKOGLUND		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1837 was the unanimous report of the committee on LD 436. The committee's "ought to pass as new draft and new title" on LD 436 resulted in LD 1837.

***Enacted law summary***

Public Law 1997, chapter 247 removes the \$200 cap that a municipality may set for local resident shellfish licenses.

## Joint Standing Committee on Marine Resources

### SUBJECT INDEX

#### *Administrative - Dept. Programs, Rules, Policies*

##### Enacted

<b>LD 273</b>	<b>Resolve, Directing the Commissioner of Marine Resources to Report on the Status of Discussions with the Passamaquoddy Tribe</b>	<b>RESOLVE 11 EMERGENCY</b>	<b>Page 681</b>
<b>LD 506</b>	<b>An Act to Provide Authority to Close Marine Waters to Fishing in the Event of Contamination</b>	<b>PUBLIC 93</b>	<b>Page 688</b>
<b>LD 692</b>	<b>An Act Concerning the Importation of Marine Organisms That May Be Dangerous to Indigenous Marine Life or Its Environment</b>	<b>PUBLIC 153</b>	<b>Page 691</b>
<b>LD 764</b>	<b>An Act Concerning Regulatory Authority to Protect Certain Marine Organisms</b>	<b>PUBLIC 123 EMERGENCY</b>	<b>Page 693</b>
<b>LD 786</b>	<b>An Act to Increase the Department of Marine Resources' Involvement in Dredge Permitting</b>	<b>PUBLIC 164</b>	<b>Page 695</b>
<b>LD 1519</b>	<b>An Act to Prevent Unnecessary Search and Rescue Operations on Marine Waters</b>	<b>PUBLIC 300</b>	<b>Page 702</b>

##### Not Enacted

<b>LD 276</b>	<b>An Act to Extend the Territorial Waters to 12 Miles for the Purpose of Marine Resource Protection and the Enforcement of Marine Resource Laws</b>	<b>ONTP</b>	<b>Page 682</b>
<b>LD 311</b>	<b>An Act to Establish the Status of New Fisheries</b>	<b>ONTP</b>	<b>Page 682</b>
<b>LD 1478</b>	<b>An Act to Decriminalize Various Marine Resource Violations and Enhance Collectibility of Associated Penalties</b>	<b>CARRIED OVER</b>	<b>Page 699</b>

## *Aquaculture*

### Enacted

<b>LD 468</b>	<b>An Act Pertaining to the Aquaculture Lease Law</b>	<b>PUBLIC 138</b>	<b>Page 685</b>
<b>LD 775</b>	<b>An Act Concerning Applied Aquaculture Research in the Coastal Waters of the State</b>	<b>PUBLIC 231 EMERGENCY</b>	<b>Page 694</b>
<b>LD 951</b>	<b>An Act to Maximize the State's Processing of Aquaculture Fish and to Extend the Salmon Aquaculture Monitoring, Research and Development Fund</b>	<b>PUBLIC 189 EMERGENCY</b>	<b>Page 696</b>

### Not Enacted

<b>LD 456</b>	<b>An Act to Return Revenue from Lease Sites for Aquaculture to Municipalities</b>	<b>ONTP</b>	<b>Page 685</b>
<b>LD 524</b>	<b>An Act to Modify the Process for Aquaculture Leases</b>	<b>ONTP</b>	<b>Page 689</b>

## *Elvers*

### Enacted

<b>LD 1837</b>	<b>An Act to Authorize Shellfish Management Committees to Determine Fees for Clam Licenses</b>	<b>PUBLIC 247 See LD 436</b>	<b>Page 702</b>
<b>LD 436</b>	<b>An Act Authorizing the St. George River Shellfish Management Committee to Determine Availability of and Fees for Clam Licenses</b>	<b>PUBLIC 247 See LD 1837</b>	<b>Page 685</b>

### Not Enacted

<b>LD 482</b>	<b>An Act Regarding the Harvesting of Periwinkles in the Unorganized Townships</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 687</b>
<b>LD 1122</b>	<b>An Act to Repeal Municipal Shellfish Ordinances</b>	<b>ONTP</b>	<b>Page 697</b>

## *Lobsters*

### Enacted

<b>LD 727</b>	<b>An Act to Change the Membership of the Lobster Advisory Council</b>	<b>PUBLIC 208</b>	<b>Page 693</b>
<b>LD 1264</b>	<b>An Act to Extend the Lobster Promotion Council and Its Personnel Requirements</b>	<b>PUBLIC 211</b>	<b>Page 698</b>
<b>LD 1488</b>	<b>Resolve, to Study the Restriction of Entry in Lobster Management Zones</b>	<b>RESOLVE 28</b>	<b>Page 700</b>
<b>LD 1501</b>	<b>An Act to Amend the Lobster Laws and Study the Issuance of Lobster and Crab Fishing Licenses Based on Income Derived from Commercial Fishing</b>	<b>PUBLIC 250</b>	<b>Page 700</b>

### Not Enacted

<b>LD 93</b>	<b>An Act to Repeal the Requirement That Lobster Traps Have Tags</b>	<b>ONTP</b>	<b>Page 680</b>
<b>LD 246</b>	<b>An Act to Restrict the Identification Tags Used on Lobster Traps to Consecutive Numbers</b>	<b>ONTP</b>	<b>Page 681</b>
<b>LD 741</b>	<b>An Act to Repeal the Lobster Promotion Council</b>	<b>ONTP</b>	<b>Page 693</b>
<b>LD 1445</b>	<b>An Act to Establish a Requirement That Holders of Lobster Fishing Licenses Must Own or Control the Vessel from Which They Conduct Authorized Activities</b>	<b>CARRIED OVER</b>	<b>Page 699</b>

## *Miscellaneous*

### Enacted

<b>LD 199</b>	<b>An Act to Allow Wholesale Seafood License Holders to Process Parts of Lobster Tails</b>	<b>PUBLIC 84 EMERGENCY</b>	<b>Page 680</b>
<b>LD 500</b>	<b>An Act to Protect Near-shore Groundfish Spawning Areas</b>	<b>PUBLIC 92</b>	<b>Page 687</b>



<b>LD 540</b>	<b>An Act to Correct Certain Errors and Inconsistencies in Marine Resources Laws</b>	<b>PUBLIC 19</b>	<b>Page 690</b>
<b>LD 671</b>	<b>An Act Concerning Towing in Cable Areas</b>	<b>PUBLIC 78</b>	<b>Page 691</b>
<b>LD 1263</b>	<b>An Act to Eliminate the Need for a Retail Seafood License to Sell Prepared Seafood</b>	<b>PUBLIC 544 EMERGENCY</b>	<b>Page 698</b>

**Not Enacted**

<b>LD 403</b>	<b>An Act to Offer a Free Subsistence Fishing License to Persons 70 Years of Age or Older</b>	<b>ONTP</b>	<b>Page 684</b>
<b>LD 409</b>	<b>An Act Concerning Commercial Marine Fishing Licenses</b>	<b>ONTP</b>	<b>Page 684</b>
<b>LD 670</b>	<b>An Act to Increase the Visibility of a Kayak on Salt Water</b>	<b>ONTP</b>	<b>Page 690</b>
<b>LD 773</b>	<b>An Act to Study a Marine Ecological Reserves Designation in State Coastal Waters</b>	<b>ONTP</b>	<b>Page 694</b>
<b>LD 1202</b>	<b>Resolve, to Require the Governor to Provide for Ballast Water Management Planning</b>	<b>ONTP</b>	<b>Page 697</b>
<b>LD 1388</b>	<b>Resolve, Directing the Commissioner of Marine Resources to Request the Secretary of the United States Department of Commerce to Amend the United States Coast and Geodetic Survey</b>	<b>ONTP</b>	<b>Page 699</b>
<b>LD 1752</b>	<b>An Act to Amend the Laws Governing the Shrimp Harvesting Season</b>	<b>ONTP</b>	<b>Page 702</b>

***Municipalities***

**Enacted**

<b>LD 1837</b>	<b>An Act to Authorize Shellfish Management Committees to Determine Fees for Clam Licenses</b>	<b>PUBLIC 247 See LD 436</b>	<b>Page 702</b>
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**Not Enacted**

<b>LD 436</b>	<b>An Act Authorizing the St. George River Shellfish Management Committee to Determine Availability of and Fees for Clam Licenses</b>	<b>PUBLIC 247 See LD 1837</b>	<b>Page 685</b>
<b>LD 482</b>	<b>An Act Regarding the Harvesting of Periwinkles in the Unorganized Townships</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 687</b>
<b>LD 1122</b>	<b>An Act to Repeal Municipal Shellfish Ordinances</b>	<b>ONTP</b>	<b>Page 697</b>

### *Scallops*

#### Enacted

<b>LD 722</b>	<b>An Act to Amend the Laws Regarding Scallop Harvesting</b>	<b>PUBLIC 281</b>	<b>Page 692</b>
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#### Not Enacted

<b>LD 52</b>	<b>An Act to Extend the Closed Season on Scallop Harvesting in a Certain Area of this State</b>	<b>ONTP</b>	<b>Page 680</b>
<b>LD 942</b>	<b>An Act to Repeal the Scallop Season</b>	<b>ONTP</b>	<b>Page 696</b>

### *Sea Urchins*

#### Enacted

<b>LD 316</b>	<b>An Act to Establish a 30-day Temporary Sea Urchin and Scallop Diving Tender License</b>	<b>PUBLIC 158</b>	<b>Page 683</b>
<b>LD 507</b>	<b>An Act Concerning Sea Urchin Management</b>	<b>PUBLIC 177 EMERGENCY</b>	<b>Page 688</b>

#### Not Enacted

<b>LD 485</b>	<b>An Act to Limit the Taking of Sea Urchins</b>	<b>ONTP</b>	<b>Page 687</b>
<b>LD 847</b>	<b>An Act to Amend the Laws Pertaining to Sea Urchin Licenses</b>	<b>ONTP</b>	<b>Page 696</b>
<b>LD 992</b>	<b>An Act to Amend the Sea Urchin Management Plan</b>	<b>ONTP</b>	<b>Page 697</b>

## Joint Standing Committee on Natural Resources

**LD 2**

**An Act to Clarify Municipal Review and Enforcement of Sludge Spreading and Storage Permits**

**PUBLIC 38**

<u>Sponsor(s)</u> LIBBY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-30
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LD 2 proposed to allow municipalities to enact standards stricter than state standards regulating sewer or septic sludge as long as they comply with state law regarding the disposal of solid waste created within the municipality.

**Committee Amendment "A" (S-30)** proposed to replace the bill and change the title. The amendment proposed to expand municipal authority to allow municipalities to enforce the terms and conditions of sludge land application or storage site permits issued by the Department of Environmental Protection, and it proposed to require that a municipality notify the department prior to enforcing a septage or sludge permit.

The amendment also proposed to require the department to consult with the municipal officers prior to approving an application for a sludge land application or storage site. It proposed to require that if the department does not impose conditions on a permit that have been suggested in writing by the municipal officers, the department must provide a written explanation.

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

### *Enacted law summary*

Public Law 1997, chapter 38 expands municipal authority to allow municipalities to enforce the terms and conditions of sludge land application or storage site permits issued by the Department of Environmental Protection, and requires that a municipality notify the department prior to enforcing a septage or sludge permit.

The law also requires the department to consult with the municipal officers prior to approving an application for a sludge land application or storage site. If the department does not impose conditions on a permit that have been suggested in writing by the municipal officers, the department must provide a written explanation.

**LD 80**

**An Act to Protect Internal Waters of the State**

**CARRIED OVER**

<u>Sponsor(s)</u> PAUL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 80 proposes to add the criteria of environmental concerns, wildlife habitat, boat speed and traditional uses to the criteria that must be considered by the Commissioner of Inland Fisheries and Wildlife in developing rules governing the horsepower of motorboats on inland waters. This bill has been carried over to the Second Regular Session of the 118th Legislature.

**LD 194**

**An Act to Fully Fund the Surface Water Ambient Toxics  
Monitoring Program**

**ONTP**

Sponsor(s)  
ETNIER

Committee Report  
ONTP

Amendments Adopted

LD 194 proposed to provide funding from the General Fund for the continuation of the surface water ambient toxics monitoring program through the 1998-99 biennium at \$500,000 per year. The program is funded in the budget bill (Public Law 1997, chapter 24) through a General Fund appropriation to the Bureau of Land and Water Quality.

**LD 198**

**An Act to Amend the Permitting Laws for Septic Waste Disposal  
Sites**

**PUBLIC 40**

Sponsor(s)  
CLUKEY

Committee Report  
OTP-AM

Amendments Adopted  
H-67

LD 198 proposed to provide that a municipality, including a plantation, that has provided for disposal of all materials from septic tanks and cesspools within the municipality may deny approval for a site for the disposal of septage if the municipality finds that the site constitutes a health or safety hazard or would have an adverse effect on property values.

**Committee Amendment "A" (H-67)** proposed to replace the bill. The amendment proposed to revise the laws relating to approval of septage disposal sites in the following ways. It proposed to maintain the requirement that approval of a site be obtained from the municipality in which the site is located as well as from the Department of Environmental Protection, but it proposed to permit the municipality to decide whether approval must be obtained first from the municipality or the department. The amendment also proposed to specify that municipal approval is not required if a site is located in a Resource Protection District under the jurisdiction of the Maine Land Use Regulation Commission.

The amendment also proposed to clarify that if a municipality lacks applicable ordinances and local zoning and land use controls, the municipality must base its approval of the site on compliance with the siting and design standards in the department's rules relating to septage management. Finally, the amendment proposed to clarify the definition of municipality for purposes of the laws governing municipal septage sites.

***Enacted law summary***

Public Law 1997, chapter 40 maintains the requirement in law that approval of a septage disposal site be obtained from the municipality in which the site is located as well as from the Department of Environmental Protection, but it permits the municipality to decide whether approval must be obtained first from the municipality or the department. The law specifies that municipal approval is not required if a site is located in a Resource Protection District under the jurisdiction of the Maine Land Use Regulation Commission.

The law clarifies that if a municipality lacks applicable ordinances and local zoning and land use controls, the municipality must base its approval of the site on compliance with the siting and design standards in the

department's rules relating to septage management. The law also clarifies the definition of municipality for purposes of the laws governing municipal septage sites.

**LD 218**                      **An Act to Amend the Site Law Concerning State and Local Review of Transmission Lines**                      **PUBLIC 72**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM    MAJ ONTP        MIN	S-31 H-106    ROWE

LD 218 proposed to return the threshold to 100 kilovolts. Effective July 1, 1997, the threshold for the development of a transmission line requiring approval by the Public Utilities Commission and subject to compliance with the site location of development laws is raised from 100 to 120 kilovolts.

**Committee Amendment "A" (S-31)**, the majority report of the committee, proposed to add an emergency preamble, an emergency clause and a fiscal note to the bill.

**House Amendment "B" to Committee Amendment "A" (H-106)** proposed to strip the emergency preamble and emergency clause from the committee amendment.

***Enacted law summary***

Public Law 1997, chapter 72 returns the threshold for the development of a transmission line requiring approval by the Public Utilities Commission and subject to compliance with the site location of development laws to 100 kilovolts.

**LD 226**                      **Resolve, Requiring the Department of Public Safety, Chief of the State Police to Amend the Commercial Vehicle Inspection Standards to Help Control Diesel Truck Emissions**                      **ONTP**

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

LD 226 proposed to require the Chief of the State Police to amend the rules for the inspection of commercial vehicles to require that injectors on diesel systems be inspected.

See also LD 1651, which was amended to require the Commissioner of Environmental Protection, in developing a proposal for a motor vehicle inspection and maintenance program, to consider both roadside testing and annual testing at the time of inspection of heavy duty diesel-powered vehicles.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER NUTTING	OTP-AM	H-111

LD 258 proposed to authorize the Department of Environmental Protection to establish a program providing for compensation of unavoidable freshwater or coastal wetland losses due to a proposed activity. The department would be able to require an applicant to compensate for wetland losses through a specific project, purchase of mitigation bank credits or payment of a compensation fee. The bill also proposed to authorize the department or an organization authorized by the department to administer a dedicated account to fulfill the purposes of freshwater wetland restoration, enhancement, preservation and creation.

**Committee Amendment "A" (H-111)** proposed to clarify the wetlands compensation program that is authorized by the bill. The amendment proposed to prohibit the compensation of coastal wetland losses by the restoration, enhancement, creation or preservation of freshwater wetland functions or values. The amendment proposed to specify that a compensation project must be approved by the Department of Environmental Protection, and that approval must be based on the wetland management priorities identified for the watershed in which the project is located. The department would be prohibited from approving a project until the applicant has complied with all other applicable provisions of the natural resources protection laws.

The amendment also proposed to require that a compensation project be located in the same watershed as the wetlands affected by the activity unless the department determines, based on regional hydrological or ecological priorities, that there is a scientific justification to locate the project outside of the watershed.

The amendment also proposed to clarify that a mitigation bank must be consistent with all applicable federal rules and regulations.

The amendment proposed to require the department to develop a compensation fee program in consultation with the State Planning Office and other state and federal resource agencies.

The amendment also proposed to require the department to submit an annual report to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding the wetlands compensation program, and to submit to that committee on January 1, 2001 an evaluation of the effectiveness and efficiency of the compensation program.

The amendment proposed to repeal the statutory authorization for the wetlands compensation program October 15, 2001.

The amendment proposed to prohibit the department from approving a compensation project funded in whole or in part from compensation fees until the compensation fee program has been agreed to by federal resource agencies.

Finally, the amendment proposed to make a technical change to the allocation section.

#### *Enacted law summary*

Public Law 1997, chapter 101 authorizes the Department of Environmental Protection to establish a program providing for compensation of unavoidable freshwater or coastal wetland losses due to a proposed activity. The department may require an applicant to compensate for wetland losses through a specific project, purchase of mitigation bank credits or payment of a compensation fee. The law requires that a compensation project be located in the same watershed as the wetlands affected by the activity unless the department determines, based on regional hydrological or ecological priorities, that there is a scientific justification to locate the project outside of the watershed. Any compensation project must be approved by the department, and that approval must be based on the wetland management priorities identified for the watershed in which the project is located. The department is prohibited from approving a project until the applicant has complied with all other applicable provisions of the natural resources protection laws.

The law requires the department to develop a compensation fee program in consultation with the State Planning Office and other state and federal resource agencies. Any compensation fee must be paid into a wetlands compensation fund administered by the department or an organization authorized by the department and dedicated to the purposes of freshwater wetland restoration, enhancement, preservation and creation.

The law also requires the department to submit an annual report to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding the wetlands compensation program, and to submit to that committee on January 1, 2001 an evaluation of the effectiveness and efficiency of the compensation program.

The statutory authorization for the wetlands compensation program is repealed October 15, 2001.

**LD 284**

**An Act to Continue the State's Dioxin Monitoring Program and Consolidate Reports to the Legislature**

**PUBLIC 179**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIAH NUTTING	OTP-AM	H-225

LD 284 proposed to provide for the continuation of dioxin monitoring in the State's waters through the year 2002.

**Committee Amendment "A" (H-225)** proposed to change the dates on which the Commissioner of Environmental Protection is required to report on the dioxin monitoring program and the surface water ambient toxics monitoring program to require that both reports be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters by March 31st of each year. The amendment also proposed to require that the report on the results of the dioxin monitoring program be included as part of the report on the surface water ambient toxics monitoring program.

The amendment proposed to impose a cap on the total fees that may be assessed by the commissioner on facilities for the costs of sample collection and analysis under the dioxin monitoring program at \$250,000 in any fiscal year. The amendment also proposed to change the title of the bill.

***Enacted law summary***

Public Law 1997, chapter 179 provides for the continuation of dioxin monitoring in the State's waters through the year 2002. The law changes the dates on which the Commissioner of Environmental Protection is required to report on the dioxin monitoring program and the surface water ambient toxics monitoring program to require that both reports be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters by March 31st of each year. The law requires that the report on the results of the dioxin monitoring program be included as part of the report on the surface water ambient toxics monitoring program.

The law also imposes a cap on the total fees that may be assessed by the commissioner on facilities for the costs of sample collection and analysis under the dioxin monitoring program at \$250,000 in any fiscal year.

**LD 364**

**An Act to Encourage the Use of Motor Vehicles That Use  
Alternative Sources of Fuel for the Purpose of Reducing Air  
Pollution**

**PUBLIC 500**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN BENNETT	OTP-AM	H-680 S-337 MURRAY S-414 MICHAUD

LD 364 proposed to authorize the Department of Economic and Community Development to select five different joint venture proposals for the purpose of conducting demonstration programs to develop infrastructure to support the use of alternative fuel vehicles.

The bill proposed to establish a program administered by the Finance Authority of Maine to guarantee loans made to operators of vehicle fleets and to businesses for the acquisition of capital equipment necessary to establish alternative fuel vehicle support and maintenance facilities.

The bill proposed to prohibit an insurer from assessing a surcharge on a motor vehicle insurance policy for an alternative fuel vehicle until actuarial data to support the surcharge is developed.

The bill proposed to exempt alternative fuel vehicles from sales and use taxes and personal property taxes.

The bill proposed to direct the Secretary of State to establish procedures for the registration of an alternative fuel vehicle and to issue a special registration plate.

The bill proposed to exempt alternative fuel vehicles from parking fees and registration fees.

The bill proposed to direct the Public Utilities Commission to establish alternative fuel vehicle programs that will entitle electric or natural gas utilities to recover costs if they provide alternative fuel vehicle programs to their customers.

The bill proposed to allow a taxpayer a credit against income tax under certain circumstances relating to alternative fuel vehicles.



The bill proposed to direct the Department of Environmental Protection to study procedures and to implement a program to measure emissions reductions produced by the voluntary operation of vehicles powered by nongasoline fuels and to provide methods by which the emissions reductions would reflect in credits.

The bill also proposed to direct the Department of Economic and Community Development to create a comprehensive alternative fuel vehicle plan.

**Committee Amendment "A" (H-680)** proposed to replace the bill. The amendment proposed to create the revolving Clean Fuel Vehicle Fund under the jurisdiction of the Finance Authority of Maine to make loans to finance clean fuel vehicle projects, including the acquisition or lease of clean fuel vehicles and the acquisition of capital equipment necessary to establish clean fuel vehicle support and maintenance facilities. The amendment also proposed to authorize the authority to insure mortgage loans for clean fuel vehicle projects.

The amendment proposed to permit an insurer to offer credits or refunds on insurance policy premiums in order to encourage the use of clean fuel vehicles if the credits or refunds are not funded through increases in insurance premiums on other vehicles.

The amendment proposed to exempt a portion of the sale or lease price of clean fuel vehicles from excise taxes and sales and use taxes. The exempt portion would be that part of the price that exceeds the price of an otherwise identical vehicle powered by gasoline. The exemptions would not apply to vehicles purchased after December 31, 2005.

The amendment also proposed to allow an income tax credit equal to a percentage of expenditures paid for the development of infrastructure relating to the sale of clean fuels. The credit would not be allowed for expenditures made after December 31, 2005.

The amendment proposed to authorize the Board of Environmental Protection to adopt rules to implement a motor vehicle emissions labeling program for all new vehicles sold within the State in order to educate the public about the types and amounts of motor vehicle emissions. The amendment also proposed to require the Commissioner of Environmental Protection to convene a working group to recommend a motor vehicle emissions incentives and education program. The working group would be required to report its recommendations to the Legislature by February 1, 1998.

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

**Senate Amendment "A" to Committee Amendment "A" (S-337)**, presented on behalf of the Committee on Bills in the Second Reading, proposed to change the section number of one of the provisions in the legislation.

**Senate Amendment "C" to Committee Amendment "A" (S-414)** proposed to eliminate the excise tax and sales and use tax exemptions and the income tax credit for clean fuel vehicles. It also proposed to eliminate the appropriation section.

### ***Enacted law summary***

Public Law 1997, chapter 500 creates the revolving Clean Fuel Vehicle Fund under the jurisdiction of the Finance Authority of Maine to make loans to finance clean fuel vehicle projects, including the acquisition or lease of clean fuel vehicles and the acquisition of capital equipment necessary to establish clean fuel vehicle support and maintenance facilities. The law also authorizes the authority to insure mortgage loans for clean fuel vehicle projects.

The law permits an insurer to offer credits or refunds on insurance policy premiums in order to encourage the use of clean fuel vehicles if the credits or refunds are not funded through increases in insurance premiums on other vehicles.

The law authorizes the Board of Environmental Protection to adopt rules to implement a motor vehicle emissions labeling program for all new vehicles sold within the State in order to educate the public about the types and amounts of motor vehicle emissions. The law also requires the Commissioner of Environmental Protection to convene a working group to recommend a motor vehicle emissions incentives and education program. The working group must report its recommendations to the Legislature by February 1, 1998.

**LD 466                      An Act to Establish Guidelines for the Utilization of Municipal Solid                      PUBLIC 418**  
**Waste Incinerator Ash and Its Derivatives**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT	OTP-AM    MAJ	H-646
AMERO	ONTP      MIN	

LD 466 proposed to establish guidelines in statute, including permitted uses, restrictions and prohibitions, for the use of municipal solid waste incinerator ash. It also proposed to require local approval for any use of 50 or more tons of ash.

**Committee Amendment "A" (H-646)** proposed to replace the bill. The amendment proposed to require the Board of Environmental Protection to adopt rules establishing requirements for the use of municipal solid waste incinerator ash. These rules would be major substantive rules and would be reviewed by the Legislature. The amendment also proposed to specify six issues that the board must consider in developing the rules.

The amendment proposed to prohibit the use of municipal solid waste incinerator ash, except certain uses in a secure landfill, without a license from the Department of Environmental Protection issued pursuant to the new rules. The amendment proposed to prohibit the department from processing or acting upon an application for this license until rules are finally adopted by the board.

The amendment proposed to authorize the use of municipal solid waste incinerator ash processed to remove noncombusted materials and reduce the solubility of metals as daily cover, construction material or in pilot projects in the lined areas of a secure landfill. Each use would have to receive case-by-case approval from the department.

The amendment also proposed to enumerate several findings made by the Legislature with respect to municipal solid waste incinerator ash.

***Enacted law summary***

Public Law 1997, chapter 418 requires the Board of Environmental Protection to adopt rules establishing requirements for the use of municipal solid waste incinerator ash. These rules are major substantive rules and must be reviewed by the Legislature. The law specifies six issues that the board must consider in developing the rules.

The law prohibits the use of municipal solid waste incinerator ash, except certain uses in a secure landfill, without a license from the Department of Environmental Protection issued pursuant to the new rules. The law prohibits the

department from processing or acting upon an application for this license until rules are finally adopted by the board.

The law authorizes the use of municipal solid waste incinerator ash processed to remove noncombusted materials and reduce the solubility of metals as daily cover, construction material or in pilot projects in the lined areas of a secure landfill. Each use must receive case-by-case approval from the department.

The law also enumerates several findings made by the Legislature with respect to municipal solid waste incinerator ash.

**LD 474                      An Act to Amend the Waste Management Laws Regarding Landfill Closure                      PUBLIC 479**

<u>Sponsor(s)</u> MORGAN AMERO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-459
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LD 474 proposed to extend the date from January 1, 1998 to January 1, 2000 after which the State is not required to reimburse municipalities for costs incurred for work relating to landfill closure procedures.

**Committee Amendment "A" (H-459)** proposed to replace the bill. The amendment proposed to clarify the state cost-share fraction of landfill closure costs incurred by municipalities and to extend the state cost-share program for two years. The amendment also proposed to clarify the Commissioner of Environmental Protection's authority to issue grants or payments to municipalities in the amount of 75% of closure costs incurred when the state cost share is 50% or 30% of closure costs if the commissioner determines that the closure work was delayed for reasons beyond the control of the municipality and the costs are identified in and incurred pursuant to a written agreement between the municipality and the Department of Environmental Protection.

The amendment also proposed to clarify that the state cost-share fraction for remediation and closure costs does not apply to municipal solid waste landfills that have been identified as uncontrolled hazardous substance sites or Superfund sites. The commissioner would be required to determine the amount of grants or payments issued to municipalities for the costs of remediation and closure at those sites.

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

***Enacted law summary***

Public Law 1997, chapter 479 clarifies the state cost-share fraction of landfill closure costs incurred by municipalities and also extends the state cost-share program for two years. The law also clarifies the Commissioner of Environmental Protection's authority to issue grants or payments to municipalities in the amount of 75% of closure costs incurred when the state cost share is 50% or 30% of closure costs if the commissioner determines that the closure work was delayed for reasons beyond the control of the municipality and the costs are identified in and incurred pursuant to a written agreement between the municipality and the Department of Environmental Protection.

The law also clarifies that the state cost-share fraction for remediation and closure costs does not apply to municipal solid waste landfills that have been identified as uncontrolled hazardous substance sites or Superfund

sites. The commissioner shall determine the amount of grants or payments issued to municipalities for the costs of remediation and closure at those sites.

**LD 497**                      **An Act to Exempt Certain Incinerators from Environmental Laws and Department of Environmental Protection Regulations**                      **ONTP**

<u>Sponsor(s)</u> HALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 497 proposed to exempt resource recovery facilities that burn less than one ton per day or that have less than 15 cubic feet of burning area from testing requirements for resource recovery facilities and from rules adopted by the Board of Environmental Protection relating to incinerators or resource recovery facilities.

**LD 553**                      **An Act to Clarify Certain Department of Environmental Protection Prohibitions**                      **ONTP**

<u>Sponsor(s)</u> SAVAGE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 553 proposed to remove the prohibition on repairing permanent structures in any protected natural resource or adjacent to a wetland without a permit.

**LD 554**                      **An Act to Change the Definition of Pollutant in the Environmental Laws**                      **ONTP**

<u>Sponsor(s)</u> SAVAGE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 554 proposed to change the definition of pollutant in the environmental laws by eliminating rock, sand and dirt.

**LD 583**                      **An Act to Establish Cost-benefit Analysis for Environmental Rules**                      **ONTP**

<u>Sponsor(s)</u> WATERHOUSE CAREY		<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN		<u>Amendments Adopted</u>
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LD 583 proposed to amend the current procedures for legislative review of agency rules. It proposed to add to the existing requirements for economic impact information pertaining to proposed and adopted rules. For environmental rules, the bill proposed to require the Board of Environmental Protection or the Department of Environmental Protection to supply the Legislature with further cost-benefit analyses.



LD 636 proposed to provide an incentive for the removal of hazardous waste transported as a result of remedial or corrective actions or facility closures by waiving the fees on the transportation of hazardous waste.

**Committee Amendment "A" (H-276)**, the majority report of the Joint Standing Committee on Natural Resources, proposed to change the title of the bill. The amendment proposed to cap the fees that may be required for hazardous waste transported off a federally declared Superfund site that was added to the national priorities list by the United States Environmental Protection Agency on or before January 1, 1997 at \$200,000 per site in any calendar year. The amendment also proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 258 caps the fees that may be required for hazardous waste transported off a federally declared Superfund site that was added to the national priorities list by the United States Environmental Protection Agency on or before January 1, 1997 at \$200,000 per site in any calendar year.

**LD 648**                      **Resolve, to Allow Donald Hebert to Retain a Certain Structure in Exchange for the Removal of Another Structure**                      **ONTP**

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

LD 648 proposed to allow Donald Hebert to retain a sun room attached to his residence in the Town of Madawaska in violation of the town's water setback requirements. In exchange for retaining the sun room, the resolve would have required Donald Hebert to remove a storage shed located on the same property and restore the area of the shed to natural vegetation.

**LD 658**                      **Resolve, Requiring the Department of Human Services to Establish a Maximum Contaminant Level for MTBE**                      **RESOLVE 58**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRIPP	OTP-AM	H-386
CAREY		

LD 658 proposed to establish in statute a maximum allowable contaminant level for all public water supplies for methyl tert-butyl ether of five parts per billion.

**Committee Amendment "A" (H-386)** proposed to replace the bill and change the title. The amendment, a resolve, proposed to require the Commissioner of Human Services to adopt rules establishing a maximum contaminant level for methyl tert-butyl ether, MTBE. The rules would be major substantive rules and would have to be submitted to the Legislature for review no later than February 1, 1998.

***Enacted law summary***

Resolve 1997, chapter 58 requires the Commissioner of Human Services to adopt rules establishing a maximum contaminant level for methyl tert-butyl ether, MTBE. The rules are major substantive rules and must be submitted to the Legislature for review no later than February 1, 1998.

**LD 660                      An Act to Opt out of the Federal Requirement to Use Reformulated Fuel      CARRIED OVER**

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

LD 660 proposes to provide that a state or federal authority may not mandate any fuel for use, nor prohibit the sale of any fuel that is sold in any other state of the United States.

It proposes to prohibit a state or federal authority from implementing any automobile testing policy, process or program without state legislative approval.

It proposes to require sellers of gasoline or fuel to post material safety data sheets revealing all known chemical components of those fuels.

It proposes to require that all money collected by the State on behalf of the Federal Government be placed in an escrow account and withheld until the total cumulative amount withheld from the Federal Government equals the total amount of financial sanctions, penalties or withholding of funds.

It proposes to instruct the Governor, state representatives, members of the judiciary, constitutional officers and state employees to resign if they fail or refuse to implement the requirements of the bill.

It proposes to provide that no aspect of Section 7545(k) of the federal Clean Air Act may be implemented in this State without state legislative approval.

This bill has been carried over to the Second Regular Session of the 118th Legislature.

**LD 748                      An Act to Prohibit Residential Burning of Domestic, Household Trash                      ONTP**

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

LD 748 proposed to prohibit all residential burning of household trash.

See also LD 967.

**LD 767**

**An Act to Clarify Sanitary District and Sewer District Authority to Adopt Impact Fees**

**ONTP**

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

LD 767 which was initially referenced to and reported out of the Natural Resources Committee, was re-referred to the Utilities and Energy Committee. The bill proposed to require that impact fees established by sewer or sanitary districts conform to the requirements of law that apply to impact fees established by municipalities.

**Committee Amendment "A" (H-145)**, the minority report of the Joint Standing Committee on Natural Resources, proposed to specify that it is the restrictions on the imposition of impact fees, and not the home rule authority to adopt impact fees, that apply to sanitary districts and sewer districts as well as to municipalities. This amendment was not adopted.

**Committee Amendment "B" (H-548)**, the minority report of the Joint Standing Committee on Utilities and Energy, proposed that impact fees collected by sewer and sanitary districts be subject to regulation by the Public Utilities Commission. This amendment was not adopted.

**LD 776**

**An Act to Exempt Permitted Auto Recyclers from the Solid Waste Management Rules**

**ONTP**

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

LD 776 proposed to require that an automobile recycling business with an automobile recycling business permit issued by the municipality in which it is located meet the following standards for tire storage areas: the total area for tire storage must be less than 10,000 square feet by 10 feet high and fire lanes must be constructed and maintained.

The bill also proposed to exempt an automobile recycling business with an automobile recycling business permit from the Board of Environmental Protection's solid waste management rules relating to tire storage.

**LD 866**

**An Act to Amend the Law Concerning Municipal Review and Regulation of Subdivisions**

**PUBLIC 226**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTLAND TAYLOR	OTP-AM	S-129

LD 866 proposed to clarify the procedure for municipal review of a proposed subdivision that crosses municipal boundaries by requiring that all meetings to discuss the application be held jointly by the reviewing authorities from each municipality and that the subdivision regulations adopted by each municipality be considered and the stricter regulations applied when a decision is issued on the proposed subdivision.



**Committee Amendment "A" (S-129)** proposed to require that, when any portion of a subdivision crosses municipal boundaries, all meetings and hearings to review the application for the subdivision or a revision to the subdivision be held jointly by the reviewing authorities from each municipality. The requirement could be waived upon written agreement of the reviewing authorities.

The amendment also proposed to require that, when reviewing a subdivision that crosses municipal boundaries, the reviewing authorities consider and make a finding of fact regarding whether the proposed subdivision will cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. The amendment also proposed to add a mandate preamble and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 226 requires that, when any portion of a subdivision crosses municipal boundaries, all meetings and hearings to review the application for the subdivision or a revision to the subdivision be held jointly by the reviewing authorities from each municipality. The requirement may be waived upon written agreement of the reviewing authorities.

The law also requires that, when reviewing a subdivision that crosses municipal boundaries, the reviewing authorities consider and make a finding of fact regarding whether the proposed subdivision will cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

**LD 906**

**An Act to Facilitate Removal of Certain Licensed Overboard Discharges**

**ONTP**

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

LD 906 proposed to authorize sanitary and sewer districts that serve more than one municipality to construct an extension if that extension eliminates large licensed overboard discharges of 30,000 gallons per day or more thereby diverting the discharge into a district's treatment system. The bill proposed to require that the extension be a forced main construction with no direct connections except to eliminate another overboard discharge of 30,000 gallons per day or more. Any other service that did not meet these restrictions would have to receive the written assurance from the appropriate municipal officers as required by law.

**Committee Amendment "A" (H-393)**, the minority report of the Joint Standing Committee on Natural Resources, proposed to add a fiscal note to the bill. The amendment was not adopted.

**LD 908**

**An Act to Amend the Definition of the Term Subdivision in the Site Location of Development Laws**

**ONTP**

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

LD 908 proposed to increase from 15 to 16 the number of lots into which a parcel larger than 30 acres may be divided before it is considered a subdivision for purposes of the site location of development laws.

**LD 967**

**An Act to Clarify the Laws Relating to Backyard Burning**

**PUBLIC 512**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	OTP-AM MAJ ONTP MIN	H-392 S-408 MICHAUD

LD 967 proposed to prohibit the burning of solid waste. The bill proposed to exempt the following activities from the prohibition:

1. The burning of materials customarily burned in fireplaces, wood stoves, campfires and grills;
2. The burning of yard wastes or natural wood;
3. The incineration of solid waste at a regulated waste facility;
4. The burning of structures and solid or liquid fuels for the purpose of instruction and training of firefighters;
5. The burning in forest areas of brush, tree cuttings and slash;
6. Burning for the purposes of weed abatement; disease prevention or control; forest fire prevention or control; or agricultural, forestry or wildlife habitat management;
7. Burning that is necessary to abate imminent threats to public health, safety and welfare; and
8. Burning of waste in year-round island communities that are not connected to the mainland by bridge.

**Committee Amendment "A" (H-392)**, the majority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill. It proposed to authorize the Director of the Bureau of Forestry in the Department of Conservation to consider any prior convictions for violating the laws relating to out-of-door burning of trash. It also proposed to include municipal code enforcement officers in the list of persons authorized to demand the production of a permit by anyone engaged in out-of-door burning.

The amendment proposed to clarify that the burning of highly combustible trash is prohibited where curbside trash collection service that is operated or contracted by the municipality or that is required by municipal ordinance is available and will accept those materials and that the burning of certain other types of trash is prohibited in all areas. It also proposed to clarify that a permit is required for residential open burning of highly combustible trash

in open or enclosed incinerators in municipalities where municipal curbside trash collection service is not available or will not accept those materials.

The amendment also proposed to establish the Task Force to Study Backyard Burning and proposed to require the task force to submit a report to the Joint Standing Committee on Natural Resources no later than January 15, 1998. Finally, the amendment proposed to require the Department of Environmental Protection, in consultation with the Executive Department, State Planning Office and the Department of Conservation, Bureau of Forestry, to undertake an educational outreach program to inform the public about the health and environmental effects of backyard burning.

**Senate Amendment "B" to Committee Amendment "A" (S-408)** proposed to require the Department of Environmental Protection, rather than the Task Force to Study Backyard Burning, to conduct the study and proposed to change the reporting date to January 1, 1998.

***Enacted law summary***

Public Law 1997, chapter 512 authorizes the Director of the Bureau of Forestry in the Department of Conservation to consider any prior convictions for violating the laws relating to out-of-door burning of trash. It also includes municipal code enforcement officers in the list of persons authorized to demand the production of a permit by anyone engaged in out-of-door burning.

The law clarifies that the burning of highly combustible trash is prohibited where curbside trash collection service that is operated or contracted by the municipality or that is required by municipal ordinance is available and will accept those materials and that the burning of certain other types of trash is prohibited in all areas. It also clarifies that a permit is required for residential open burning of highly combustible trash in open or enclosed incinerators in municipalities where municipal curbside trash collection service is not available or will not accept those materials.

The law requires the Department of Environmental Protection to study issues related to backyard burning and to submit a report with findings and recommendations to the Joint Standing Committee on Natural Resources no later than January 1, 1998. The law also requires the Department of Environmental Protection, in consultation with the Executive Department, State Planning Office and the Department of Conservation, Bureau of Forestry, to undertake an educational outreach program to inform the public about the health and environmental effects of backyard burning.

See also LD 748.

**LD 1019**

**An Act to Allow Foam Food and Beverage Containers in School Cafeterias under Certain Circumstances**

**PUBLIC 195**

Sponsor(s)  
KILKELLY

Committee Report  
OTP-AM

Amendments Adopted  
S-123

LD 1019 proposed to exempt a school or a school administrative district from the prohibition against serving food or beverages in a polystyrene foam plastic container.

**Committee Amendment "A" (S-123)** proposed to replace the title of the bill. It proposed to permit schools and school administrative districts to request a three-year waiver from the prohibition against serving food or beverages

in polystyrene foam plastic containers. The State Planning Office would be able to grant the waiver as long as the school or district's request includes an explanation of the district's financial hardship and a waste reduction plan, and the school or district has held a public hearing on the proposal to use polystyrene containers and the waste reduction plan. The office would be able to renew the waiver for two-year periods if it finds that the school or district has made reasonable progress toward implementing the plan. The amendment also proposed to authorize the office to provide technical and financial assistance, within available resources, to schools and school administrative districts to assist them with meeting the goal of using durable containers.

***Enacted law summary***

Public Law 1997, chapter 195 permits schools and school administrative districts to request a three-year waiver from the prohibition against serving food or beverages in polystyrene foam plastic containers. The State Planning Office may grant the waiver as long as the school or district's request includes an explanation of the district's financial hardship and a waste reduction plan, and the school or district has held a public hearing on the proposal to use polystyrene containers and the waste reduction plan. The office may renew the waiver for two-year periods if it finds that the school or district has made reasonable progress toward implementing the plan. The law authorizes the office to provide technical and financial assistance, within available resources, to schools and school administrative districts to assist them with meeting the goal of using durable containers.

**LD 1031                      An Act Relating to the Use and Reclamation of Number One Pond in Sanford                      ONTP**

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

LD 1031 proposed to permit the removing or displacing of vegetation in or on Number One Pond in Sanford without a natural resources protection laws permit from the Department of Environmental Protection, provided that the activities were performed under the supervision of the Department of Environmental Protection.

**LD 1035                      An Act Regarding Board of Environmental Protection Reports                      ONTP**

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

LD 1035 proposed to require the Board of Environmental Protection to include in its report to the Legislature on the effectiveness of state environmental laws information about the cases that have been handled by the Department of Environmental Protection.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY TRIPP	OTP-AM	S-189 S-393 MICHAUD

LD 1058 proposed to prohibit the Commissioner of Environmental Protection from entering into any interstate agreement relating to the transport of ozone and potentially requiring the State to undertake emissions reductions in addition to those specified in the federal Clean Air Act, 42 United States Code, section 7401 et seq., without the prior review and authorization of the Legislature. The bill proposed to require the joint standing committee of the Legislature having jurisdiction over natural resources matters to review a proposed agreement and to hold at least one public hearing on the proposed agreement. The bill also proposed to require the State Planning Office to assist the committee in its review by studying the impacts of the proposed agreement on the State's economy. It proposed to authorize the committee to report out legislation authorizing the commissioner to enter into the proposed agreement or disapproving the proposed agreement.

**Committee Amendment "A" (S-189)** proposed to change the title and replace the bill. The amendment proposed to require the Department of Environmental Protection to confer with the Joint Standing Committee on Natural Resources before it proposes any revisions to the state implementation plan that is required under the federal Clean Air Act that would require the State to implement new emissions reduction strategies or programs or substantially revise or terminate existing emissions reduction strategies or programs.

**Senate Amendment "A" to Committee Amendment "A" (S-393)** proposed to clarify that the per diem and expenses of Legislators must be paid from existing budgeted resources if it is necessary for the Joint Standing Committee on Natural Resources to meet during the interim between sessions.

*Enacted law summary*

Public Law 1997, chapter 531 requires the Department of Environmental Protection to confer with the Joint Standing Committee on Natural Resources before it proposes any revisions to the state implementation plan that is required under the federal Clean Air Act that would require the State to implement new emissions reduction strategies or programs or substantially revise or terminate existing emissions reduction strategies or programs. The law specifies that the per diem and expenses of Legislators must be paid from existing budgeted resources if it is necessary for the Joint Standing Committee on Natural Resources to meet during the interim between sessions.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEXTER	OTP-AM	H-175

LD 1074 proposed to amend the zoning adjustment statute to adopt "practical difficulty" standards for variances from dimensional standards in zoning ordinances. The bill proposed to allow a petitioner to obtain a variance from a dimensional standard, such as a yard setback, lot area, lot width or a frontage provision, upon a showing of practical difficulty that would be less stringent than must be made under "undue hardship" conditions in the Maine Revised Statutes, Title 30-A, section 4353, subsection 4.

**Committee Amendment "A" (H-175)** proposed to add to the zoning adjustment statute a fourth type of variance that may be granted from a zoning ordinance. It proposed to authorize a municipality to adopt an ordinance that permits the board of appeals to grant a variance from the dimensional standards of a zoning ordinance, which are defined to include lot area, lot coverage, frontage and setback requirements, when strict application of the ordinance would cause a practical difficulty and certain conditions exist. The amendment proposed to prohibit the granting of this type of variance if the property is in the shoreland zone.

***Enacted law summary***

Public Law 1997, chapter 148 adds to the zoning adjustment statute a 4th type of variance that may be granted from a zoning ordinance. It authorizes a municipality to adopt an ordinance that permits the board of appeals to grant a variance from the dimensional standards of a zoning ordinance, which are defined to include lot area, lot coverage, frontage and setback requirements, when strict application of the ordinance would cause a practical difficulty and certain conditions exist. This type of variance may not be granted if the property is in the shoreland zone.

**LD 1095                      An Act Concerning State Mandated Municipal Landfill Remediation                      ONTP**

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

LD 1095 proposed to require the Commissioner of Environmental Protection to reimburse municipalities for 90% of the planning and implementation costs of remediation ordered by the commissioner at a municipal landfill identified as an uncontrolled hazardous substance site. Under current law, the department must reimburse municipalities for 90% of the costs of remediation at a municipal landfill, but if the landfill is identified as an uncontrolled hazardous substance site the commissioner may determine the amount of funds expended at the site.

See also LD 474.

**LD 1104                      An Act to Create an Evidentiary Privilege for Environmental Audits and Provide for Qualified Disclosure                      ONTP**

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

LD 1104 proposed to establish an environmental audit privilege to protect the confidentiality of communications relating to voluntary internal environmental audits in order to encourage owners and operators of facilities and other persons conducting activities regulated under the State's environmental laws, or the federal, regional or local counterpart or extension of those laws, to conduct voluntary internal environmental audits of their compliance programs and management systems and to assess and improve compliance with those laws. An environmental audit report would be privileged and not admissible if it met specific requirements, unless the person for whom the report

was prepared waived the privilege or other circumstances existed. The bill proposed to establish a procedure to have the court determine when the privilege may be applied when enforcement authorities request, subpoena or seize an environmental audit report. The bill proposed penalties for violating the nondisclosure requirements.

**LD 1135**                      **Resolve, Regarding Legislative Review of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality**                      **RESOLVE 18 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1135 proposed to authorize adoption of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

***Enacted law summary***

Resolve 1997, chapter 18 authorizes final adoption of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

This resolve was enacted as an emergency measure effective May 7, 1997.

**LD 1136**                      **Resolve, Regarding Legislative Review of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality**                      **RESOLVE 30 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-278
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LD 1136 proposed to authorize adoption of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

**Committee Amendment "A" (H-278)** proposed to require that prior to final adoption of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection, the rule be amended as follows: to require that storm water quality standards appropriate for the area apply to variances for externally drained excavation pits; to require that owners or operators of excavation sites where petroleum products will be stored submit a spill prevention, control and countermeasures plan to the department for review prior to beginning operations; and to authorize the department to require that such a plan include provisions for monitoring groundwater quality.

The amendment proposed to require the department to adopt major substantive rules that set forth the procedural requirements for the conduct of a public informational meeting. It also proposed to require the department to develop an interim policy to provide guidance in the conduct of the public informational meetings required to be held by applicants for a variance pursuant to the Maine Revised Statutes, Title 38, section 490-E.

***Enacted law summary***

Resolve 1997, chapter 30 authorizes final adoption of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection, but requires that prior to final adoption, the rule be amended as follows: to require that storm water quality standards appropriate for the area apply to variances for externally drained excavation pits; to require that owners or operators of excavation sites where petroleum products will be stored submit a spill prevention, control and countermeasures plan to the department for review prior to beginning operations; and to authorize the department to require that such a plan include provisions for monitoring groundwater quality.

The resolve requires the department to adopt major substantive rules that set forth the procedural requirements for the conduct of a public informational meeting. It also requires the department to develop an interim policy to provide guidance in the conduct of the public informational meetings required to be held by applicants for a variance pursuant to the Maine Revised Statutes, Title 38, section 490-E.

This resolve was enacted as an emergency measure effective May 16, 1997.

**LD 1155                      An Act to Create a Permanent Funding Source for the Saco River Corridor Commission                      PUBLIC 330**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM    MAJ	H-396
LIBBY	ONTP      MIN	H-598    ROWE

LD 1155 proposed to establish an additional source of funding for the Saco River Corridor Commission by establishing the Saco River Corridor Fund in order to partially support the activities of the Commission. The bill proposed to require that by February 1, 1999, the Joint Standing Committee on Natural Resources review whether additional sources of funding to support the Saco River Corridor Commission have been implemented.

**Committee Amendment "A" (H-396)**, the majority report of the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Taxation, proposed to reduce the number of water utilities that would be assessed a fee on the sale of water and fire protection services to fund the activities of the Saco River Corridor Commission by limiting the assessment to those utilities that either draw water directly from the Saco River or from a groundwater source under the influence of the Saco River. The amendment also proposed to change the review requirement in the bill by requiring the commission to report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 15, 2001 on the sources of revenue used to support the activity and operations of the Saco River Corridor Commission. It proposed to require the committee to review the commission's funding by February 1, 2001 to determine whether sufficient sources of additional revenue have been obtained to support the activities of the commission.

**House Amendment "A" to Committee Amendment "A" (H-598)** proposed to change the Saco River Corridor Fund from a private, interest-bearing account to a nonlapsing dedicated, interest-bearing account. The amendment



also proposed to clarify that assessments on the sale of water may not be the only source of revenue for funding of the Saco River Corridor Fund.

***Enacted law summary***

Public Law 1997, chapter 330 establishes the Saco River Corridor Fund in order to partially support the activities of the Saco River Corridor Commission. The law requires the commission to impose a fee of 1% on the sale of water and fire protection services by a water utility that draws water directly from the Saco River or from a groundwater source under the influence of the Saco River. The law requires the commission to report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 15, 2001 on the sources of revenue used to support the activity and operations of the Saco River Corridor Commission. It also requires the committee to review the commission's funding by February 1, 2001 to determine whether sufficient sources of additional revenue have been obtained to support the activities of the commission.

**LD 1217                      An Act to Protect the State's Lakes, Rivers and Coastal Wetlands                      PUBLIC 519  
through a Comprehensive Watershed Protection Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM    MAJ	H-746
TREAT	OTP-AM    MIN	

LD 1217 proposed to authorize the Department of Environmental Protection to create and implement a comprehensive watershed protection program designed to protect the State's lakes, rivers, coastal wetlands and other surface waters from nonpoint source pollution. The program would address both existing and emerging pollution sources that can cause water bodies to experience significant changes in trophic condition, decline in cold water fisheries, harm to marine ecosystems and economic impacts due to these pollution-induced impacts.

Part A proposed to establish the overall program at the Department of Environmental Protection and also to establish a priority watershed program to provide focused attention to high priority watersheds at risk from development. Part A also proposed to require the department to coordinate its efforts with other departments, agencies, private and nonprofit entities involved in regulatory and nonregulatory approaches to watershed protection.

Part A also proposed to authorize the department to establish a compensation fee program, which would provide additional flexibility for new developments that must meet the requirements of the storm water laws of the Maine Revised Statutes, Title 38, section 420-D.

Part B proposed to authorize a General Fund bond issue in the amount of \$2,500,000 to fund the Priority Watershed Program.

**Committee Amendment "A" (H-746)**, the majority report of the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Appropriations and Financial Affairs, proposed to replace the bill. The amendment proposed to establish the Lakes Heritage Trust Fund for the purpose of protecting, preserving and enhancing the quality and value of the State's lakes and great ponds. The fund would be established in the Executive Department to be administered by the Land and Water Resources Council. The amendment also

proposed to authorize the Land and Water Resources Council to create and administer a comprehensive watershed protection program to ensure the development and implementation of locally supported watershed management plans.

The amendment proposed to establish a priority watershed protection grants program to be administered by the Department of Environmental Protection for the purpose of providing financial assistance to entities to conduct projects that implement best management practices or other management measures in order to reduce or eliminate nonpoint source pollution. The amendment proposed to specify that the grants program becomes effective only if a \$13,000,000 bond issue, including \$500,000 for mitigation of storm water pollution, is approved by the voters of the State.

**Committee Amendment "B" (H-747)**, the minority report of the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Appropriations and Financial Affairs, proposed to replace the bill. The amendment proposed to establish the Lakes Heritage Trust Fund for the purpose of protecting, preserving and enhancing the quality and value of the State's lakes and great ponds. The fund would be established in the Executive Department to be administered by the Land and Water Resources Council. The amendment also proposed to authorize the Land and Water Resources Council to create and administer a comprehensive watershed protection program to ensure the development and implementation of locally supported watershed management plans.

The amendment proposed to establish a priority watershed protection grants program to be administered by the Department of Environmental Protection for the purpose of providing financial assistance to entities to conduct projects that address nonpoint source pollution. It proposed to limit the use of any bond proceeds allocated to this program to financing capital improvements or purchasing tangible assets with useful lives greater than 10 years. The amendment proposed to specify that the grants program becomes effective only if a \$13,000,000 bond issue, including \$500,000 for mitigation of storm water pollution, is approved by the voters of the State.

This amendment was not adopted.

#### ***Enacted law summary***

Public Law 1997, chapter 519 establishes the Lakes Heritage Trust Fund for the purpose of protecting, preserving and enhancing the quality and value of the State's lakes and great ponds. The fund is established in the Executive Department to be administered by the Land and Water Resources Council. The law also authorizes the Land and Water Resources Council to create and administer a comprehensive watershed protection program to ensure the development and implementation of locally supported watershed management plans.

The law establishes a priority watershed protection grants program to be administered by the Department of Environmental Protection for the purpose of providing financial assistance to entities to conduct projects that implement best management practices or other management measures in order to reduce or eliminate nonpoint source pollution. The law specifies that the grants program becomes effective only if a \$13,000,000 bond issue, including \$500,000 for mitigation of storm water pollution, is approved by the voters of the State.

Public Law 1997, chapter 561 authorizes a \$6,000,000 bond issue, including \$500,000 to mitigate storm water pollution, contingent upon ratification by the voters of the State, and amends Public Law 1997, chapter 519, to reflect the change in the amount of the bond issue.

**LD 1252**

**Resolve, Regarding Legislative Review of Chapter 380: Planning Permit, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality**

**RESOLVE 31  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-277

LD 1252 proposed to authorize adoption of Chapter 380: Planning Permit, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

**Committee Amendment "A" (H-277)** proposed to require that prior to final adoption of Chapter 380: Planning Permit, the Department of Environmental Protection amend the rule to require that a planning permit be reviewed at least every five years for conformance with department rules and be amended to conform with department rules in effect at the time of review.

***Enacted law summary***

Resolve 1997, chapter 31 authorizes final adoption of Chapter 380: Planning Permit, but requires that prior to final adoption of the rule, the Department of Environmental Protection amend the rule to require that a planning permit be reviewed at least every five years for conformance with department rules and be amended to conform with department rules in effect at the time of review.

This resolve was enacted as an emergency measure effective May 16, 1997.

**LD 1282**

**An Act to Require the Department of Environmental Protection to Market Recycled Materials**

**ONTP**

Sponsor(s)  
BRUNO

Committee Report  
ONTP

Amendments Adopted

LD 1282 proposed to require the Department of Environmental Protection to provide marketing services for recyclable materials and to establish a position to provide those services. The bill also proposed to impose a fee on recyclable materials marketed by the department in the amount of 1% of the revenues earned by the seller, to be used to fund the costs associated with providing those services.

**LD 1286**

**Resolve, to Form a Task Force to Examine Methods of Reimbursing Automobile Owners for Emissions Testing and Consequent Repair Costs**

**ONTP**

Sponsor(s)  
KONTOS

Committee Report  
ONTP

Amendments Adopted

LD 1286 proposed to create a task force to examine methods of reimbursing persons for test fees and repair costs incurred as a result of the auto emissions testing program required by state law in 1994 and repealed in 1995. The resolve proposed to charge the task force with examining ways to alleviate costs that may be imposed upon motor vehicle owners under any testing program imposed in the future under requirements of federal law.

See also LD 1651, which was amended to require the Commissioner of Environmental Protection to make a recommendation on the feasibility of including in any new motor vehicle inspection and maintenance program a method of providing credits toward the program requirements to motor vehicle owners who incurred costs under the repealed emission inspection program.

**LD 1292**

**An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks**

**PUBLIC 167**

Sponsor(s)  
CAREY  
DEXTER

Committee Report  
OTP-AM

Amendments Adopted  
S-108

LD 1292 proposed to extend by three years the existing deadline for removal of certain repaired concrete underground oil storage tanks.

**Committee Amendment "A" (S-108)** proposed to add two additional requirements to the deadline extension for removal of certain repaired concrete underground oil storage tanks: leak detection procedures at such tanks would have to include monthly visual monitoring for oil and discharges from such tanks discovered after October 1, 1997 would not be eligible for coverage from the Ground Water Oil Clean-up Fund of clean-up costs and third-party damage claim costs.

***Enacted law summary***

Public Law 1997, chapter 167 extends by three years the existing deadline for removal of certain repaired concrete underground oil storage tanks. It requires that leak detection procedures at such tanks include monthly visual monitoring for oil. Discharges from such tanks that are discovered after October 1, 1997 are not eligible for coverage from the Ground Water Oil Clean-up Fund of clean-up costs and third-party damage claim costs.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT ROWE	OTP-AM MAJ ONTP MIN	S-193

LD 1293 proposed to require the State Planning Office to evaluate the Board of Environmental Protection's rules relating to permit by rule under the natural resources protection laws and to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters during the Second Regular Session of the 118th Legislature on its findings and recommended changes to the permit-by-rule program.

**Committee Amendment "A" (S-193)**, the majority report of the committee, proposed to require the Land and Water Resources Council, in consultation with the Department of Environmental Protection, to evaluate the Board of Environmental Protection's permit-by-rule program, instead of the State Planning Office. The amendment proposed to require the Land and Water Resources Council to consider, in addition to the four issues specified in the resolve, whether the permit-by-rule standards are adequate to ensure no significant impact upon the environment when projects are in compliance with the standards. The amendment proposed to require the Land and Water Resources Council to report its findings by February 1, 1998.

*Enacted law summary*

Resolve 1997, chapter 35 requires the Land and Water Resources Council, in consultation with the Department of Environmental Protection, to evaluate the Board of Environmental Protection's rules relating to permit by rule under the natural resources protection laws and to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by February 1, 1998 on its findings and recommended changes to the permit-by-rule program.

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

LD 1299 proposed to establish the Council on Environmental Monitoring and Assessment. The council would be directed to devise a mechanism to provide ongoing coordination and communication among existing volunteer water quality monitoring programs and to examine ways to promote the use of environmental data collected by the volunteers.

The Governor established the Council on Environmental Monitoring and Assessment by Executive Order.

<u>Sponsor(s)</u> SHIAH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-491
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LD 1313 proposed to eliminate separate certification of underground hazardous substance tank installers, allowing certified oil tank installers to install or remove underground hazardous substance storage tanks if the work is supervised by a professional engineer. In addition, the bill proposed to make a change to facilitate certification of persons as underground gasoline storage tank removers.

The bill proposed to amend the rule-making laws of the Department of Environmental Protection to exempt rules from petitions to the Board of Environmental Protection and from potential legislative review where the rule has already been reviewed as a major substantive rule under provisions contained in the Maine Revised Statutes, Title 5, section 8072.

The bill proposed to increase the ceiling on the Board of Environmental Protection Fund.

The bill proposed to streamline processing of permit applications for scientific research and experimentation by delegating decision-making authority from the Board of Environmental Protection to the Commissioner of Environmental Protection.

The bill proposed to clarify the requirements in order to receive delegated authority under the State's natural resources protection laws. It further proposed to clarify the types of activities or resources that delegated authority may be applied to. In addition, the bill proposed to limit the individual oversight authority of the Department of Environmental Protection for those activities covered under chapter 305 of the department's rules for which permits are issued by a delegated municipality under the natural resources protection laws.

The bill proposed to make changes to the laws governing performance standards for quarries and for excavations.

The bill proposed to make a nonsubstantive change eliminating obsolete fee language from the laws governing the Maine Coastal and Inland Surface Oil Clean-up Fund.

The bill proposed to establish liens on the property of persons responsible for oil spills. The proposed language would be consistent with current law governing spills of hazardous substances.

The bill proposed to raise the cap on disbursements for administrative costs from the Ground Water Oil Clean-up Fund from \$1,734,000 to \$2,000,000 to reflect increased personnel costs since the cap was enacted in 1990. The bill also proposed to provide for an annual upward adjustment of 4% to cover future increases in personnel costs.

The bill proposed to clarify that persons responsible for oil spills are liable for damages to natural resources. The proposed language is derived from and consistent with the federal Oil Pollution Control Act of 1990.

The bill proposed to change the requirements for the State to move forward with a regional low-emission vehicle program.

The bill proposed to repeal and replace the law governing state cost share for landfill closure to make the law easier to understand without making a substantive change.

The bill proposed to amend the law governing reporting of hazardous substance spills to update the reference to federal reportable quantities.

The bill proposed to allow the Board of Environmental Protection to identify as hazardous matter any substance that has been designated as hazardous by the federal Environmental Protection Agency in regulations under the Comprehensive Environmental Response, Compensation and Liability Act.

The bill proposed to correct a statutory reference governing forfeiture of conveyances used to transport hazardous waste.

**Committee Amendment "A" (H-491)** proposed to remove from the bill language transferring authority to issue permits for scientific research and experimentation in the fields of pollution and pollution control from the Board of Environmental Protection to the Commissioner of Environmental Protection.

The amendment also proposed to eliminate language in the bill that made the recovery of oil spill clean-up costs a lien on the property of persons responsible for the spill with precedence over all other encumbrances on the property. The amendment proposed to make the recovery of oil spill clean-up costs a lien on the property of persons responsible for the spill and exempts from the lien the real estate of a party that is determined responsible only because a vessel that caused a spill was headed for that party's terminal facilities. The amendment also proposed to add the lien provision to the laws that govern the Ground Water Oil Clean-up Fund after December 31, 1999.

The amendment proposed to add to the provisions in the bill relating to a regional low-emission vehicle program a requirement that the Department of Environmental Protection study zero-emission vehicles and issues relating to the implementation and use of those vehicles in the State and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000. It also proposed to remove from those provisions references to federal regulations that are no longer applicable.

The amendment proposed to remove from the bill language repealing and replacing the law governing state cost share for landfill closure.

### ***Enacted law summary***

Public Law 1997, chapter 364 eliminates separate certification of underground hazardous substance tank installers. In addition, this law makes a change to facilitate certification of persons as underground gasoline storage tank removers.

The law amends the rule-making laws of the Department of Environmental Protection to exempt rules from petitions to the Board of Environmental Protection and from potential legislative review where the rule has already been reviewed as a major substantive rule under provisions contained in the Maine Revised Statutes, Title 5, section 8072. This modification avoids duplicative legislative review of rules containing provisions that are more stringent than corresponding federal requirements.

The law increases the ceiling on the Board of Environmental Protection Fund.

The law clarifies the requirements in order to receive delegated authority under the State's natural resources protection laws. It further clarifies the types of activities or resources that delegated authority may be applied to. In addition, the law limits the individual oversight authority of the Department of Environmental Protection for

those activities covered under chapter 305 of the department's rules for which permits are issued by a delegated municipality under the natural resources protection laws.

The law makes changes to the laws governing performance standards for quarries and for excavations.

The law eliminates obsolete fee language from the laws governing the Maine Coastal and Inland Surface Oil Clean-up Fund.

The law makes the recovery of oil spill clean-up costs a lien on the property of persons responsible for the spill and exempts from the lien the real estate of a party that is determined responsible only because a vessel that caused a spill was headed for that party's terminal facilities.

The law raises the cap on disbursements for administrative costs from the Ground Water Oil Clean-up Fund. The cap is raised from \$1,734,000 to \$2,000,000 to reflect increased personnel costs since the cap was enacted in 1990, and provision is made for an annual upward adjustment of 4% to cover future increases in personnel costs.

The law clarifies that persons responsible for oil spills are liable for damages to natural resources. The new language is derived from and consistent with the federal Oil Pollution Control Act of 1990.

The law changes the requirements for the Board to move forward with a regional low-emission vehicle program by requiring that jurisdictions comprising more than 60% of the total registrations of new passenger cars in the ozone transport region have adopted a low-emission vehicle program and by requiring that the first model year required to meet the standards under the program in any of those states is not later than model year 2000. The law requires the Department of Environmental Protection to study zero-emission vehicles and issues relating to the implementation and use of those vehicles in the State and to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000.

The law amends the laws governing reporting of hazardous substance spills to update the reference to federal reportable quantities.

The law allows the Board of Environmental Protection to identify as hazardous matter any substance that has been designated as hazardous by the federal Environmental Protection Agency in regulations under the Comprehensive Environmental Response, Compensation and Liability Act.

The law corrects a statutory reference governing forfeiture of conveyances used to transport hazardous waste.

See also LD 474.

**LD 1330**

**An Act to Ensure Adequate Review of Maintenance Dredging**

**PUBLIC 240**

Sponsor(s)  
LAFOUNTAIN

Committee Report  
OTP-AM

Amendments Adopted  
S-155

LD 1330 proposed to specify that maintenance dredging may not be performed without an individual permit issued by the Department of Environmental Protection when the activity is located in, on or over high quality waters of the State that constitute an outstanding national resource if the amount of material to be dredged exceeds 50,000 cubic yards. The bill also proposed to provide a definition of "high quality waters of the State that constitute an outstanding national resource" that is consistent with the classification system for surface waters in the State.



**Committee Amendment "A" (S-155)** proposed to replace the bill. The amendment proposed to specify that an individual permit or federal consistency determination issued by the Department of Environmental Protection is required for maintenance dredging if the amount of material to be dredged exceeds 50,000 cubic yards. The amendment also proposed to clarify that if an individual permit is required for maintenance dredging, the applicant may update an alternatives analysis that has been conducted for the dredging project within the previous 10 years.

The amendment proposed to require that maintenance dredging may be performed with a permit by rule only if the applicant has been issued an individual permit for dredging in the same location within the last 10 years.

***Enacted law summary***

Public Law 1997, chapter 240 specifies that an individual permit or federal consistency determination issued by the Department of Environmental Protection is required for maintenance dredging if the amount of material to be dredged exceeds 50,000 cubic yards. The law also clarifies that if an individual permit is required for maintenance dredging, the applicant may update an alternatives analysis that has been conducted for the dredging project within the previous 10 years.

The law requires that maintenance dredging may be performed with a permit by rule only if the applicant has been issued an individual permit for dredging in the same location within the last 10 years.

**LD 1435**                      **An Act to Clarify Reimbursement by Responsible Parties to the  
Maine Coastal and Inland Surface Oil Clean-up Fund**                      **PUBLIC 188**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE ETNIER	OTP-AM	S-128

LD 1435 proposed to authorize a state agency that has incurred costs related to oil spill response activities to establish an account for receipt of disbursements from the Maine Coastal and Inland Surface Oil Clean-up Fund. The bill proposed to require an agency seeking reimbursement to keep time records demonstrating the amount of spill response activities performed for which reimbursement is sought.

**Committee Amendment "A" (S-128)** proposed to clarify the bill by making the language regarding costs incurred in undertaking oil spill response activities consistent with existing language.

***Enacted law summary***

Public Law 1997, chapter 188 authorizes a state agency seeking reimbursement for costs incurred in undertaking oil spill response activities to establish an account for receipt of disbursements from the Maine Coastal and Inland Surface Oil Clean-up Fund. The law requires an agency seeking reimbursement to keep time records demonstrating the amount of spill response activities performed for which reimbursement is sought.

LD 1455

**Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality**

**RESOLVE 67**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-578
	OTP-AM MIN	H-754 ROWE

LD 1455 proposed to authorize adoption of Chapter 500: Stormwater Management, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

**Committee Amendment "A" (H-578)**, the majority report of the Joint Standing Committee on Natural Resources, proposed to remove the emergency preamble and emergency clause from the resolve. The amendment proposed to require that prior to final adoption of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, the rule be amended to provide an exception for certain small projects to the requirement that designs required as part of the application for an individual permit or a permit by rule must be prepared under the supervision of or designed by a registered professional engineer. The amendment proposed to require that the rule allow designs required for those small projects to be prepared by other land use professionals who are knowledgeable in storm water management.

The amendment also proposed to authorize the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 118th Legislature regarding application of the storm water management laws statewide and to existing sources.

**Committee Amendment "B" (H-579)**, the minority report of the Joint Standing Committee on Natural Resources, proposed to remove the emergency preamble and emergency clause from the resolve. The amendment proposed to disapprove final adoption of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection. This amendment was not adopted.

**House Amendment "A" to Committee Amendment "A" (H-754)** proposed to require the Commissioner of Environmental Protection to develop and report by January 15, 1998 to the Joint Standing Committee on Natural Resources measures to reduce the contribution of nonpoint service pollution to Maine lakes, streams and coastal waters from existing sources.

***Enacted law summary***

Resolve 1997, chapter 67 authorizes final adoption of Chapter 500: Stormwater Management, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality, but requires that prior to final adoption, the rule be amended to provide an exception for certain small projects to the requirement that designs required as part of the application for an individual permit or a permit by rule must be prepared under the supervision of or designed by a registered professional engineer. The law requires that the rule allow designs required for those small projects to be prepared by other land use professionals who are knowledgeable in storm water management.

The law requires the Commissioner of Environmental Protection to develop and report by January 15, 1998 to the Joint Standing Committee on Natural Resources measures to reduce the contribution of nonpoint service pollution to Maine lakes, streams and coastal waters from existing sources. It also authorizes the committee to report out legislation to the Second Regular Session of the 118th Legislature regarding application of the storm water management laws statewide and to existing sources.

**LD 1471**                      **Resolve, Regarding Legislative Review of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality**                      **RESOLVE 47**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-248

LD 1471 proposed to authorize adoption of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

**Committee Amendment "A" (S-248)** proposed to remove the emergency preamble and emergency clause from the resolve.

*Enacted law summary*

Resolve 1997, chapter 47 authorizes final adoption of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

**LD 1499**                      **An Act to Prohibit the Use of Harmful Additives in Gasoline**                      **ONTP**

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

LD 1499 proposed to require the Department of Human Services, Bureau of Health to issue an order prohibiting the sale of gasoline with additives that have not been proven to be without long-term or short-term effects on public health.

**LD 1503**                      **An Act to Amend the Site Location of Development Laws**                      **PUBLIC 485**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIAH	OTP-AM    MAJ ONTP        MIN	H-609

LD 1503 proposed to require that a town, before it can qualify to substitute its site law permit for a Department of Environmental Protection permit for subdivision review, have site law ordinances that require those subdivisions to be reviewed for impacts on fisheries and wildlife habitat, unusual natural areas and archaeological and historic sites in or adjacent to the subdivisions.

The bill also proposed to repeal the provision of law that creates an irrebuttable presumption that towns with a population over 2,500 have the capacity to conduct site law reviews after January 1, 2003.

The bill also proposed to require that the Department of Environmental Protection coordinate with the Department of Inland Fisheries and Wildlife to provide training to local planning boards and code enforcement officers on developing and implementing effective review and protection strategies. Towns that have already been registered to review those types of subdivisions would have until January 1, 2000 to choose whether to continue reviewing them or to forego that authority.

**Committee Amendment "A" (H-609)**, the majority report of the Joint Standing Committee on Natural Resources, proposed to remove the emergency preamble and emergency clause from the bill. It proposed to require that the criteria for municipal capacity under the site location of development laws include a determination by the State Planning Office that the municipality has a comprehensive land use plan and land use ordinances or zoning ordinances that are consistent with the Maine Revised Statutes, Title 30-A, chapter 187 in providing for the protection of wildlife habitat, fisheries, unusual natural areas and archaeological and historic sites.

The amendment proposed to restore to the law language repealed in the bill creating a presumption that municipalities over a certain population threshold have the capacity to conduct site law reviews after January 1, 2003. The amendment proposed to raise the population threshold for presumed capacity from 2,500 to 5,000 and to strike the word "irrebuttable" from the provision creating the presumption of capacity.

The amendment also proposed to add a provision exempting certain modifications to developments from the site location of development laws if the initial developments were exempt and were reviewed by the municipality.

The amendment proposed to remove from the bill a requirement that the Department of Environmental Protection coordinate with the Department of Inland Fisheries and Wildlife to provide training to local planning boards and code enforcement officers on developing and implementing effective review and protection strategies and a requirement that the Department of Environmental Protection consult with towns that have already been registered to review subdivisions to ensure that they choose whether to continue reviewing them or to forego that authority. The amendment proposed to require the Department of Environmental Protection and the State Planning Office to consult with municipalities that will be presumed to have capacity by January 1, 2003 to assist those municipalities in developing capacity. The amendment also proposed to require the State Planning Office to review its municipal financial assistance program to ensure that the criteria considered by the office in making grants for local growth management programs are consistent with the criteria for a determination of municipal capacity.

#### ***Enacted law summary***

Public Law 1997, chapter 485 requires that the criteria for municipal capacity under the site location of development laws include a determination by the State Planning Office that the municipality has a comprehensive land use plan and land use ordinances or zoning ordinances that are consistent with the Maine Revised Statutes, Title 30-A, chapter 187 in providing for the protection of wildlife habitat, fisheries, unusual natural areas and archaeological and historic sites.

The law raises the population threshold from 2,500 to 5,000 for the presumption that municipalities have the capacity to conduct site law reviews after January 1, 2003. The law strikes the word "irrebuttable" from the provision creating the presumption of capacity.

The law exempts certain modifications to developments from the site location of development laws if the initial developments were exempt and were reviewed by the municipality.

The law requires the Department of Environmental Protection and the State Planning Office to consult with municipalities that will be presumed to have capacity by January 1, 2003 to assist those municipalities in developing capacity. The law also requires the State Planning Office to review its municipal financial assistance program to ensure that the criteria considered by the office in making grants for local growth management programs are consistent with the criteria for a determination of municipal capacity.

**LD 1513**                      **An Act to Change the Department of Environmental Protection's Regulatory Process from an Instruction-based Process to a Contractual Performance-based Approach**                      **ONTP**

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

LD 1513 proposed to require that all rules adopted by the Board of Environmental Protection on or after January 1, 1999 include performance-based criteria for compliance with those rules. The bill also proposed to require the Commissioner of Environmental Protection to study the implementation of performance-based environmental rules and to report by January 1, 1998 to the Joint Standing Committee on Natural Resources on the performance-based rules that would be adopted in 1999, the changes, if any, needed in the department's procedures to ensure effective monitoring and enforcement of performance-based rules, the costs or savings to the Department of Environmental Protection of those changes in procedure and a discussion of any state or federal laws that might limit the department's ability to fully implement performance-based environmental regulations.

**LD 1531**                      **An Act Requiring Progress Reports for Mapping Significant Wildlife Habitat**                      **PUBLIC 230**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIAH	OTP-AM    MAJ	H-275
	ONTP        MIN	

LD 1531 proposed to require the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to jointly make an annual report to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the progress of the mapping of significant wildlife habitats.

**Committee Amendment "A" (H-275)**, the majority report of the Joint Standing Committee on Natural Resources, proposed to require that the report on the progress of the mapping of significant wildlife habitats be submitted to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters as well as the joint standing committee of the Legislature having jurisdiction over natural resource matters and that the report be submitted January 1, 1998 and on or before January 1st of every odd-numbered year thereafter.

***Enacted law summary***

Public Law 1997, chapter 230 requires the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to jointly report to the joint standing committee of the Legislature having jurisdiction

over natural resource matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the progress of the mapping of significant wildlife habitats. The report is due on January 1, 1998 and on or before January 1st of every odd-numbered year thereafter.

**LD 1554**                      **An Act to Eliminate Inconsistencies and Unnecessary Duplication**                      **PUBLIC 296**  
**Regarding the Training and Certification of Individuals Who**  
**Enforce Land Use Regulations**

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-418
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LD 1554 proposed to eliminate inconsistencies and unnecessary duplication between the Department of Human Services and the State Planning Office by consolidating at the State Planning Office responsibility to train and certify local plumbing inspectors and to certify individuals to enforce land use laws under the Maine Rules of Civil Procedure, Rule 80-K. This bill also proposed to authorize the State Planning Office to charge fees necessary to cover the costs of testing and training.

**Committee Amendment "A" (H-418)** proposed to make several technical changes to the bill. The amendment proposed to clarify that a municipality may employ a local plumbing inspector who has not yet been certified by the State Planning Office if the plumbing inspector receives temporary authorization from the Department of Human Services, Division of Health Engineering. Temporary authorization could be granted for a period not to exceed 12 months. The amendment also proposed to remove the authority granted in the bill to the State Planning Office to charge fees to cover the costs of training and certification of code enforcement officers.

***Enacted law summary***

Public Law 1997, chapter 296 eliminates inconsistencies and unnecessary duplication between the Department of Human Services and the State Planning Office by consolidating at the State Planning Office responsibility to train and certify local plumbing inspectors and to certify individuals to enforce land use laws under the Maine Rules of Civil Procedure, Rule 80-K. The law authorizes a municipality to employ a local plumbing inspector who has not yet been certified by the State Planning Office if the plumbing inspector receives temporary authorization from the Department of Human Services, Division of Health Engineering. Temporary authorization may be granted for a period not to exceed 12 months.

**LD 1555**                      **An Act to Create the River Flow Advisory Commission within the**                      **PUBLIC 236**  
**Department of Defense and Veterans' Services**

<u>Sponsor(s)</u> ROWE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-279
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LD 1555 proposed to create the River Flow Advisory Commission to advise the Governor and the Department of Defense and Veterans' Services on issues relating to the flow of the State's rivers and streams, to assist in communicating information and to administer the State's hydrologic monitoring program in cooperation with the United States Geological Survey. The bill also proposed to appropriate funds for the reimbursement to the United

States Geological Survey for previous work performed and for annual operating costs for four new stage-only gauges.

**Committee Amendment "A" (H-279)** proposed to remove the appropriation section from the bill and add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 236 creates the River Flow Advisory Commission to advise the Governor and the Department of Defense and Veterans' Services on issues relating to the flow of the State's rivers and streams, to assist in communicating information and to administer the State's hydrologic monitoring program in cooperation with the United States Geological Survey.

**LD 1577**

**An Act to Eliminate Paper Mill Dioxin and Restore Maine's Rivers**

**INDEF PP**

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

LD 1577 proposed to establish a zero dioxin effluent limitation as a condition of all waste discharge licenses for kraft pulp and paper mills issued by the Department of Environmental Protection. The bill also proposed to require that all kraft pulp and paper mills in the State eliminate the use of chlorine-based bleaching chemicals in the bleaching process by December 31, 2002.

The bill proposed to require the State to include the zero dioxin effluent limitation and schedule of compliance as a condition of water quality certification under the federal Clean Water Act. It also proposed to require the Commissioner of Environmental Protection to object to the issuance of a license or permit by the United States Environmental Protection Agency to any kraft pulp and paper mill not located in the State that uses chlorine-based bleaching chemicals in its bleaching process and that discharges wastewater into waters that enter the State.

**Committee Amendment "A" (H-614)**, the minority report of the Joint Standing Committee on Natural Resources, proposed to require all kraft pulp and paper mills in the State to have a bleach plant wastewater flow of 5m<sup>3</sup>/kkg or less of air-dried bleached pulp by December 31, 2002. The amendment proposed to authorize the Commissioner of Environmental Protection to extend the schedule of compliance with the zero dioxin effluent limitation or the low effluent standard for a specific length of time for a mill, but not beyond December 31, 2007, if the commissioner determined, based on information presented by the mill, that compliance would not be achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons.

The amendment also proposed to require the Commissioner of Environmental Protection and the Commissioner of Economic and Community Development to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 1999 on recommendations relating to assistance in the financing of capital investments to assist mills in achieving the requirement for reduced bleach plant wastewater flow.

This amendment was not adopted.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE TREAT	OTP-AM	H-545

LD 1579 proposed to authorize the Commissioner of Environmental Protection to annually adjust all fees within the Maine Environmental Protection Fund according to the United States Consumer Price Index. The bill also proposed to amend existing law relating to air emission fees to apply the Consumer Price Index to the Department of Environmental Protection's minimum and maximum levels of air emission fees and to the air quality surcharge. The bill proposed to require the Commissioner of Environmental Protection to publish an annual fee schedule.

The bill proposed to make discharges from nonconforming underground oil storage tanks and piping ineligible for coverage by the Ground Water Oil Clean-up Fund if the discharge is discovered or reported after October 1, 1998.

The bill proposed to make costs incurred to implement a voluntary response action plan ineligible for coverage by the Ground Water Oil Clean-up Fund.

The bill proposed to extend fund coverage of eligible spill clean-up costs incurred by owners and operators of oil storage tanks until December 31, 2005. Under current law, fund coverage ends in 1999, leaving an unfunded clean-up liability of between \$40 and \$50 million.

The bill proposed to eliminate from the language that will govern the Ground Water Oil Clean-up Fund after the fund insurance program ends provisions for additional fund transfers to the Finance Authority of Maine and the Maine State Housing Authority.

The bill proposed to make changes to fully effectuate the extension of the groundwater fund insurance program from December 31, 1999 to December 31, 2005.

**Committee Amendment "A" (H-545)** proposed to add an exception to the provision in the bill making discharges from nonconforming underground oil storage facilities and tanks ineligible for coverage by the Ground Water Oil Clean-up Fund if the discharge is discovered or reported after October 1, 1998. The amendment proposed to extend eligibility for coverage until October 1, 1999 if the facility or tank was not operated or used to store oil after the required removal date and the applicant for coverage was unable to secure financing to remove the facility or tank or unable to obtain the services of a certified underground oil storage tank installer or remover.

The amendment also proposed to strike from the bill the provision making costs incurred to implement a voluntary response action plan ineligible for coverage by the Ground Water Oil Clean-up Fund.

#### *Enacted law summary*

Public Law 1997, chapter 374 authorizes the Commissioner of Environmental Protection to annually adjust all fees within the Maine Environmental Protection Fund according to the United States Consumer Price Index and requires the Commissioner of Environmental Protection to publish an annual fee schedule. It also amends existing law to apply the Consumer Price Index to the Department of Environmental Protection's minimum and maximum levels of air emission fees and to the air quality surcharge.



The law makes discharges from nonconforming underground oil storage tanks and piping ineligible for coverage by the Ground Water Oil Clean-up Fund if the discharge is discovered or reported after October 1, 1998, except that it extends eligibility for coverage until October 1, 1999 if the facility or tank was not operated or used to store oil after the required removal date and the applicant for coverage was unable to secure financing to remove the facility or tank or unable to obtain the services of a certified underground oil storage tank installer or remover.

The law extends fund coverage of eligible spill clean-up costs incurred by owners and operators of oil storage tanks until December 31, 2005. It also eliminates from the language that will govern the Ground Water Oil Clean-up Fund after the fund insurance program ends provisions for additional fund transfers to the Finance Authority of Maine and the Maine State Housing Authority. The law makes other changes necessary to fully effectuate the extension of the groundwater fund insurance program from December 31, 1999 to December 31, 2005.

**LD 1582**

**An Act to Clarify and Amend the Storm Water Management Laws,  
the Erosion and Sedimentation Control Laws, and the Site Location  
of Development Laws**

**PUBLIC 502**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE TREAT	OTP-AM	H-643

LD 1582 proposed to amend the erosion and sedimentation control laws, the storm water management laws and the site location of development laws.

The bill proposed to amend the erosion and sedimentation laws to clarify that sites must be maintained to prevent erosion and sedimentation.

It proposed to amend provisions describing the relationship between storm water management laws and other related laws. It proposed to provide that when a joint order is necessary pursuant to both the natural resources protection laws and the storm water management laws, the review period may be extended. It proposed to amend the provision allowing a municipality or quasi-municipality to substitute a management system for storm water for permit requirements to allow the municipality or quasi-municipality to elect to have this substitution take effect either when the system is approved by the department or when the system is completed.

It proposed that a storm water permit would not be required when a permit is required pursuant to the site location of development laws. However, when the development is reviewed pursuant to the site location of development laws solely under the traffic threshold, so that storm water management may not be reviewed under the site location of development laws, a separate storm water permit might be required.

It proposed to change a reference from "impervious area" to "disturbed area" in the fee provision addressing disturbed area.

It proposed to provide authority for the Department of Environmental Protection to establish a compensation fee program to provide an alternative method of meeting the quality standards for certain sites.

It proposed to repeal and replace the list of types of development that require a permit pursuant to the site location of development laws to correct a conflict created during the previous session and to add a new permit threshold addressing oil refineries.

It proposed to change "minimum performance standards" to "standards" in Title 38, section 484, subsection 2, relating to traffic movement standards.

It proposed to amend the new "storm water" standard to provide that the storm water standard for metallic mineral mining and advanced exploration activity would continue to be the standard in department rules adopted to implement Title 38, section 484, subsections 3 and 7.

It proposed to repeal and replace Title 38, section 488, subsections 11 and 16 to correct conflicts created during the previous session.

It proposed to add a provision allowing municipalities to review applications for modifications that, in some cases, may result in a development larger than the upper area threshold specified.

It proposed to amend the provision addressing rulemaking to provide that rulemaking to implement the optional compensation fee program or to update the list of "watersheds of bodies of water most at risk from new development" or the list of "sensitive or threatened regions or watersheds" would not be considered major substantive rulemaking. It also proposed to extend from January 1, 1997 to January 31, 1997 the date by which rules relating to the storm water management laws and certain sections of the site location of development laws must be provisionally adopted and submitted to the Legislature.

It proposed to provide an allocation provision for the storm water compensation fund.

**Committee Amendment "A" (H-643)** proposed to remove the emergency preamble and emergency clause from the bill. It proposed to change references in the storm water management laws from "erosion control" to "storm water control" and to lower the fee required when vegetative means of storm water control are used from \$250 for each additional acre over five acres of disturbed area to \$125 for each additional acre.

The amendment proposed changes to the compensation fee program provisions in the bill.

The amendment proposed to define an oil terminal facility for purposes of the site location of development laws and to specify that an oil terminal facility within an area subject to the jurisdiction of the Maine Land Use Regulation Commission is not exempt from the site location of development laws. The amendment also proposed to clarify the application of the site location of development laws to oil terminal facilities already in existence on June 30, 1997.

The amendment proposed to strike a provision exempting certain modifications to developments from the site location of development laws if the initial developments were exempt and were reviewed by the municipality.

The amendment proposed to extend the date by which storm water rules were to be submitted for review to the Legislature and to provide that rules to update the first comprehensive lists, rather than the first established lists, of water bodies most at risk from new development and sensitive or threatened regions or watersheds are not major substantive rules.

The amendment also proposed to correct the name of the fund in the allocation provision for the Storm Water Compensation Fund.

The amendment proposed to require the Department of Environmental Protection to convene a work group and report to the Joint Standing Committee on Natural Resources by January 1, 1998 with recommendations on whether approval of an expansion of a nonconforming structure in the shoreland zone should be made contingent upon a reduction in the total nonpoint source pollution from the lot and whether the 30% expansion rule set out in the Maine Revised Statutes, Title 38, section 439-A, subsection 4 and department rules adopted pursuant to that subsection should be amended to improve the equity of its application.

The amendment also proposed to require the department, in developing rules to implement the compensation fees for watershed projects, to provide guidance to organizations receiving such fees on how to use the funds.

### ***Enacted law summary***

Public Law 1997, chapter 502 clarifies that under the erosion and sedimentation laws sites must be maintained to prevent erosion and sedimentation. It amends the storm water management laws' provisions describing the relationship between storm water management laws and other related laws. It provides that when a joint order is necessary pursuant to both the natural resources protection laws and the storm water management laws, the review period may be extended. It clarifies that a storm water permit is not required when a permit is required pursuant to the site location of development laws, except that if the development is reviewed pursuant to the site location of development laws solely under the traffic threshold, so that storm water management may not be reviewed under the site location of development laws, a separate storm water permit may be required. It amends the provision allowing a municipality or quasi-municipality to substitute a management system for storm water for permit requirements to allow the municipality or quasi-municipality to elect to have this substitution take effect either when the system is approved by the department or when the system is completed.

The law authorizes the Department of Environmental Protection to establish a compensation fee program to provide an alternative method of meeting the storm water quality standards for certain sites. It also provides an allocation for the storm water compensation fund.

It amends the site location of development laws by repealing and replacing the list of types of development that require a site law permit and by making technical corrections. It also defines an oil terminal facility for purposes of the site location of development laws, specifies that an oil terminal facility within an area subject to the jurisdiction of the Maine Land Use Regulation Commission is not exempt from the site location of development laws, and clarifies the application of the site location of development laws to oil terminal facilities already in existence on June 30, 1997.

The law amends the provision addressing rulemaking under the storm water management laws to provide that rulemaking to implement the optional compensation fee program or to update the first comprehensive lists of "watersheds of bodies of water most at risk from new development" and "sensitive or threatened regions or watersheds" is not considered major substantive rulemaking. It also extends from January 1, 1997 to February 28, 1997 the date by which rules relating to the storm water management laws and certain sections of the site location of development laws must be provisionally adopted and submitted to the Legislature.

The law requires the Department of Environmental Protection to convene a work group and report to the Joint Standing Committee on Natural Resources by January 1, 1998 with recommendations on whether approval of an expansion of a nonconforming structure in the shoreland zone should be made contingent upon a reduction in the total nonpoint source pollution from the lot and whether the 30% expansion rule set out in the Maine Revised Statutes, Title 38, section 439-A, subsection 4 and department rules adopted pursuant to that subsection should be amended to improve the equity of its application.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES SL	OTP-AM	H-577

LD 1593 proposed to transfer authority for implementing a lead abatement licensing, certification and accreditation program and for establishing lead abatement work practice standards to the Department of Environmental Protection from the Department of Human Services. This would consolidate services for the licensing, certification and accreditation of lead and asbestos abatement professionals.

**Committee Amendment "A" (H-577)** proposed to clarify that lead abatement does not include the renovation and remodeling of a residence and that the Department of Environmental Protection, in adopting rules to implement the lead abatement laws, should ensure that for the purposes of renovation and remodeling the term "residence" includes, but is not limited to, an owner-occupied single-family primary residence that includes a home-based business or an owner-occupied bed and breakfast with 10 or fewer licensed guest rooms. The amendment also proposed to clarify that lead-based paint activities include interim controls.

The amendment proposed to clarify the definitions concerning certain lead abatement professionals, to strike the definition of elevated blood-lead level and to define "lead-poisoned." It also proposed to specify that licensing, certification, notification and work practice standards are not in effect for lead-based paint activities in public buildings, commercial buildings and superstructures until the effective date of rules adopted by the Department of Environmental Protection. The amendment proposed to require that in adopting the rules the department ensure that they minimize duplicative requirements with the regulations of the United States Department of Labor, Occupational Safety and Health Administration.

The amendment also proposed to clarify that a person who is 18 years of age or older may perform abatement activities within a residential dwelling unit that the person owns and personally occupies without obtaining licensing or certification, provided that a child residing in the dwelling unit has not been identified as lead-poisoned.

#### ***Enacted law summary***

Public Law 1997, chapter 375 transfers authority for implementing a lead abatement licensing, certification and accreditation program and for establishing lead abatement work practice standards to the Department of Environmental Protection from the Department of Human Services. The law requires a person to be licensed or certified by the Department of Environmental Protection in order to engage in residential lead-based paint activities and, after the effective date of rules adopted by the department relating to lead-based paint activities in public or commercial buildings, the law requires a person to be licensed or certified in order to engage in any lead-based paint activities.

**LD 1599                      Resolve, to Encourage Stream and Wetland Enhancement Projects                      ONTP**

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

LD 1599 proposed to require the Department of Environmental Protection, Board of Environmental Protection to adopt a rule under the permit by rule provisions of the Maine Revised Statutes, Title 38 permitting conservation groups to improve wetlands, rivers and streams for duck or fish habitats.

**LD 1608                      An Act to Create the Mousam Way River Environmental Advisory Committee                      ONTP**

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

LD 1608 proposed to create the Mousam Way River Environmental Advisory Committee.

**LD 1621                      An Act to Clarify the Fine for Violation of Certain Land Use Laws                      ONTP**

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

LD 1621 proposed to remove the mandatory minimum penalty for violating junkyard and automobile graveyard laws and ordinances.

**LD 1633                      An Act to Make Fish in Maine Rivers Safe to Eat and Reduce Color Pollution                      PUBLIC 444**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING CAMERON	OTP-AM    A OTP-AM    B ONTP        C	S-324

LD 1633 proposed to set standards for the discharge of dioxin from bleach kraft pulp mills. It proposed to require these mills to achieve nondetectable levels, defined as under 10 picograms per liter, of 2,3,7,8-tetrachlorodibenzo-p-dioxin inside the mill at the bleach plant by 1998 and nondetectable levels of 2,3,7,8-tetrachlorodibenzo-p-furan by 1999, and to eliminate discharges of dioxin by 2002. The bill proposed to provide that elimination of these discharges is indicated when measurement of fish tissue levels of dioxin downstream from the mill are no higher than those upstream. The bill also proposed to require that the Commissioner of Environmental Protection and the

Commissioner of Human Services perform a thorough assessment on the progress of achieving the total elimination of the discharge of dioxin and to report on these matters to the Legislature in 2003.

The bill proposed to amend the color pollution control standard to require older facilities, those in existence and licensed prior to July 1, 1989, to meet a more stringent standard than current law requires.

**Committee Amendment "B" (S-324)** proposed to authorize the Commissioner of Environmental Protection to extend the date by which a mill may not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-furan for up to six months if the commissioner determined, based on information presented by the mill, that compliance was not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons.

The amendment also proposed to require that the fish-tissue sampling test used to determine whether a mill is discharging dioxin into its receiving waters must be performed with differences between the average concentrations of dioxin in the fish samples taken upstream and downstream from the mill measured with at least 95% statistical confidence. The amendment proposed to require that for purposes of measuring compliance with the dioxin standards, a mill must sample the internal waste stream of its bleach plant twice per quarter. It also proposed to authorize the Department of Environmental Protection to conduct its own sampling and analysis of the internal waste stream of a bleach plant and to assess the mill for the costs of sampling and analysis. It proposed to require that analysis of the samples be conducted by a third-party laboratory using methodology approved by the United States Environmental Protection Agency. The amendment proposed to authorize the Commissioner of Environmental Protection to reduce the frequency of sampling after three consecutive years of sampling have demonstrated that the mill did not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8-tetrachlorodibenzo-p-furan.

Finally, the amendment proposed to require the department to include in its annual report on the dioxin monitoring program an evaluation of the department's progress toward establishing a fish-tissue sampling test.

**Committee Amendment "A" (S-323)** proposed to make a technical change to the bill by allocating it to a different section in the statutes. The amendment proposed to strike references to a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8-tetrachlorodibenzo-p-furan and to establish the maximum detection level at 10 picograms per liter. The amendment proposed to authorize the Commissioner of Environmental Protection to extend the date by which a mill may not have a quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-furan exceeding that level for up to six months if the commissioner determined, based on information presented by the mill, that compliance was not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons.

The amendment also proposed to require that the fish-tissue sampling test used to determine whether a mill is discharging dioxin into its receiving waters be performed with differences between the average concentrations of dioxin in the fish samples taken upstream and downstream from the mill measured with at least 95% statistical confidence. The amendment proposed to require that for purposes of measuring compliance with the dioxin standards, a mill must sample the internal waste stream of its bleach plant twice per quarter. It also proposed to authorize the Department of Environmental Protection to conduct its own sampling and analysis of the internal waste stream of a bleach plant and to assess the mill for the costs of sampling and analysis. It proposed to require that analysis of the samples be conducted by a third-party laboratory using methodology approved by the United States Environmental Protection Agency. The amendment proposed to specify that the actual detection levels are public information. The amendment proposed to authorize the Commissioner of Environmental Protection to reduce the frequency of sampling after 3 consecutive years of sampling have demonstrated that the mill did not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8-tetrachlorodibenzo-p-furan.

The amendment proposed to require a mill to sample for polychlorinated dibenzo-para-dioxins, and polychlorinated dibenzo-para-furans in the internal waste stream of the mill's bleach plant for purposes of monitoring levels of dioxin compounds in the bleaching process.

The amendment proposed to require that after December 31, 2005, a mill not have an average bleach plant wastewater flow of more than 10 m<sup>3</sup>/kkg of air-dried bleached pulp. The amendment proposed to authorize the commissioner to extend this time frame to no later than December 31, 2007 for a mill if the commissioner determined, based on information presented by the mill, that compliance was not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons. The amendment proposed to require the department to adopt rules to establish appropriate flow limitations to account for variability around the average flow standard. The amendment also proposed to require the department to adopt rules establishing standards for dioxin levels in air emissions and sludge from mills that are consistent with the objective of reducing the aggregate impact of dioxin on all environmental media.

The amendment proposed to require that the standards for dioxin levels, bleach plant wastewater flow, compliance testing, monitoring and reporting be incorporated as conditions of a mill's waste discharge license when it is relicensed or modified. The amendment also proposed to authorize the commissioner to pursue any remedy authorized by law, including seeking injunctive relief, if a mill failed to meet the requirements for dioxin levels or reduced flow.

The amendment proposed to require the department to include in its annual report on the dioxin monitoring program an evaluation of the department's progress toward establishing a fish-tissue sampling test.

The amendment proposed to change the reporting date for certain reports required in the bill. It also proposed to require the Commissioner of Environmental Protection and the Commissioner of Economic and Community Development to report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 15, 1999 on recommendations relating to assistance in the financing of capital investments to assist mills in achieving the requirement for reduced bleach plant wastewater flow. The amendment also proposed to require the Commissioner of Environmental Protection to report to the same committee by February 1, 2002 and by February 1st of every even-numbered year thereafter on the progress of mills in moving toward the reduced flow requirement and on other issues related to achieving further reductions in flow.

This amendment was not adopted.

### ***Enacted law summary***

Public Law 1997, chapter 444 sets standards for the discharge of dioxin from bleach kraft pulp mills. It requires these mills to achieve nondetectable levels, defined as under 10 picograms per liter, of 2,3,7,8-tetrachlorodibenzo-p-dioxin inside the mill at the bleach plant by 1998 and nondetectable levels of 2,3,7,8-tetrachlorodibenzo-p-furan by 1999, and to eliminate discharges of dioxin by 2002. The law authorizes the Commissioner of Environmental Protection to extend the date by which a mill may not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-furan for up to six months if the commissioner determines, based on information presented by the mill, that compliance is not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons. The law requires that for purposes of measuring compliance with the standards, a mill must sample the internal waste stream of its bleach plant twice per quarter.

The law provides that elimination of dioxin discharges is indicated when measurement of fish tissue levels of dioxin downstream from the mill are no higher than those upstream. The law also requires that the Commissioner of

Environmental Protection and the Commissioner of Human Services perform a thorough assessment on the progress of achieving the total elimination of the discharge of dioxin and to report on these matters to the Legislature in 2003. The law also requires the department to include in its annual report on the dioxin monitoring program an evaluation of the department's progress toward establishing a fish-tissue sampling test.

The law also amends the color pollution control standard to require older facilities, those in existence and licensed prior to July 1, 1989, to meet a more stringent standard than current law requires.

**LD 1651**                      **Resolve, Directing the Department of Environmental Protection to Study and Make Recommendations on the Establishment of a Motor Vehicle Inspection and Maintenance Program to Meet the Requirements of the Federal Clean Air Act**                      **RESOLVE 57**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE	OTP-AM	H-391 H-566 ROWE

LD 1651, an emergency, proposed to direct the Commissioner of Environmental Protection to study options for complying with the requirements of the federal Clean Air Act relating to a motor vehicle inspection and maintenance program in the State. The resolve proposed to require that the commissioner submit a report to the Legislature by January 5, 1998 that includes at least two proposals for a motor vehicle inspection and maintenance program. In addition, the report would have to include a recommendation as to whether the United States Environmental Protection Agency's Project XL program can be used as an alternative strategy to meet the federal Clean Air Act requirements. The resolve proposed to require the commissioner to solicit input from the public in developing the proposals.

The resolve proposed to require the commissioner to meet with the Joint Standing Committee on Natural Resources at least twice during the study. Finally, the resolve proposed to authorize the committee to report out legislation during the Second Regular Session of the 118th Legislature.

**Committee Amendment "A" (H-391)** proposed to make two changes to the resolve. It proposed to require the Commissioner of Environmental Protection to consider both roadside testing and annual testing at the time of inspection of heavy duty diesel-powered vehicles when developing a proposal for a motor vehicle inspection and maintenance program. It also proposed to require the commissioner to make a recommendation on the feasibility of including in any new motor vehicle inspection and maintenance program a method of providing credits toward the program requirements to motor vehicle owners who incurred costs under the repealed emission inspection program.

**House Amendment "A" (H-566)** proposed to remove the emergency preamble and the emergency clause from the resolve.

***Enacted law summary***

Resolve 1997, chapter 57 directs the Commissioner of Environmental Protection to study options for complying with the requirements of the federal Clean Air Act relating to a motor vehicle inspection and maintenance program in the State. The law requires that the commissioner submit a report to the Legislature by January 5, 1998 that includes at least two proposals for a motor vehicle inspection and maintenance program. In addition, the report must include a recommendation as to whether the United States Environmental Protection



Agency's Project XL program can be used as an alternative strategy to meet the federal Clean Air Act requirements and a recommendation on the feasibility of including in any new motor vehicle inspection and maintenance program a method of providing credits toward the program requirements to motor vehicle owners who incurred costs under the repealed emission inspection program. The law requires the commissioner to solicit input from the public in developing the proposals.

The law requires the commissioner to meet with the Joint Standing Committee on Natural Resources at least twice during the study. Finally, the law authorizes the committee to report out legislation during the Second Regular Session of the 118th Legislature.

**LD 1696**

**An Act Regarding Low Emission and Zero Emission Vehicles**

**ONTP**

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

LD 1696 proposed to repeal the current law authorizing the Board of Environmental Protection to adopt rules requiring the sale of low-emission vehicles and replace it with a section of law requiring the board to adopt rules requiring the sale of low-emission vehicles and zero-emission vehicles for 1999 model year vehicles. The rules would have to require sale of the same vehicles as are required under California law and regulations. The bill also proposed to require the Department of Environmental Protection to study zero-emission vehicle technology and implementation of zero-emission vehicle use in the State and to submit a report to the joint standing committee of the Legislature having jurisdiction over air quality matters by November 15, 2001.

See also LD 1313, which was amended to require the Commissioner of Environmental Protection to complete a study of zero-emission vehicles and submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000.

**LD 1705**

**An Act Regarding Just Compensation for Private Waste Companies**

**INDEF PP**

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

LD 1705 proposed to prohibit a municipality, city or county from prohibiting a private person from providing solid waste services within that municipality, city or county when those services are also provided by that governmental body.

The bill also proposed to prohibit a municipality, city, county, public benefit corporation or public authority from displacing an existing business that provides solid waste collection services, unless certain procedures are followed. These procedures include holding a public hearing, providing notice of the hearing to all businesses that provide the services and to the public and providing five years' written notice before displacing a business. The bill proposed that as an alternative to the five-year delay, displacement could be commenced after payment to the business of an amount equal to the business's preceding 12 months' gross receipts for providing the services in the area.

**Committee Amendment "A" (H-576)**, the majority report of the committee, proposed to remove the provision in the original bill that prohibits a local unit of government from banning private competition with a solid waste service provided by the governmental unit and the provision that prohibits a local unit of government from requiring industrial and commercial establishments and multifamily residences of eight or more units to use or pay user fees for solid waste services provided by the governmental unit. It also proposed to eliminate the provision in the original bill that allows the governmental unit to displace a private solid waste business within five years if it pays compensation.

The amendment proposed to revise the procedures for notice and hearing, contained in the original bill, that a political subdivision or quasi-municipal corporation or district must follow before displacing an existing private solid waste business operating within its jurisdiction. Finally, the amendment proposed to reduce the number of years' notice required by the original bill for a local governmental unit to displace a solid waste business from five years to 12 months.

This amendment was not adopted.

**LD 1730                    An Act to Implement the Recommendations of the Great Pond Task Force CARRIED OVER**

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

LD 1730 proposes to implement the recommendations of the Great Ponds Task Force. The Great Pond Task Force is established under the Maine Revised Statutes, Title 38, section 1842-A.

The bill proposes to establish the Lakes Heritage Trust Fund in the Executive Department to protect, preserve and enhance the quality and value of the State's great ponds. The fund would be administered by the Land and Water Resources Council. The bill proposes to authorize the council to accept monetary contributions into the fund. The bill proposes that the fund would also be capitalized in part from two revenue sources proposed in the bill: a one-time registration fee for motorless watercraft and an annual \$10 water quality impact fee assessed on residential dwellings on lots within the watershed of a great pond.

The bill proposes to redefine "personal watercraft" to include jet propelled watercraft 14 feet or less in length.

The bill proposes to direct the Commissioner of Inland Fisheries and Wildlife to adopt rules governing the use, operation and type of watercraft that may be used on great ponds less than 200 acres in surface area and proposes to require the commissioner to consider potential wildlife impacts, environmental values, including noise, and the traditional uses of a water body when adopting rules governing the horsepower, use, operation or type of watercraft allowed on a water body.

The bill proposes to increase the registration fee for motorboats. The fee for the first motorboat registered by a person in a year would be increased from \$4 to \$15. The fee for each additional motorboat registered in that person's name in that year would remain at the current rate of \$4.

The bill proposes to create a new one-time registration fee for motorless watercraft by requiring a person to pay \$10 for each motorless canoe, kayak, sailboard, sailboat or rowboat.

The bill proposes to create a new recreational motorboat rental and leasing license. This license would be required after January 1998 for any person to engage in the business of renting or leasing a motorboat for recreational use on the inland waters of the State. The annual fee for this license would be \$50.

The bill proposes to prohibit a person from operating a motorboat on certain waters on Mt. Desert Island and from operating a motorboat within 1000 feet of the intake of a public drinking water supply.

The bill proposes to prohibit the operation of a personal watercraft without a safety sticker; leasing or renting a motorboat without a license; wake jumping by operators of personal watercraft; operating a motorboat without proper safety instruction; and operating an airmobile or other motorboat in excess of allowable noise limits.

The bill proposes to prohibit the use of personal watercraft on great ponds located wholly within the unorganized territories except as provided in rules adopted by the Commissioner of Inland Fisheries and Wildlife. The bill also proposes to allow the commissioner a two-year period to adopt rules governing the use and operation of personal watercraft on great ponds less than 200 acres in the organized areas. On and after June 1, 1999, the use of personal watercraft on those great ponds would be prohibited unless the commissioner has adopted rules prior to that date specifying the use and operation of personal watercraft on those waters. Great ponds within the jurisdiction of the Maine Tribal-State Commission would be temporarily exempted from the prohibition until such time as the commissioner provides recommendations on the use of personal watercraft on great ponds to the Legislature.

The bill proposes to require the Commissioner of Inland Fisheries and Wildlife to establish a motorboat safety education program for persons from 12 to 16 years of age.

The bill proposes to limit the liability of a lake association from personal injury, property damage or death caused by the placement or maintenance by the association of navigational aid markers located and maintained under the provisions of a permit and in accordance with the State's marking system of waterways.

The bill proposes to change from \$2.20 per \$500 in value to \$2.42 per \$500 in value the transfer tax that applies to property located within the watershed of a great pond. The additional revenue generated by this tax is proposed to be targeted for watercraft enforcement, education and training and the protection and enhancement of water quality in Maine lakes.

The bill proposes to assess an annual \$10 water quality impact fee on each residential dwelling unit located within the watershed of a great pond. Revenues from this assessment are proposed to be targeted at education and training of code enforcement officers and for the Lakes Heritage Trust Fund.

The bill proposes to increase from 200 to 1,000 feet the allowable radius of the protection zone around intakes of public drinking water supplies.

This bill has been carried over to the Second Regular Session of the 118th Legislature.

See also LD 416, which was referred to the Joint Standing Committee on Inland Fisheries and Wildlife and LD 1217, which was amended to establish the Lakes Heritage Trust Fund in the Executive Department to protect, preserve and enhance the quality and value of the State's lakes and great ponds. The fund is administered by the Land and Water Resources Council.

**LD 1745**

**Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Mercury Emissions and Discharges**

**RESOLVE 41  
EMERGENCY**

<u>Sponsor(s)</u> TREAT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-204
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LD 1745 proposed to direct the Land and Water Resources Council to prepare a strategy to evaluate and reduce mercury contamination in Maine's environment. The resolve proposed to direct the council to include its evaluation and recommendations as part of its annual report to the joint standing committee of the Legislature having jurisdiction over natural resource matters, due January 15th each year.

**Committee Amendment "A" (S-204)** proposed to make the following changes to the resolve. The resolve proposed to authorize the Land and Water Resources Council to seek the advice and support of certain groups in developing a long-range strategy to evaluate and reduce mercury contamination in Maine's environment. The amendment proposed to require the council to seek the advice and support of Legislators as well as those groups. The amendment proposed to require the council to report its initial evaluation and recommendations as part of its January, 1998 annual report. The amendment also proposed to give the Joint Standing Committee on Natural Resources authority to report out legislation regarding the reduction of mercury emissions and discharges to the Second Regular Session of the 118th Legislature. The amendment also proposed to make a technical correction and add a fiscal note to the resolve.

***Enacted law summary***

Resolve 1997, chapter 41 directs the Land and Water Resources Council to prepare a long-range strategy to evaluate and reduce mercury contamination in Maine's environment. The council is required to seek the advice and support of several interested groups. The council is further directed to include its evaluation and recommendations as part of its annual report to the joint standing committee of the Legislature having jurisdiction over natural resource matters, with the initial evaluation and recommendations to be included as part of its January, 1998 annual report. The law also gives the Joint Standing Committee on Natural Resources authority to report out legislation regarding the reduction of mercury emissions and discharges to the Second Regular Session of the 118th Legislature.

This resolve was enacted as an emergency measure effective May 30, 1997.

**LD 1836**

**An Act to Facilitate Delegation of the Federal Waste Discharge Permitting Program**

**CARRIED OVER**

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1836 proposes to make a series of changes in Maine law necessary for the State to apply for future delegation of the Federal Discharge Licensing and Management Program. Currently, persons having wastewater discharges must obtain licenses from both the United States Environmental Protection Agency and the Department of Environmental Protection and are subject to separate inspection and compliance programs. Delegation would mean

that the State would gain authority to administer the federal program and the need for federal permits would be eliminated in favor of a single state-issued license.

The bill consists of three sections: statutory changes, authorization for a revised waste discharge license fee system and allocation of positions necessary to carry out the program. Part A of the bill proposes statutory changes to address inconsistencies between state and federal law which must be removed before the State can proceed with other portions of a full application to the United States Environmental Protection Agency for delegation of the federal program. Part B of the bill proposes revisions to the fee system that would allow the Department of Environmental Protection to set license fees based on technical considerations and within the framework and limitations established in the bill. The bill proposes to allocate funds to realign some existing positions and to add new positions to carry out the program. These new positions are funded primarily through increased license fees. In addition to supporting new positions for delegation, increases in existing fees are also proposed to address shortfalls in funding for presently authorized positions. The current fees were last adjusted in 1987. This bill has been carried over to the Second Regular Session of the 118th Legislature.

See also LD 1138, which was referred to the Joint Standing Committee on Appropriations and Financial Affairs and was amended to appropriate \$200,000 to cover shortfalls in the Waste Water Licensing Program.

## Joint Standing Committee on Natural Resources

### SUBJECT INDEX

#### *Air Quality/Auto Emissions*

##### Enacted

LD 364	An Act to Encourage the Use of Motor Vehicles That Use Alternative Sources of Fuel for the Purpose of Reducing Air Pollution	PUBLIC 500	Page 6
LD 967	An Act to Clarify the Laws Relating to Backyard Burning	PUBLIC 512	Page 16
LD 1058	An Act to Require Legislative Review of Revisions to the State's Clean Air Strategy	PUBLIC 531	Page 19
LD 1313	An Act to Amend Certain Laws Administered by the Department of Environmental Protection	PUBLIC 364	Page 28
LD 1651	Resolve, Directing the Department of Environmental Protection to Study and Make Recommendations on the Establishment of a Motor Vehicle Inspection and Maintenance Program to Meet the Requirements of the Federal Clean Air Act	RESOLVE 57	Page 46
LD 1745	Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Mercury Emissions and Discharges	RESOLVE 41 EMERGENCY	Page 50

##### Not Enacted

LD 226	Resolve, Requiring the Department of Public Safety, Chief of the State Police to Amend the Commercial Vehicle Inspection Standards to Help Control Diesel Truck Emissions	ONTP	Page 3
LD 660	An Act to Opt out of the Federal Requirement to Use Reformulated Fuel	CARRIED OVER	Page 13

<b>LD 748</b>	<b>An Act to Prohibit Residential Burning of Domestic, Household Trash</b>	<b>ONTP</b>	<b>Page 14</b>
<b>LD 1286</b>	<b>Resolve, to Form a Task Force to Examine Methods of Reimbursing Automobile Owners for Emissions Testing and Consequent Repair Costs</b>	<b>ONTP</b>	<b>Page 26</b>
<b>LD 1499</b>	<b>An Act to Prohibit the Use of Harmful Additives in Gasoline</b>	<b>ONTP</b>	<b>Page 34</b>
<b>LD 1696</b>	<b>An Act Regarding Low Emission and Zero Emission Vehicles</b>	<b>ONTP</b>	<b>Page 47</b>

### *Dams*

#### Enacted

<b>LD 1555</b>	<b>An Act to Create the River Flow Advisory Commission within the Department of Defense and Veterans' Services</b>	<b>PUBLIC 236</b>	<b>Page 37</b>
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#### Not Enacted

None

### *DEP/BEP (including rules and enforcement)*

#### Enacted

<b>LD 1313</b>	<b>An Act to Amend Certain Laws Administered by the Department of Environmental Protection</b>	<b>PUBLIC 364</b>	<b>Page 28</b>
<b>LD 1579</b>	<b>An Act to Ensure Stable Funding of Pollution Abatement Programs Administered by the Department of Environmental Protection</b>	<b>PUBLIC 374</b>	<b>Page 38</b>

#### Not Enacted

<b>LD 583</b>	<b>An Act to Establish Cost-benefit Analysis for Environmental Rules</b>	<b>ONTP</b>	<b>Page 10</b>
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<b>LD 1035</b>	<b>An Act Regarding Board of Environmental Protection Reports</b>	<b>ONTP</b>	<b>Page 19</b>
<b>LD 1104</b>	<b>An Act to Create an Evidentiary Privilege for Environmental Audits and Provide for Qualified Disclosure</b>	<b>ONTP</b>	<b>Page 21</b>
<b>LD 1513</b>	<b>An Act to Change the Department of Environmental Protection's Regulatory Process from an Instruction-based Process to a Contractual Performance-based Approach</b>	<b>ONTP</b>	<b>Page 35</b>

### *Dioxin*

#### Enacted

<b>LD 284</b>	<b>An Act to Continue the State's Dioxin Monitoring Program and Consolidate Reports to the Legislature</b>	<b>PUBLIC 179</b>	<b>Page 5</b>
<b>LD 1633</b>	<b>An Act to Make Fish in Maine Rivers Safe to Eat and Reduce Color Pollution</b>	<b>PUBLIC 444</b>	<b>Page 44</b>

#### Not Enacted

<b>LD 1577</b>	<b>An Act to Eliminate Paper Mill Dioxin and Restore Maine's Rivers</b>	<b>INDEF PP</b>	<b>Page 37</b>
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### *Hazardous Waste/Hazardous Substances*

#### Enacted

<b>LD 636</b>	<b>An Act to Cap the Fees Responsible Parties Pay for the Transportation of Hazardous Waste from Superfund Sites</b>	<b>PUBLIC 258</b>	<b>Page 12</b>
<b>LD 1313</b>	<b>An Act to Amend Certain Laws Administered by the Department of Environmental Protection</b>	<b>PUBLIC 364</b>	<b>Page 28</b>

#### Not Enacted





## *Land Use*

### Enacted

<b>LD 2</b>	<b>An Act to Clarify Municipal Review and Enforcement of Sludge Spreading and Storage Permits</b>	<b>PUBLIC 38</b>	<b>Page 1</b>
<b>LD 198</b>	<b>An Act to Amend the Permitting Laws for Septic Waste Disposal Sites</b>	<b>PUBLIC 40</b>	<b>Page 2</b>
<b>LD 1074</b>	<b>An Act to Establish Practical Difficulty Standards for a Variance from the Dimensional Standards of a Municipal Zoning Ordinance</b>	<b>PUBLIC 148</b>	<b>Page 20</b>
<b>LD 1554</b>	<b>An Act to Eliminate Inconsistencies and Unnecessary Duplication Regarding the Training and Certification of Individuals Who Enforce Land Use Regulations</b>	<b>PUBLIC 296</b>	<b>Page 36</b>

### Not Enacted

<b>LD 554</b>	<b>An Act to Change the Definition of Pollutant in the Environmental Laws</b>	<b>ONTP</b>	<b>Page 10</b>
<b>LD 1621</b>	<b>An Act to Clarify the Fine for Violation of Certain Land Use Laws</b>	<b>ONTP</b>	<b>Page 44</b>

## *Lead*

### Enacted

<b>LD 1593</b>	<b>An Act to Ensure Safe Abatement of Lead Hazards</b>	<b>PUBLIC 375</b>	<b>Page 42</b>
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### Not Enacted

None

## *Legislative Review of Rules*

### Enacted

LD 1135	Resolve, Regarding Legislative Review of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 18 EMERGENCY	Page 21
LD 1136	Resolve, Regarding Legislative Review of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 30 EMERGENCY	Page 22
LD 1252	Resolve, Regarding Legislative Review of Chapter 380: Planning Permit, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 31 EMERGENCY	Page 25
LD 1455	Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 67	Page 32
LD 1471	Resolve, Regarding Legislative Review of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 47	Page 33

### Not Enacted

None

## *Natural Resources Protection Act*

### Enacted

LD 258	An Act Concerning Compensation under the Natural Resources Protection Laws	PUBLIC 101	Page 4
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<b>LD 1293</b>	<b>Resolve, to Evaluate Permit by Rule and Compliance with the Natural Resources Protection Laws</b>	<b>RESOLVE 35</b>	<b>Page 27</b>
<b>LD 1313</b>	<b>An Act to Amend Certain Laws Administered by the Department of Environmental Protection</b>	<b>PUBLIC 364</b>	<b>Page 28</b>
<b>LD 1330</b>	<b>An Act to Ensure Adequate Review of Maintenance Dredging</b>	<b>PUBLIC 240</b>	<b>Page 31</b>
<b>LD 1531</b>	<b>An Act Requiring Progress Reports for Mapping Significant Wildlife Habitat</b>	<b>PUBLIC 230</b>	<b>Page 36</b>

**Not Enacted**

<b>LD 553</b>	<b>An Act to Clarify Certain Department of Environmental Protection Prohibitions</b>	<b>ONTP</b>	<b>Page 10</b>
<b>LD 1031</b>	<b>An Act Relating to the Use and Reclamation of Number One Pond in Sanford</b>	<b>ONTP</b>	<b>Page 18</b>
<b>LD 1599</b>	<b>Resolve, to Encourage Stream and Wetland Enhancement Projects</b>	<b>ONTP</b>	<b>Page 43</b>

***Oil and Petroleum Products***

**Enacted**

<b>LD 1292</b>	<b>An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks</b>	<b>PUBLIC 167</b>	<b>Page 27</b>
<b>LD 1313</b>	<b>An Act to Amend Certain Laws Administered by the Department of Environmental Protection</b>	<b>PUBLIC 364</b>	<b>Page 28</b>
<b>LD 1435</b>	<b>An Act to Clarify Reimbursement by Responsible Parties to the Maine Coastal and Inland Surface Oil Clean-up Fund</b>	<b>PUBLIC 188</b>	<b>Page 32</b>
<b>LD 1579</b>	<b>An Act to Ensure Stable Funding of Pollution Abatement Programs Administered by the Department of Environmental Protection</b>	<b>PUBLIC 374</b>	<b>Page 38</b>

**Not Enacted**

None

*Packaging*

**Enacted**

**LD 1019**                    **An Act to Allow Foam Food and Beverage Containers  
in School Cafeterias under Certain Circumstances**                    **PUBLIC 195**    **Page 18**

**Not Enacted**

None

*Recycling*

**Enacted**

None

**Not Enacted**

**LD 1282**                    **An Act to Require the Department of Environmental  
Protection to Market Recycled Materials**                    **ONTP**    **Page 26**

*Septic Systems*

**Enacted**

**LD 592**                    **An Act to Amend the Laws Regulating the Installation  
and Inspection of Septic Systems**                    **PUBLIC 106**    **Page 11**

**Not Enacted**

None

*Sewer Districts/Sanitary Districts*

**Enacted**

None

**Not Enacted**

<b>LD 767</b>	<b>An Act to Clarify Sanitary District and Sewer District Authority to Adopt Impact Fees</b>	<b>ONTP</b>	<b>Page 14</b>
<b>LD 906</b>	<b>An Act to Facilitate Removal of Certain Licensed Overboard Discharges</b>	<b>ONTP</b>	<b>Page 15</b>

***Shoreland Zoning***

**Enacted**

<b>LD 1582</b>	<b>An Act to Clarify and Amend the Storm Water Management Laws, the Erosion and Sedimentation Control Laws, and the Site Location of Development Laws</b>	<b>PUBLIC 502</b>	<b>Page 40</b>
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**Not Enacted**

<b>LD 648</b>	<b>Resolve, to Allow Donald Hebert to Retain a Certain Structure in Exchange for the Removal of Another Structure</b>	<b>ONTP</b>	<b>Page 12</b>
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***Site Law***

**Enacted**

<b>LD 218</b>	<b>An Act to Amend the Site Law Concerning State and Local Review of Transmission Lines</b>	<b>PUBLIC 72</b>	<b>Page 3</b>
<b>LD 1135</b>	<b>Resolve, Regarding Legislative Review of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality</b>	<b>RESOLVE 18 EMERGENCY</b>	<b>Page 21</b>
<b>LD 1252</b>	<b>Resolve, Regarding Legislative Review of Chapter 380: Planning Permit, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality</b>	<b>RESOLVE 31 EMERGENCY</b>	<b>Page 25</b>

**LD 1503**            **An Act to Amend the Site Location of Development Laws**            **PUBLIC 485**    **Page 34**

**LD 1582**            **An Act to Clarify and Amend the Storm Water Management Laws, the Erosion and Sedimentation Control Laws, and the Site Location of Development Laws**            **PUBLIC 502**    **Page 40**

**Not Enacted**

**LD 908**            **An Act to Amend the Definition of the Term Subdivision in the Site Location of Development Laws**            **ONTP**    **Page 16**

*Sludge/Septage*

**Enacted**

**LD 2**                **An Act to Clarify Municipal Review and Enforcement of Sludge Spreading and Storage Permits**            **PUBLIC 38**    **Page 1**

**LD 198**            **An Act to Amend the Permitting Laws for Septic Waste Disposal Sites**            **PUBLIC 40**    **Page 2**

**Not Enacted**

None

*Solid Waste/Solid Waste Facilities*

**Enacted**

**LD 2**                **An Act to Clarify Municipal Review and Enforcement of Sludge Spreading and Storage Permits**            **PUBLIC 38**    **Page 1**

**LD 466**            **An Act to Establish Guidelines for the Utilization of Municipal Solid Waste Incinerator Ash and Its Derivatives**            **PUBLIC 418**    **Page 8**

**LD 474**            **An Act to Amend the Waste Management Laws Regarding Landfill Closure**            **PUBLIC 479**    **Page 9**

**LD 967**            **An Act to Clarify the Laws Relating to Backyard Burning**            **PUBLIC 512**    **Page 16**

**Not Enacted**

<b>LD 497</b>	<b>An Act to Exempt Certain Incinerators from Environmental Laws and Department of Environmental Protection Regulations</b>	<b>ONTP</b>	<b>Page 10</b>
<b>LD 599</b>	<b>An Act to Eliminate Fees on the Disposal of Municipal Solid Waste Incinerator Ash</b>	<b>ONTP</b>	<b>Page 11</b>
<b>LD 748</b>	<b>An Act to Prohibit Residential Burning of Domestic, Household Trash</b>	<b>ONTP</b>	<b>Page 14</b>
<b>LD 776</b>	<b>An Act to Exempt Permitted Auto Recyclers from the Solid Waste Management Rules</b>	<b>ONTP</b>	<b>Page 14</b>
<b>LD 1095</b>	<b>An Act Concerning State Mandated Municipal Landfill Remediation</b>	<b>ONTP</b>	<b>Page 20</b>
<b>LD 1282</b>	<b>An Act to Require the Department of Environmental Protection to Market Recycled Materials</b>	<b>ONTP</b>	<b>Page 26</b>
<b>LD 1705</b>	<b>An Act Regarding Just Compensation for Private Waste Companies</b>	<b>INDEF PP</b>	<b>Page 48</b>

***Storm Water Management***

**Enacted**

<b>LD 1217</b>	<b>An Act to Protect the State's Lakes, Rivers and Coastal Wetlands through a Comprehensive Watershed Protection Program</b>	<b>PUBLIC 519</b>	<b>Page 24</b>
<b>LD 1471</b>	<b>Resolve, Regarding Legislative Review of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality</b>	<b>RESOLVE 47</b>	<b>Page 33</b>
<b>LD 1582</b>	<b>An Act to Clarify and Amend the Storm Water Management Laws, the Erosion and Sedimentation Control Laws, and the Site Location of Development Laws</b>	<b>PUBLIC 502</b>	<b>Page 40</b>

**Not Enacted**



None

### *Subdivisions*

#### Enacted

<b>LD 866</b>	<b>An Act to Amend the Law Concerning Municipal Review and Regulation of Subdivisions</b>	<b>PUBLIC 226</b>	<b>Page 15</b>
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#### Not Enacted

<b>LD 908</b>	<b>An Act to Amend the Definition of the Term Subdivision in the Site Location of Development Laws</b>	<b>ONTP</b>	<b>Page 16</b>
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### *Water Quality/Water Pollution*

#### Enacted

<b>LD 284</b>	<b>An Act to Continue the State's Dioxin Monitoring Program and Consolidate Reports to the Legislature</b>	<b>PUBLIC 179</b>	<b>Page 5</b>
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<b>LD 658</b>	<b>Resolve, Requiring the Department of Human Services to Establish a Maximum Contaminant Level for MTBE</b>	<b>RESOLVE 58</b>	<b>Page 12</b>
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<b>LD 1155</b>	<b>An Act to Create a Permanent Funding Source for the Saco River Corridor Commission</b>	<b>PUBLIC 330</b>	<b>Page 23</b>
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<b>LD 1217</b>	<b>An Act to Protect the State's Lakes, Rivers and Coastal Wetlands through a Comprehensive Watershed Protection Program</b>	<b>PUBLIC 519</b>	<b>Page 24</b>
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<b>LD 1455</b>	<b>Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality</b>	<b>RESOLVE 67</b>	<b>Page 32</b>
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<b>LD 1471</b>	<b>Resolve, Regarding Legislative Review of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality</b>	<b>RESOLVE 47</b>	<b>Page 33</b>
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**LD 1633**      **An Act to Make Fish in Maine Rivers Safe to Eat and Reduce Color Pollution**      **PUBLIC 444**      **Page 44**

**LD 1745**      **Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Mercury Emissions and Discharges**      **RESOLVE 41 EMERGENCY**      **Page 50**

**Not Enacted**

**LD 80**      **An Act to Protect Internal Waters of the State**      **CARRIED OVER**      **Page 1**

**LD 194**      **An Act to Fully Fund the Surface Water Ambient Toxics Monitoring Program**      **ONTP**      **Page 2**

**LD 554**      **An Act to Change the Definition of Pollutant in the Environmental Laws**      **ONTP**      **Page 10**

**LD 906**      **An Act to Facilitate Removal of Certain Licensed Overboard Discharges**      **ONTP**      **Page 15**

**LD 1031**      **An Act Relating to the Use and Reclamation of Number One Pond in Sanford**      **ONTP**      **Page 18**

**LD 1299**      **Resolve, to Establish the Council on Environmental Monitoring and Assessment**      **ONTP**      **Page 28**

**LD 1577**      **An Act to Eliminate Paper Mill Dioxin and Restore Maine's Rivers**      **INDEF PP**      **Page 37**

**LD 1608**      **An Act to Create the Mousam Way River Environmental Advisory Committee**      **ONTP**      **Page 43**

**LD 1730**      **An Act to Implement the Recommendations of the Great Pond Task Force**      **CARRIED OVER**      **Page 49**

**LD 1836**      **An Act to Facilitate Delegation of the Federal Waste Discharge Permitting Program**      **CARRIED OVER**      **Page 51**

*Wetlands*

**Enacted**

**LD 258**                    **An Act Concerning Compensation under the Natural  
Resources Protection Laws**                    **PUBLIC 101**                    **Page 4**

**Not Enacted**

**LD 1599**                    **Resolve, to Encourage Stream and Wetland  
Enhancement Projects**                    **ONTP**                    **Page 43**



## Joint Standing Committee on State and Local Government

**LD 6**                      **An Act to Allow Certain County and Municipal Officials to Serve on the Maine Land Use Regulation Commission and the Board of Environmental Protection**                      **PUBLIC 346**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEXTER	OTP-AM    MAJ	H-293
	ONTP      MIN	H-435   DEXTER

LD 6 proposed to authorize county commissioners to simultaneously serve as commissioners on the Maine Land Use Regulation Commission without violating the common law doctrine of incompatibility of offices.

**Committee Amendment "A" (H-293)** proposed to expand the bill to also permit other county employees, municipal officials and municipal employees to serve on the commission. The amendment also proposed to permit the same group of officials to serve on the Board of Environmental Protection while simultaneously holding local office.

**House Amendment "A" (H-435)** removed the emergency preamble and emergency clause from the bill.

### *Enacted law summary*

Public Law 1997, chapter 346 authorizes county commissioners, county employers, municipal officials and municipal employees to serve on the Maine Land Use Regulation Commission or the Board of Environmental Protection while also holding local office without violating the common law doctrine of incompatibility of offices. Under the doctrine of incompatibility of offices, a person may not hold two offices simultaneously unless that person can, in all cases, perform the duties of both without acting in conflict of interest. If a person is appointed to an office that is incompatible with one that person already holds, that person is deemed to have vacated the first office upon accepting the second.

**LD 13**                      **Resolve, to Name the Body of Water on Route 27 in Coburn Gore "Fabian's Dunk"**                      **RESOLVE 4**

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

LD 13 proposed to name a small, unnamed body of water on the north side of Route 27 in Coburn Gore "Fabian's Dunk."

### *Enacted law summary*

Resolve 1997, chapter 4 names a small, unnamed body of water on the north side of Route 27 in Coburn Gore "Fabian's Dunk."

**LD 16**                      **An Act to Allow Municipalities to Advertise Public Legal Notices in Weekly Papers**                      **DIED BETWEEN BODIES**

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

LD 16 would have allowed municipalities to advertise public legal notices in weekly newspapers to satisfy notice requirements.

**Committee Amendment "A" (S-14)** would have replaced the bill, allowing municipalities to publish legal notices in publications that were not entered as 2nd class postal matter, as required by current law, if the publication was mailed by 3rd class mail to all residents and the municipality notified residents at least every 12 months of its intent to publish legal notices in that publication.

**LD 31**                      **An Act to Require That a Vacancy in the Office of Sheriff Be Filled by an Appointee from the Same Political Party**                      **PUBLIC 87**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON BUNKER	OTP-AM    MAJ ONTP      MIN	S-20

LD 31 proposed that in the case of a vacancy in the term of a sheriff who was nominated by primary election before the general election, the sheriff appointed by the Governor to fill the vacancy until a successor is chosen at election must be enrolled in the same political party as the sheriff whose term is vacant.

**Committee Amendment "A" (S-20)** proposed to remove language describing the causes of vacancies in the office of sheriff from the bill.

*Enacted law summary*

Public Law 1997, chapter 87 provides that in the case of a vacancy in the term of a sheriff who was nominated by primary election before the general election, the sheriff appointed by the Governor to fill the vacancy until a successor is chosen at election must be enrolled in the same political party as the sheriff whose term is vacant.

**LD 33**                      **An Act to Change the Selection Process and Qualifications for State Auditor**                      **DIED IN CONCURRENCE**

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

LD 33 would have provided for the appointment of the State Auditor by the Governor, subject to a two-thirds vote of the Legislature. The bill also would have established a seven-year term, with a one-term limit, and required the State Auditor to be a certified public accountant at the time of appointment.

**Committee Amendment "A" (S-75)** would have added language allowing a certified internal auditor to serve as State Auditor and removed the language increasing the State Auditor's term from four years to seven years and limiting service to one term.

**LD 34                                      RESOLUTION, Proposing an Amendment to the Constitution of                                      ONTP  
Maine to Change the Process for the Selection of the State  
Treasurer**

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

LD 34 proposed to amend the Constitution of Maine to provide for appointment of the Treasurer of State by the Governor subject to confirmation by a two-thirds vote of the Legislature.

**LD 39                                      An Act to Clarify the Authority of County Commissioners to Close                                      PUBLIC 327  
Roads for Winter in the Unorganized Territories**

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

LD 39 proposed to clarify existing law that the authority of county commissioners to close roads in the unorganized territories for maintenance includes the authority to close roads in winter.

**Committee Amendment "A" (H-417)** proposed to require the commissioner, in closing roads for the winter, to follow the same public notice and hearing procedures as required of municipal officers when they close municipal roads. The amendment also established an appeal process from a decision of the county commissioners to close roads during winter. Finally, the amendment removed that emergency clause and preamble from the bill.

***Enacted law summary***

Public Law 1997, chapter 327 clarifies that county commissioners have the authority to close county roads in unorganized territories during the winter. In doing so, the county commissioners must follow the same public notice and hearing procedures required of municipal officers when they close municipal roads. A decision of the commissioners may be appealed to Superior Court.

**LD 40**

**An Act to Require Appointment of a County Commissioner Whose District Includes Unorganized and Deorganized Areas to the Maine Land Use Regulation Commission**

**ONTP**

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

LD 40 proposed that one of the seven members appointed to the Maine Land Use Regulation Commission be a county commissioner whose district includes a portion of the unorganized and deorganized areas.

**LD 44**

**An Act to Raise the Fee for Congressional and Legislative Registration Plates**

**PUBLIC 58**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCELROY	OTP-AM MAJ OTP-AM MIN	H-31

LD 44 proposed to add a fee of \$10 to be paid by a Legislator or member of Congress to purchase a pair of specially designed congressional or legislative number plates.

**Committee Amendment "A" (H-31)** replaced the bill. Instead of providing for an additional \$10 fee, it imposed an additional fee equal to the cost of producing the plates, rounded to the nearest dollar. The fee will be determined by the Department of the Secretary of State, Bureau of Motor Vehicles.

***Enacted law summary***

Public Law 1997, chapter 58 imposes an additional fee to be paid by Legislators or members of Congress who purchase specially designed congressional or legislative number plates. The fee is equal to the cost of producing the plates, rounded to the nearest dollar, as determined by the Department of the Secretary of State, Bureau of Motor Vehicles.

**LD 45**

**An Act to Increase the Fees for Attachment of Real Estate and Personal Property**

**PUBLIC 5**

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

LD 45 proposed to increase the fees sheriffs and deputies receive for attachment of real estate and personal property and for service of a writ of replevin.

***Enacted law summary***



Public Law 1997, chapter 5 increases the fees sheriffs and deputies receive for attachment of real estate and personal property and for service of a writ of replevin.

**LD 62**

**An Act to Change the Method for Setting Wages for Deputies**

**PUBLIC 44**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E FERGUSON	OTP-AM	H-26

LD 62 proposed to repeal the minimum per diem rate of compensation for full-time and part-time deputies and to require the county commissioners to establish the rate of compensation.

**Committee Amendment "A" (H-26)** proposed to remove the dollar amount limitation on the earnings of part-time deputies and establishes a limitation of 1040 hours of work in any calendar or fiscal year.

*Enacted law summary*

Public Law 1997, chapter 44 repeals the statutory minimum per diem rate of compensation for full-time and part-time deputies and requires the county commissioner to establish the rate of compensation. Chapter 44 limits part-time deputies to compensation for up to 1040 hours of work per year.

**LD 63**

**An Act Concerning Dangerous Buildings in the Unorganized Territories**

**PUBLIC 6**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	OTP MAJ ONTP MIN	H-2 AHEARNE

LD 63 proposed to establish a procedure to be conducted by the county commissioners by which dangerous buildings or other structures that pose a public nuisance in unorganized territories may be disposed of. Current law provides a procedure by which such buildings or structures in municipalities may be disposed of by the municipal officers. No procedure is provided in law for dangerous buildings or other structures in the unorganized territories.

**House Amendment "A" (H-2)** proposed to clarify that the county commissioners may also seek an order of demolition of dangerous buildings or structures in unorganized territories by filing a complaint with the Superior Court. The amendment also directs that any appeal of a decision of the county commissioners must be made in the Superior Court.

*Enacted law summary*

Public Law 1997, chapter 6 establishes a procedure by which the county commissioners may dispose of dangerous buildings and other structures in unorganized territories, including seeking an order of demolition in Superior Court. The procedures established is parallel to that for disposal of dangerous buildings and structures in municipalities by the municipal officers.

**LD 71**

**An Act to Return a Certain Parcel of Land to Hartland from  
Pittsfield**

**P & S 7  
EMERGENCY**

Sponsor(s)  
STEDMAN

Committee Report  
OTP-AM

Amendments Adopted  
H-6

LD 71 proposed to transfer back to the Town of Hartland a piece of property that was annexed to the Town of Pittsfield in 1852.

**Committee Amendment "A" (H-6)** added a mandate preamble and made the bill an emergency.

*Enacted law summary*

Private and Special Law 1997, chapter 7 transfers back to the Town of Hartland a piece of property that was annexed to the Town of Pittsfield in 1852. Chapter 7 was enacted as an emergency measure effective March 28, 1997.

**LD 77**

**An Act to Change the Budgeting Process for York County**

**CARRIED OVER**

Sponsor(s)  
JOYNER

Committee Report

Amendments Adopted

LD 77 proposed to give the York county commissioners the final approval authority over the county budget. As the county legislative delegation was divided on whether and how to amend the York County budget process, the bill was carried over to the Second Regular Session.

**LD 83**

**An Act to Amend the Laws Requiring Notification for Public  
Hearings Concerning Ordinance Changes**

**PUBLIC 36  
EMERGENCY**

Sponsor(s)  
CARLETON

Committee Report  
OTP-AM

Amendments Adopted  
H-7

LD 83 proposed to change the notification time for a public hearing involving a municipal zoning ordinance from 14 days to 13 days and to change the time allowed for publication of certain public hearing notices in the newspaper and for the mailing of certain notices to abutting property owners.

**Committee Amendment "A" (H-7)** proposed to make the bill an emergency.

*Enacted law summary*

Public Law 1997, chapter 36 changes the notification time for a public hearing involving a municipal zoning ordinance from 14 days to 13 days. It also changes the time allowed for publication of certain public hearing

notices in the newspaper and for the mailing of certain notices to abutting property owners. Chapter 36 was enacted as an emergency measure effective March 28, 1997.

**LD 84**                      **An Act to Reduce the Meal Allowance for Legislators from \$32 to \$16**                      **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES SA	OTP-AM    A	
	OTP-AM    B	
	OTP-AM    C	

LD 84 proposed to reduce the meal allowance for Legislators from \$32 to \$16.

**Committee Amendment "A" (H-329)**, which was not adopted, proposed to reduce the meal allowance for Legislators from \$32 to \$22 and transfer most of the savings realized by reducing the meal allowance to the constituent service allowance. The amendment added an appropriation section and a fiscal note to the bill.

**Committee Amendment "B" (H-330)**, which was not adopted, proposed to reduce the meal allowance for Legislators from \$32 to \$22. The amendment also added an appropriation section and a fiscal note to the bill.

**Committee Amendment "C" (H-331)**, which was not adopted, added an appropriation section and a fiscal note to the bill.

**LD 88**                      **An Act to Clarify That a Town's Mooring Ordinance May Grandfather Existing Commercial or Noncommercial Moorings**                      **PUBLIC 89**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM R HARRIMAN	OTP-AM	H-119

LD 88 proposed to clarify that a town's mooring ordinance may include provisions to grandfather commercial or noncommercial moorings established prior to the adoption of the ordinance.

**Committee Amendment "A" (H-119)** proposed to clarify that the location and use of the grandfathered mooring privilege is determined by the harbor master or other local authority with power to regulate moorings.

***Enacted law summary***

Public Law 1997, chapter 89 clarifies that a town's mooring ordinance may include provisions to grandfather commercial or noncommercial moorings established prior to the adoption of the ordinance and provides that the location and use of the mooring is determined by the harbor master or other local regulatory authority.

**LD 92**                      **An Act to Establish State Auditor As an Appointed Position**                      **ONTP**

<u>Sponsor(s)</u> LANE AMERO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 92 would have established the State Auditor position as an appointed position by the Governor, requiring approval by two-thirds of the Legislature.

**LD 99**                      **An Act Concerning the Format of Legislative Documents**                      **ONTP**

<u>Sponsor(s)</u> CAMPBELL PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 99 would have required language in legislative documents that is not allocated to the Maine Revised Statutes to be underlined and required that language that is repealed but reappears elsewhere in the law be italicized.

**LD 103**                      **An Act to Make Legislative Information Available through the Internet**                      **PUBLIC 43**

<u>Sponsor(s)</u> CARLETON PINGREE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-25
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LD 103 proposed to require that certain legislative information be made available through the Internet.

**Committee Amendment "A" (H-25)** proposed to correct clerical errors and remove the requirement that committee meeting minutes be made available through the Internet.

*Enacted law summary*

Public Law 1997, chapter 43 requires the Legislative Council to make the following information available through the Internet: legislative documents, committee hearing schedules, status of legislation, the Laws of Maine, study reports and other information designated by the Legislative Council.

**LD 120**                      **An Act to Transfer the Authority for Fixed Assets Inventory**                      **PUBLIC 90**

<u>Sponsor(s)</u> AHEARNE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-128
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LD 120 proposed to remove the requirement that travel policies established for state employees be subject to the Maine Administrative Procedure Act. This would reduce the administrative burden on the Secretary of State and the Department of Administrative Services. This bill also proposed to transfer authority for fixed assets inventory from the Bureau of General Services to the Bureau of Accounts and Control.

**Committee Amendment "A" (H-128)** proposed to remove the section of the bill that would exempt the determination of travel expense reimbursements from the Maine Administrative Procedure Act.

*Enacted law summary*

Public Law 1997, chapter 90 transfers authority for fixed assets inventory from the Bureau of General Services to the Bureau of Accounts and Control.

**LD 131                      An Act to Authorize a State Agency to Charge Interest on Money Owed to that Agency                      ONTP**

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

LD 131 proposed to allow state departments and agencies to charge and collect interest on payments due the State for fines, overpayments or other amounts due in the normal course of business.

**LD 133                      An Act Regarding Qualifications for the Office of Sheriff                      PUBLIC 37**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER FERGUSON	OTP-AM	H-27

LD 133 proposed to establish minimum qualifications for candidates for election or appointment to the office of county sheriff. The requirements are consistent with standards set by the Maine Criminal Justice Academy for certification as a law enforcement executive. Persons serving in the office of sheriff on the effective date of enactment would be "grandfathered," or deemed to meet these minimum qualifications. See also LD 834.

**Committee Amendment "A" (H-27)** clarified that a candidate for sheriff may not have been convicted of a Class C or higher crime, clarified the applicability of the Law Enforcement Code of Ethics to candidates for sheriff and "grandfathered" anyone who is not currently serving as sheriff but who previously served in that capacity from the minimum qualifications imposed by the bill.

*Enacted law summary*

Public Law 1997, chapter 37 reestablishes minimum qualifications for candidates for election or appointment to the office of county sheriff which were inadvertently repealed last year. The requirements are consistent with standards set by the Maine Criminal Justice Academy for certification as a law enforcement executive. Persons serving in the

office of sheriff on the effective date of enactment or who previously served in that capacity would be "grandfathered," or deemed to meet these minimum qualifications.

**LD 135                      An Act to Designate Square Dancing as the Official Folk Dance of Maine                      ONTP**

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

LD 135 proposed to designate square dancing as the official folk dance for the State of Maine.

**Committee Amendment "A" (H-30)** proposed to include contra dancing, round dancing, line dancing and clogging in the definition of the term "square dancing." LD 135, as amended by Committee Amendment "A" was enacted by both Houses, but was subsequently recalled from the governor's desk and recommitted to the Committee. On reconsideration of the bill, the committee again issued a divided report and both Houses accepted the Ought not to Pass report.

**LD 137                      An Act to Prohibit Omnibus Fish and Game Legislation                      ONTP**

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

LD 137 proposed to prohibit the Revisor of Statutes from preparing omnibus legislation that included any section proposing to amend the inland fisheries and wildlife laws of the State.

**LD 151                      An Act to Increase the Penalty for Illegally Parking in a Handicapped Parking Space                      PUBLIC 60**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROIS	OTP-AM	H-29

LD 151 proposed to authorize local law enforcement officials to enforce handicapped parking restrictions on private, as well as public, property increase the fee for second and subsequent violations of handicapped parking restrictions and require that vehicles illegally parked in spaces reserved for handicapped parking be towed immediately.

**Committee Amendment "A" (H-29)** proposed to replace the bill. It raises the fine for improperly parking in a handicapped parking space from \$50 to \$100.

***Enacted law summary***

Public Law 1997, chapter 60 raises the fine for improperly parking in a handicapped parking space from \$50 to \$100.

**LD 156**                      **An Act to Amend the Charter of the Loring Development Authority as It Pertains to Immunity of the Authority**                      **PUBLIC 71 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KIEFFER ROWE	OTP-AM	S-63

LD 156 proposed to broaden the limitations of liability for the board members and employees of the Loring Development Authority.

**Committee Amendment "A" (S-63)** replaced the original bill and added to the existing language, which retained the provision of the Maine Tort Claims Act, while still providing a broadening of the limitation of liability for board members and employees of the Loring Development Authority.

***Enacted law summary***

Public Law 1997, chapter 71 expands the limitations of liability for a board member or an employee of the Loring Development Authority. Chapter 71 was enacted as an emergency measure effective April 10, 1997.

**LD 157**                      **An Act to Impose a Surcharge on Documents Recorded in a Registry of Deeds to Fund Preservation of Registry Documents**                      **PUBLIC 503**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM    A OTP-AM    B ONTP        C	S-360 MICHAUD S-94

LD 157 proposed to establish a surcharge of \$3 for documents recorded in a registry of deeds. The surcharge would be used to fund the restoration, re-creation and preservation of records in the offices of registers of deeds.

**Committee Amendment "A" (S-93)**, the majority committee amendment, proposed to exempt documents filed by state agencies and municipalities from that requirement, repeals the surcharge established in the bill on January 1, 2002 and adds a mandate preamble and a fiscal note to the bill. This amendment was not adopted.

**Committee Amendment "B" (S-94)**, the minority amendment, proposed to make imposition of the surcharge optional with the county, exempt documents filed by municipalities from the surcharge if it is imposed, repeal any surcharge imposed by the bill on January 1, 2002 and add an appropriation section and a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "B" (S-360)** proposed to exempt agencies of State

Government from the surcharge on documents that are recorded in the registry of deeds. It also removes the appropriation section.

***Enacted law summary***

Public Law 1997, chapter 503 imposes a surcharge of \$3 on documents recorded in a county registry of deeds. Money raised by the surcharge is deposited in a separate fund in each county dedicated to paying for the restoration, re-creation and preservation of registry records. State agencies and municipalities are exempt from payment of the surcharge. Imposition of the surcharge is repealed on January 1, 2002.

**LD 175                      An Act to Make Technical Changes in Laws Authorizing the Sale of                      P & S 3**  
**the Pineland Center**

<u>Sponsor(s)</u> FOSTER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 175 proposed to permit the State to sell certain property at the Pineland Center that was inadvertently excluded from legislation passed in 1996 and to clarify that the State has the authority to dispose of any interest it may have in rangeways and crossways.

***Enacted law summary***

Private and Special Law 1997, chapter 3 permits the State to sell certain property at the Pineland Center that was inadvertently excluded from legislation passed in 1996 and clarifies that the State has the authority to dispose of any interest it may have in rangeways and crossways.

**LD 188                      RESOLUTION, Proposing an Amendment to the Constitution of                      CARRIED OVER**  
**Maine to Require Minimum Qualifications for the Treasurer of**  
**State**

<u>Sponsor(s)</u> DONNELLY AMERO		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 188 proposes an amendment to the Constitution of Maine to require the Treasurer of State to have certain education and experience qualifications. This bill has been carried over to the Second Regular Session.



**LD 192**                      **An Act to Prohibit a Former Legislator from Employment in the Legislative, Judicial or Executive Branch for 2 Years after the End of the Legislator's Term**                      **ONTP**

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

LD 192 proposed to prohibit a former Legislator from obtaining employment in the legislative, judicial or executive branch until two years after the most recent legislative term for which the Legislator was elected.

**LD 201**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Term of the Governor**                      **ONTP**

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

LD 201 proposed an amendment to the Constitution of Maine to change the term of office for the Governor from four years to six years and to prohibit the Governor from serving consecutive terms.

**LD 206**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives**                      **ONTP**

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

LD 206 proposed an amendment to the Constitution of Maine to change Legislators' terms to four years following the general election in 2000 or 2002. The resolution proposed that the Legislature meet every year, with business in the fourth year restricted as it is presently in the second year. (See also LD 269)

**LD 207**                      **An Act to Change How the Mileage Allowance is Determined for Sheriffs and Deputies**                      **PUBLIC 8**

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

LD 207 proposed to allow sheriffs and deputies to be reimbursed for mileage at the same rate as other county employees in the county in which the sheriff is employed. All travel initiated by a state agency would continue to be reimbursed at the rate established in the Maine Revised Statutes, Title 5, section 8.

***Enacted law summary***

Public Law 1997, chapter 8 authorizes counties to reimburse sheriffs and deputies for travel expenses at the same rate other county employees are reimbursed, rather than at the rate provided to state employees which the law previously required.

**LD 209                      An Act to Increase Term Limits to 12 Years for Elected Officials and Constitutional Officers                      ONTP**

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

LD 209 would have extended 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, the Attorney General and the State Auditor.

**LD 211                      An Act to Permit Municipalities to Restrict the Sale of Tobacco Products                      PUBLIC 63**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP      MAJ ONTP      MIN	S-18    MILLS

LD 211 proposed to repeal the provision of law that prohibits municipalities from enacting ordinances and regulations regarding tobacco displays, product placement and the time of tobacco product sales.

**Senate Amendment "B" (S-18)** proposed to require that if a municipality intends to consider an ordinance or regulation regarding the sale, possession and use of tobacco that is more restrictive than state law, it must provide notice to each retail tobacco licensee doing business within the municipal corporate limits.

***Enacted law summary***

Public Law 1997, chapter 63 repeals the provision of law that prohibits municipalities from enacting ordinances and regulations regarding tobacco displays, product placement and the time of tobacco product sales and requires a municipality to provide notice to each retail tobacco licensee doing business within the municipality if the municipality intends to enact any such ordinance and the ordinance is more restrictive than state law.

**LD 214**

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine to Reduce the Size of the Legislature Following Redistricting  
in the Year 2003**

**ONTP**

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

LD 214 proposed to amend the Constitution of Maine to reduce the size of the House of Representatives from 151 members to 99 members and the size of the Senate from no more than 35 members to 33 members. Reduction of membership would have taken effect for the 2005 election.

**LD 219**

**Resolve, to Establish Qualifications for Constitutional Officers and  
the State Auditor** **DIED BETWEEN  
BODIES**

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

LD 219 proposed to create the Commission to Establish the Criteria and Qualifications for Certain State Officers to review the responsibilities and duties of the Secretary of State, the Treasurer of State, the Attorney General and the State Auditor and to establish criteria and qualifications for the individuals holding those positions.

**Committee Amendment "A" (S-99)** would have removed all Legislators from the commission, added one member of the Executive Department appointed by the Governor, removed authorization to pay compensation to commission members, provided for staffing and funding by the Department of the Secretary of State and authorized the Joint Standing Committee on State and Local Government to report out legislation on the issue of qualifications to the Second Regular Session of the 118th Legislature.

**House Amendment "B" to Committee Amendment "A" (H-419)** would have restored legislative members to the commission and provided compensation for them.

**House Amendment "C" to Committee Amendment "A" (H-436)** would have removed the emergency preamble and clause and changed the date for appointment of commission members and the reporting date.

**LD 223**

**An Act to Clarify the Territory Included within Lake Arrowhead  
Community, Incorporated**

**P & S 4**

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

LD 223 proposed to correct omissions in Private and Special Law 1995, chapter 37 enacted two years ago to clarify and expand the powers and duties of Lake Arrowhead Community, Inc., a homeowner's association. In

describing the territory encompassed by the association, chapter 37 failed to explicitly include all lands within the association.

***Enacted law summary***

Private and Special Law 1997, chapter 4 corrects the description of the territory encompassed by Lake Arrowhead Community, Inc., a homeowner’s association, in a law passed two years ago.

**LD 249                      An Act to Require That All Legislative Documents Contain a Citizen and Business Impact Statement                      ONTP**

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

LD 249 would have required that proposed legislation include a statement of impact on public policy and on Maine citizens and businesses.

**Committee Amendment "A" (H-139)**, the minority amendment, which was not adopted, proposed to require a Legislator to disclose any knowledge that that Legislator may have concerning the impact of that Legislator's proposed legislation on business or industry in the State, which also must be included in the summary of the printed bill.

**LD 256                      RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Runoff Election if No Candidate Receives a Majority of the Votes in the General Election                      ONTP**

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

LD 256 proposed an amendment to the Constitution of Maine to require that successful candidates for Governor receive more than 50% of the votes cast. If no candidate received more than 50% in the first election, the resolution would require a runoff election between the two persons who received the largest number of votes and the person who receives the larger number of votes in the runoff election would be declared Governor.

**LD 269                      RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide 4-year Terms for Senators and Members of the House of Representatives                      DIED BETWEEN BODIES**

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

LD 269 proposed to amend the Constitution of Maine to change Legislators' terms to four years following the general election in 1998. Business in the fourth year of a session would have been restricted as it is presently in the second year.

**Committee Amendment "A" (S-287)** would have replaced the constitutional resolution. It would have provided four-year terms for Senators, beginning in 1998. It also would have added term limits totaling eight consecutive years to the Constitution for both Senators and members of the House of Representatives.

**LD 274**                      **An Act to Allow Towns to Use the Money Held in Administrative Funds That Comes from the Use of Ministerial Trust Land**                      **PUBLIC 57**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY MICHAUD	OTP-AM	H-5

LD 274 proposed to authorize the use of 20% of ministerial funds held in trust.

**Committee Amendment "A" (H-5)** replaced the original bill and proposed to clarify that the town must have land in its possession from which an income is generated.

*Enacted law summary*

Public Law 1997, chapter 57 authorizes a municipality to use up to 20% of ministerial funds every five years for educational purposes, provided that the municipality currently has land which generates an income.

**LD 282**                      **An Act to Require Public Forms to Contain a Revision Date**                      **ONTP**

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

LD 282 proposed to require all state agencies to include a revision date on any form used by the public.

**LD 313**                      **An Act to Require a Disclaimer of the Dollar Value of Benefits for Public Employee Positions**                      **ONTP**

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

LD 313 proposed to require municipalities, counties and school districts to include a statement of the dollar value of fringe benefits in any publication that states the salary of an officer, employee or position paid by that entity.

**LD 331**

**An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to a Living Wage in State Subcontracted Work**

**ONTP**

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

LD 331 proposed to require that state contracts and subcontracts for personal services ensure that the rate of pay under those contracts and subcontracts was at least \$11.54 per hour in direct compensation plus indirect compensation in the form of health and retirement benefits. The Bureau of Human Resources would have adopted rules to implement this provision.

**LD 344**

**An Act to Amend the Report Criteria for a Municipality's Annual Postaudit**

**PUBLIC 142**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAGDON MURRAY	OTP-AM	H-159

LD 344 proposed to amend the criteria for an annual postaudit report that a municipality must submit to the Department of Audit.

**Committee Amendment "A" (H-159)** replaced the original bill and proposed to clarify several items required for the postaudit report that a municipality must submit to the Department of Audit

***Enacted law summary***

Public Law 1997, chapter 142 amends the criteria for an annual postaudit report that a municipality must submit to the Department of Audit. The criteria have been updated to reflect current standards and terminology for audits.

**LD 349**

**An Act to Modify the Prequalification Laws to Allow the Disqualification of Contractors for a Time Not to Exceed One Year**

**PUBLIC 295**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUMPS	OTP-AM MAJ ONTP MIN	H-343

LD 349 proposed to allow the Director of the Bureau of Public Improvements to disqualify a general contractor from bidding on public improvement projects for a period not to exceed one year. Current law allows the director to disqualify a general contractor on a project-specific basis only.

**Committee Amendment "A" (H-343)** replaced the bill. The amendment proposed to clarify that a firm may be required to use a standard qualification form and provide a letter from a bonding company attesting to the financial capacity of the firm. The amendment also inserted the phrase "there is evidence" as it relates to the refusal of the Director of General Services to release plans and specifications to the contractor. The amendment also included the language from the original bill, which allows the Director of General Services to disqualify a general contractor for a period not to exceed one year, as opposed to current law that requires a denial on a project-by-project basis.

***Enacted law summary***

Public Law 1997, chapter 295 allows the Director of the Bureau of General Services to disqualify a general contractor for a period not to exceed one year if there is evidence of untimely completion, incomplete work or misconduct on the part of the contractor. Public Law 295 also requires the use of a standard qualification statement and a letter from a licensed bonding company confirming that a firm has the financial capacity to perform the work.

**LD 354                      RESOLUTION, Proposing an Amendment to the Constitution of                      DIED BETWEEN  
Maine to Provide for the Direct Popular Election of Constitutional                      BODIES  
Officers**

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

LD 354 would have proposed an amendment to the Constitution of Maine to provide for direct popular election of the State's constitutional officers.

**Committee Amendment "A" (H-137)** would have deleted sections of the resolution proposing direct popular election of the Secretary of State and the Treasurer of State, leaving only direct popular election of the Attorney General.

**LD 361                      An Act to Encourage Regionalization of Municipal Services                      CARRIED OVER**

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

LD 361 proposes to create a grant program to assist municipalities in planning for regional service delivery to improve the quality or efficiency of municipal services. The grants are to be directed at communities described as "service center communities" in a 1996 report of the State Planning Office and are to be coordinated with other grant and assistance programs of the State Planning Office. The bill proposes to appropriate \$100,000 from the General Fund to provide the grants. This bill has been carried over to the Second Regular Session.

**LD 362**

**An Act to Revise the Procurement of Products and Services from Rehabilitation Facilities and Work Centers**

**ONTP**

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

LD 362 proposed to allow expanded work opportunities for persons with disabilities by allowing businesses and other entities to qualify for work center status. It also would have provided a maximum cost percentage preference to minimize the impact on agency budgets when a work center was awarded a contract. When a work center bid exceeds a low bid by 15% or more, the contract would not have been awarded to the work center.

**LD 370**

**An Act to Establish a Commemorative Day Recognizing the Children of this State**

**PUBLIC 74**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN HARRIMAN	OTP-AM MAJ ONTP MIN	H-34

LD 370 proposed to establish September 28th as Children's Day in the State.

**Committee Amendment "A" (H-34)** proposed to change the date for the commemorative day for children from September 28th to the last Friday in September.

*Enacted law summary*

Public Law 1997, chapter 74 designates the last Friday in September as Children's Day in the State.

**LD 379**

**An Act to Clarify the Reimbursement of Legislators' Expenses**

**PUBLIC 309**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTLAND	OTP-AM	S-223

LD 379 proposed to allow the presiding officers of the Senate and House of Representatives to require receipts when an allowance is requested for meals or overnight accommodations immediately preceding a legislative session.

**Committee Amendment "A" (S-223)** replaced the bill. It proposed to allow the presiding officers to establish reasonable policies regarding payment of meals and lodging allowances for the day immediately preceding session.

*Enacted law summary*

Public Law 1997, Chapter 309 allows the Legislature's presiding officers to establish reasonable policies regarding payment of meals and lodging allowances for the day immediately preceding session.



**LD 400**

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine to Require That Constitutional Officers Be Appointed by the  
Governor**

**ONTP**

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

LD 400 proposed an amendment to the Constitution of Maine to provide for the appointment by the Governor and confirmation by the Senate and the House of Representatives of the Secretary of State, the Treasurer of State and the Attorney General.

**Committee Amendment "A" (S-76)** proposed to remove language in the resolution proposing gubernatorial appointment of the Secretary of State and the Treasurer of State, leaving only the Attorney General.

**LD 401**

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine to Require the Election of the Secretary of State in Statewide  
Elections** **DIED IN CONCURRENCE**

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

LD 401 proposed an amendment to the Constitution of Maine to provide for direct popular election of the Secretary of State.

**Committee Amendment "A" (S-73)** would have added term limits to the Constitution for the Secretary of State.

**LD 408**

**An Act to Include Operation and Maintenance in the Life-cycle  
Costs Analysis Required for Public Improvements** **PUBLIC 541**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING KERR	OTP-AM	S-391 MICHAUD S-62

LD 408 proposed to expand the life-cycle costs analysis required for public improvements to include certain elements of economic analysis in addition to energy costs required under current law. The bill also transfers the responsibility for adopting rules related to life-cycle costs analysis from the Bureau of Public Improvements to the Bureau of General Services.

**Committee Amendment "A" (S-62)** proposed to add a fiscal note to the bill.

**Senate Amendment "A" (S-391)** proposed to add a mandate preamble to the bill.

*Enacted law summary*

Public Law 1997, chapter 541 requires that an economic analysis be conducted as a part of the life cycle costs analysis which is required for any public improvement.

**LD 418**

**An Act to Amend Certain Benefits Offered Legislators**

**ONTP**

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

LD 418 proposed to require that Legislators pay 20% of the premium for health insurance coverage under the State group health plan. The bill also proposed to eliminate the State's contribution for dependent health care coverage and prohibited the State from paying any portion of the Legislators' share of a dental plan.

**LD 430**

**An Act to Clarify the Provisions that Implement Performance Budgeting in State Government**

**PUBLIC 184**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO AHEARNE	OTP-AM MAJ ONTP MIN	S-124

LD 430 proposed to correct technical errors in Public Law 1995, chapter 705. It exempts public instrumentalities, such as the Maine Sardine Council, Lobster Promotion Council, Maine Potato Board, Maine Dairy Promotion Board and Maine Dairy and Nutrition Council, from the strategic planning and performance budgeting requirements; adds a member of the judiciary to the Commission on Performance Budgeting; extends the terms of initial commission members by 6 months; clarifies duties of the commission; clarifies that the chair of the commission may call meetings; clarifies that pilot performance budgets will not be the basis for appropriations or allocations; clarifies that oversight committees will be consulted in the development of joint goals and objectives for the pilot strategic planning by policy areas; clarifies that the State Planning Office will receive copies of agencies' final strategic plans; clarifies that state agencies will be grouped into policy areas; clarifies that the Department of Human Resources is the Department of Human Services and clarifies that "job training" is not a policy area, but a strategy for which joint goals and objectives are to be developed.

**Committee Amendment "A" (S-124)** clarified which boards and commissions are exempt from the performance budgeting process by specifically referencing them in statute.

*Enacted law summary*

Public Law 1997, chapter 184 makes a number of technical corrections to the law relating to the Commission on Performance Budgeting and clarifies that certain public instrumentalities are exempt from the strategic planning and performance budgeting requirements.

**LD 449**

**An Act to Create a Legislative Finance Office**

**ONTP**

Sponsor(s)  
AHEARNE

Committee Report  
ONTP

Amendments Adopted

LD 449 proposed to authorize the Legislative Council to create the Legislative Finance Office, which would have provided budget analysis as well as developed and analyzed alternative fiscal policies.

**LD 450**

**An Act to Amend the Date for Recognizing Marginal Discharges of Mortgages**

**PUBLIC 103**

Sponsor(s)  
LAVERDIERE

Committee Report  
OTP

Amendments Adopted

LD 450 proposed that a marginal discharge of a mortgage recorded prior to April 1, 1974 and attested by the register of deeds as being recorded in the margin of the original mortgage is valid. Current law provides that only such a mortgage recorded prior to August 6, 1949 is valid.

*Enacted law summary*

Public Law 1997, chapter 103 provides that a marginal discharge of a mortgage recorded prior to April 1, 1974 and attested by the register of deeds as being recorded in the margin of the original mortgage is valid. Current law provides that only such a mortgage recorded prior to August 6, 1949 is valid.

**LD 458**

**RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Manner in Which the Legislature Calls Itself into Special Session**

**DIED BETWEEN BODIES**

Sponsor(s)  
AHEARNE

Committee Report  
OTP-AM

Amendments Adopted

LD 458 proposed an amendment to the Constitution of Maine to change the manner in which the Legislature may call itself into special session. The Constitution of Maine currently provides for special session with consent of a majority of the members of each political party represented in the Legislature. The amendment would have provided for the calling of a special session with consent of a majority of the members of each House of the Legislature.

**Committee Amendment "A" (H-144)** would have added a fiscal note to the bill.

**Senate Amendment "A" (S-125)** would have required a two-thirds vote of the membership of each House of the Legislature, rather than a majority vote, to call the Legislature into special session.

LD 479

**RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure that the Composition of the Legislature Reflects the Socio-economic Makeup of the Population of the State**

ONTP

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

LD 479 proposed to amend the Constitution of Maine to include language that specifies that it is the desire of the people of the State that the membership of the Legislature be representative of the socio-economic and occupational background of the general population and that compensation and benefits for Legislators must be established to ensure equal access to service in the Legislature for all citizens.

LD 487

**An Act Concerning the Charter of the Northern Maine Development Commission, Inc.**

**P & S 13  
EMERGENCY**

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

LD 487 proposed to repeal the charter of the Northern Maine Development Commission, Inc.

***Enacted law summary***

Private and Special Law 1997, chapter 13 repeals the Legislative Charter of the Northern Maine Development Commission, Inc. The Commission will continue to operate under its own charter. Chapter 13 was enacted as an emergency measure effective April 25, 1997.

LD 488

**An Act to Change the Laws Pertaining to the Issuance of Copies of Birth, Marriage or Death Certificates by Towns**

**PUBLIC 32**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD	OTP-AM	S-21

LD 488 proposed to permit a town clerk to charge \$7 for the first copy of a birth, marriage or death certificate and \$3 for each additional copy. Current law requires a clerk to charge these fees.

**Committee Amendment "A" (S-21)** proposed to clarify that a town clerk may charge an amount less than \$7 for the first copy of a birth, marriage or death certificate and an amount less than \$3 for each additional copy.

***Enacted law summary***

Public Law 1997, chapter 32 permits town clerks to charge up to \$7 for the first copy of a birth, marriage or death certificate and up to \$3 for each additional copy.

**LD 495**                      **RESOLUTION, Proposing An Amendment to the Constitution of  
Maine to Alter the Requirements for Redistricting**                      **ONTP**

<u>Sponsor(s)</u> MICHAUD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 495 proposed an amendment to the Constitution of Maine to require that each House of the Legislature decide separately, by a majority vote, the legislative district apportionment plan, and repealing the requirement that the Governor approve the plan.

**LD 510**                      **An Act to Designate Agency Rules That Increase Fees or Restrict  
Licenses as Major Substantive Rulemaking**                      **ONTP**

<u>Sponsor(s)</u> STEDMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 510 proposed to categorize all changes to agency rules setting fees as major substantive rules which would require legislative review and approval prior to final adoption. The bill also proposed to categorize any restrictions placed by rulemaking on licenses issued by agencies as major substantive rules.

**LD 516**                      **An Act to Impose a Statute of Limitations for Violations of  
Municipal Subdivision Ordinances**                      **PUBLIC 323**

<u>Sponsor(s)</u> LAVERDIERE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-474
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LD 516 proposed to place a 20-year statute of limitations on actions brought to enjoin the sale or other conveyance of land or a dwelling unit in a subdivision in violation of municipal ordinances.

**Committee Amendment "A" (H-474)** proposed that the 20-year statute of limitations does not apply to a subdivision that has been enjoined, or to a subdivision that has been disapproved by the municipal reviewing authority, denied a building permit or subject to an enforcement action, provided a record of the disapproval, denial or action has been recorded in the appropriate registry of deeds.

**Enacted law summary**

Public Law 1997, chapter 323 provides a 20-year statute of limitations on violations of municipal subdivision ordinances. The statute of limitations is tolled if the municipality takes certain enforcement actions and records the actions in the appropriate registry of deeds.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL PENDLETON P	OTP-AM MAJ ONTP MIN	H-120

LD 517 proposed to require a person, municipality, corporation or any other entity that controls a cemetery to establish a permanent care and improvement fund, the income from which must be devoted to cemetery maintenance. At least 30% of the proceeds received from the sale of lots and plots in the cemetery must be deposited in this fund. A family burying ground would be exempt from the requirements of the bill.

**Committee Amendment "A" (H-120)** proposed to rename the fund for the maintenance of cemeteries the cemetery perpetual care fund, provide that the fund is to be used only for the maintenance of the cemetery and not for major improvements, and provide that only private owners of cemeteries are required to establish the fund. The amendment also, proposed to exempt the sale of cemetery plots that are subject to a contract for perpetual care that is at least as stringent as the provisions of the bill.

#### *Enacted law summary*

Public Law 1997, chapter 140 requires any private entity that controls a cemetery, except a family burying ground, to establish a cemetery perpetual care fund, the income from which is to be used for maintenance of the cemetery. At least 30% of the proceeds from the sale of plots in the cemetery must be deposited in the fund. The sale of plots that are subject to a contract for perpetual care that is at least as stringent as the law are exempt from also contributing to the fund.

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

LD 534 proposed to require that Legislators covered under a group health insurance plan or dental insurance plan for Legislators contribute 20% of the insurance premium. The bill also proposed to give Legislators the option of receiving the cash value of the insurance benefits in lieu of the state contribution.

**Committee Amendment "A" (H-326)**, which was not adopted, replaced the original bill for the purpose of incorporating Public Law 1997, chapters 24 and 80 in order to avoid a conflict. The amendment did not change the original intent of the bill, which would have required Legislators to pay 20% of the premium for health and dental insurance coverage. The amendment also retained the provision that allowed Legislators the option of receiving the cash value of the insurance benefits in lieu of the state contribution.

**LD 551**                      **An Act to Require Certain State Notices to Include Statutory Authority Citations**                      **ONTP**

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

LD 551 proposed to require all state agencies to cite the appropriate statutory authority in any enforcement notice or written communication regarding a potential enforcement action.

**LD 555**                      **An Act Concerning the Fees Charged by the Secretary of State for Copies**                      **INDEF PP**

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

LD 555 proposed to require that the Secretary of State receive the actual cost per page for copies and the actual cost of production for electronic copies when those copies are prepared by the office of the Secretary of State. The Secretary of State currently receives 75¢ per page for most copies.

**Committee Amendment "A" (H-138)**, which was not adopted, replaced the original bill and established a rate of 20¢ for certain copies in the Secretary of State's office.

**LD 566**                      **An Act to Provide Computers for Use in the Legislature**                      **CARRIED OVER**

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

LD 566 proposes that the Legislative Council to provide a computer system in the chambers of the Senate and House of Representatives for each member of the Legislature. The computer systems would allow Legislators immediate access to current law, pending legislation, bill status and committee schedules. Installation of the computers would be completed before the First Regular Session of the One Hundred and Nineteenth Legislature. This bill has been carried over to the Second Regular Session.

**LD 601**                      **An Act to Provide Municipal Notification of Utility Services**                      **PUBLIC 199**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-146

LD 601 proposed to repeal the law prohibiting utilities from installing service to a lot or dwelling unit until municipal officers have certified that the lot or dwelling unit is in compliance with shoreland zoning and subdivision laws. It proposed instead to require a utility to notify the municipal officers before installing services, unless it has received prior authorization from the municipal inspector. This bill was referred jointly to the Joint Standing Committee on Utilities and Energy.

**Committee Amendment "A" (S-146)** replaced the bill. It proposed to maintain the current law requiring utilities to obtain written certification that lots or units comply with municipal ordinances before installing utility services, but to add a provision allowing each municipality to establish alternate procedures with utilities if it so chooses. The municipality and the utility must agree to the alternate procedures before they supersede existing requirements.

***Enacted law summary***

Public Law 1997, chapter 199 allows municipalities to agree to an alternate procedure for utility companies to notify the municipality before installing utility services to a lot or dwelling unit, in order to give the municipality a chance to ensure that the lot or dwelling unit complies with municipal ordinances.

**LD 629                      Resolve, Authorizing the Conveyance of the Interest of the State in                      RESOLVE 17**  
**Certain Property in Augusta**

<u>Sponsor(s)</u> DAGGETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-77
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LD 629 proposed to authorize the Commissioner of Administrative and Financial Services to convey the interest of the State in certain property in Augusta to the Maine State Employees Credit Union in exchange for the conveyance to the State of certain property of the credit union and the payment to the State by the credit union of the excess, if any, of the fair market value of the property received over the property conveyed.

**Committee Amendment "A" (S-77)** proposed several minor changes to the bill. It referenced the date and number of the order of the City of Augusta, discontinuing Jackson Street, acknowledges the recent sale of 131 Sewall Street by the Maine State Employees Credit Union, clarified that the instrument of conveyance by the State and the credit union will be a quitclaim release deed and clarified the mechanism for determining the consideration to be paid by the credit union. The amendment also added a fiscal note to the resolve.

***Enacted law summary***

Resolve 1997, chapter 17 authorizes the Commissioner of Administrative and Financial Services to convey the interest of the State in certain property in Augusta to the Maine State Employees Credit Union in exchange for the conveyance to the State of certain property of the credit union and the payment to the State by the credit union of the excess, if any, of the fair market value of the property received over the property conveyed.



**LD 650**

**Resolve, Authorizing the Transfer of a Parcel of Land in Webster Plantation to Hazen and Theo Jipson**

**RESOLVE 56**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER	OTP-AM	H-28

LD 650 proposed to authorize the Director of the Bureau of Parks and Lands, Department of Conservation to convey to Hazen and Theo Jipson all interest of the State in a parcel of land located in Webster Plantation, Penobscot County consisting of 12 to 20 acres and being a portion of the Webster Plantation Public Lot.

**Committee Amendment "A" (H-28)** proposed to direct the Director of the Bureau of Parks and Lands to convey by quitclaim deed to P. Hazen Jipson and Theo E. Jipson of Webster Plantation, a parcel of 15 acres, more or less, located in the Webster Plantation Public Lot. It also adds a fiscal note to the resolve.

***Enacted law summary***

Resolve 1997, chapter 56 directs the Director of the Bureau of Parks and Lands to convey by quitclaim deed to P. Hazen Jipson and Theo E. Jipson of Webster Plantation, a parcel of 15 acres, more or less, located in the Webster Plantation Public Lot.

**LD 680**

**Resolve, Establishing the Maine Council on Competitiveness**

**ONTP**

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

LD 680 proposed to create the Maine Council on Competitiveness, which would have been charged with examining ways in which State Government could use the private sector to deliver certain services currently being provided by the State.

**LD 702**

**An Act to Amend the Penobscot County Budget Committee Process**

**PUBLIC 198**

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

LD 702 proposed to make the following changes to the laws governing the Penobscot County Budget Committee:

1. It defined the term "municipal official" to mean a councilor or a selectman; and
2. It required the Penobscot County commissioners to hold one or more public hearings on the budget before December 1st of each year.

***Enacted law summary***

Public Law 1997, chapter 198 defines the term “municipal official” to mean a councilor or selectman for purposes of the Penobscot County Budget approval law and requires the Penobscot County commissioners to hold at least one public hearing on the county budget before December 1 each year.

**LD 706**                      **An Act to Amend the Washington County Budget Advisory Committee**                      **PUBLIC 171**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 706 proposed to allow a municipal officer elected as a member of the Washington County Budget Advisory Committee to appoint a designee to serve on the committee in place of the municipal officer.

***Enacted law summary***

Public Law 1997, chapter 171 allows a municipal officer elected as a member of the Washington County Budget Advisory Committee to appoint designee to serve on the committee in place of the municipal officer.

**LD 720**                      **An Act to Amend the Laws Regarding Confidentiality of Library Records**                      **PUBLIC 146**

<u>Sponsor(s)</u> WATSON TREAT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-161
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LD 720 proposed to add the state Law and Legislative Reference Library to the list of public libraries required to maintain confidentiality of library records identifying patrons in connection with the library materials they use.

**Committee Amendment "A" (H-161)** proposed technical changes to current law and provided a January 1, 1998 effective date for the bill.

***Enacted law summary***

Public Law 1997, chapter 146 adds the state Law and Legislative Reference Library to the list of public libraries required to maintain confidentiality of library records identifying patrons in connection with the library materials they use.

**LD 777**                      **Resolve, to Establish a Board to Review State Spending and Budget Procedures**                      **ONTP**

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

LD 777 proposed to establish the State Budget Board to review state spending and budgeting procedures and report back to the Second Regular Session of the 118th Legislature.

**LD 781**                      **An Act to Provide Legislators with the Same Health Benefits as State Employees**                      **ONTP**

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

LD 781 proposed to provide Legislators with the same percentage of dependent coverage as other state employees. The bill also proposed to require the retirement system to pay the costs of basic life insurance, as is the current policy for other state employees.

**LD 794**                      **An Act to Ensure Ethical Conduct in the Office of Treasurer of State**                      **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL	OTP-AM    A ONTP        B OTP           C OTP-AM    D	

LD 794 proposed to prohibit the Treasurer of State from accepting gifts or soliciting campaign contributions from any person or organization with whom the Treasurer of State conducts business as part of the duties of the office.

**Committee Amendment "A" (S-221)** replaced the bill. It would have provided that the Treasurer of State may not accept gifts or solicit campaign contributions from a person who provides investment services of a type that the Treasurer of State might be expected to procure for the State as part of the duties of the office of the Treasurer of State.

**Committee Amendment "B" (S-222)**, a minority report of the committee, proposed to extend the same prohibition against accepting gifts or soliciting campaign contributions from certain persons to the Secretary of State, Attorney General and State Auditor.

**LD 821**

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine to Provide That the Biennial Budget May Take Effect  
Immediately if Passed by a Majority Vote**

**INDEF PP**

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

LD 821 proposed to amend the Constitution of Maine to allow budget bills that fund existing programs, known as "Part I" budget bills, to take effect immediately after they were signed by the Governor, if the Legislature so directed by a majority vote.

**LD 825**

**An Act to Clarify the Laws on Personal Information of State  
Employees**

**PUBLIC 124**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-74

LD 825 proposed to clarify the laws regarding the availability of personal information about state employees. The bill also made changes regarding the disclosure of certain information for grievance and other proceedings by clarifying who has access to certain information.

**Committee Amendment "A" (S-74)** The amendment proposed to:

1. Clarify that access to certain personal information is allowable when there is a work requirement;
2. Clarify that union personnel have access to personnel records that may be necessary for the bargaining agent to carry out its collective bargaining responsibilities; and
3. Clarify that certain information concerning outstanding unpaid checks issued by the State are confidential to the extent that the State Controller and Treasurer of State determine that confidentiality is necessary to protect the interests of the payee.

***Enacted law summary***

Public Law 1997, chapter 124 clarifies the laws regarding the availability of personal information about state employees.

**LD 834**

**An Act to Amend the Qualifications for the Office of Sheriff**

**ONTP**

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

LD 834 proposed to establish minimum qualifications for candidates for election or appointment to the office of county sheriff, including the requirement that candidates be currently certified by the Maine Criminal Justice Academy as a law enforcement or corrections officer. Persons serving in the office of sheriff on the effective date of enactment would be "grandfathered," or deemed to meet these minimum qualifications. See also LD 133.

**LD 855**                      **Resolve, to Convene a Legislative Employee Salary Review Committee**                      **ONTP**

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 855 proposed that the Secretary of the Senate, the Clerk of the House of Representatives and the Executive Director of the Legislative Council collect information about the pay and benefits for legislative employees of other states and report that information to the Second Regular Session of the 118th Legislature.

**LD 863**                      **An Act to Amend the North Yarmouth-Cumberland Town Line**                      **P & S 10 EMERGENCY**

<u>Sponsor(s)</u> TAYLOR BUTLAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-86
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LD 863 proposed to correct inconsistencies in the boundary line between the Town of Cumberland and the Town of North Yarmouth. The bill also authorized Cumberland's municipal sewer system to maintain sewer lines on Shady Run Lane, Greely Road and Greely Road Extension, which now may be in the Town of North Yarmouth.

**Committee Amendment "A" (H-86)** added a mandate preamble to the bill.

*Enacted law summary*

Private and Special Law 1997, chapter 10 corrects inconsistencies in the boundary line between the Town of Cumberland and the Town of North Yarmouth. The bill also authorized Cumberland's municipal sewer system to maintain sewer lines on Shady Run Lane, Greely Road and Greely Road Extension, which now may be in the Town of North Yarmouth. Chapter 10 was enacted as an emergency measure effective April 14, 1997.

**LD 865**                      **An Act Regarding the Self-governance of Biddeford Pool**                      **DIED IN CONCURRENCE**

<u>Sponsor(s)</u> JOYCE AMERO	<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN	<u>Amendments Adopted</u>
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LD 865 proposed to authorize the incorporation of the Town of Biddeford Pool if the legal residents of Biddeford Pool, by referendum, approved separation from the City of Biddeford and incorporation as a separate town.

**Committee Amendment "A" (H-698)** would have replaced the bill. Rather than authorizing Biddeford Pool to secede from the City of Biddeford, it would have authorized the residents of Biddeford Pool to form a village corporation with responsibility for roads, sidewalks, water drainage, oversight of the public park at Vines' Landing, removal of solid waste, police services and regulation of land use, including subdivision and zoning regulations. Current City of Biddeford ordinances regarding traffic, parking or use of the harbor would have continued to apply in the village corporation territory, but any changes to those ordinances would apply only if agreed to by the overseers of the corporation. The city would have been required to transfer 31% of revenue from property taxes collected within the village corporation territory to the corporation. In addition, in the first transfer after incorporation, the city would have been required to provide a supplemental 2% transfer to enable the corporation to build a reserve fund for emergencies and unanticipated expenses.

The corporation would have been managed by a village administrator, a board of overseers comprised of three or five elected persons and other officers or committees called for by the corporate bylaws. All persons who reside in the limits of the corporation and who are legal voters in the City of Biddeford would have been able to vote at meetings of the corporation. The amendment would have provided for approval of the charter at any time within two years of its approval by the Governor.

**LD 875**                      **An Act to Require Legislative Confirmation of the Director of the Office of Substance Abuse**                      **ONTP**

<u>Sponsor(s)</u> BENOIT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 875 proposed to change the position of Director of the Office of Substance Abuse from an office appointed by the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to an office appointed by the Governor subject to confirmation by the Legislature.

**LD 877**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify the Process for Inclusion of a Competing Measure**                      **FAILED FINAL PASSAGE**

<u>Sponsor(s)</u> BUTLAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 877 proposed an amendment to the Constitution of Maine to clarify that a legislative act is considered a "competing measure" to a citizen-initiated measure only if it is approved in the same session in which the citizen-initiated measure was presented. It also would have provided that, if an election is pending after final adjournment of the session in which the initiated measure was presented, the Legislature would be prohibited from enacting law on the same subject matter as the measure to be voted on, until the vote has been completed.

**LD 892**                      **An Act to Require Municipalities to Purchase Insurance by Competitive Bidding**                      **ONTP**

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

LD 892 proposed to require municipalities to use a competitive bidding process when purchasing insurance. The bill mirrored the current requirement of competitive bidding for school districts.

**LD 926**                      **Resolve, Creating a Special Commission to Erect a Plaque in the Hall of Flags Honoring Those Who Served in the Civilian Conservation Corps from Maine**                      **ONTP**

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

LD 926 proposed to create a special commission to erect a plaque in the Hall of Flags honoring members of the Civilian Conservation Corps from Maine.

**LD 937**                      **An Act Relating to the State's Deferred Compensation Plan**                      **PUBLIC 204**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO MILLS	OTP-AM	H-232

LD 937 proposed to:

Allow an increase in the number of firms providing investment products to state employees participating in tax-deferred arrangements;

Change the name of the Advisory Council on Deferred Compensation Plans to the Advisory Council on Tax-deferred Arrangements;

Clarify the eligibility and requirements of firms selected by the advisory council to manage or receive contributions as part of a tax-deferred arrangement; and

Allow state employees to use tax-deferred arrangements authorized for state and local employees by the Internal Revenue Code but previously unavailable under prior state law.

**Committee Amendment "A" (H-232)** clarified a reference, removed the Maine State Retirement System from the Advisory Council on Tax-deferred Arrangements and allowed participants to continue to invest with a previously selected firm if they already have an established account. The Commissioner of Administrative and Financial

Services is required to submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than February 15, 1999.

***Enacted law summary***

Public Law 1997, chapter 204 increases the number of firms providing products to state employees participating in tax-deferred arrangements.

**LD 943                      An Act to Amend the Law Governing Municipal Zoning with                      PUBLIC 442**  
**Respect to Community Living Arrangements**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM    MAJ ONTP        MIN	S-263

LD 943 proposed to amend the current law governing municipal zoning with respect to group housing facilities for persons with disabilities, known as “community living arrangements.” In order to bring the law into compliance with federal laws, it proposed to repeal the provisions setting density limits and requiring a public hearing when such facilities propose to locate in residential zones. It also proposed to amend the laws specifying what type of municipal ordinances may be enacted affecting such facilities.

**Committee Amendment "A" (S-263)** replaced the bill. It proposed to strike the current law regarding municipal ordinances and community living arrangements in order to repeal provisions that violate federal law and to rewrite and clarify the remaining provisions. The amendment continued the requirement that municipalities consider community living arrangements to be single-family uses of property for purposes of zoning.

***Enacted law summary***

Public Law 1997, chapter 442 strikes the current law regarding municipal ordinances and group housing facilities for persons with disabilities, known as “community living facilities” in order to repeal provisions that violate federal law and to rewrite and clarify the remaining provisions. The law continues the requirement that municipalities consider community living arrangements to be single-family uses of property for purposes of zoning and repeals the provisions of current law setting density limits, requiring public hearings in certain circumstances and specifying what type of municipal ordinances can be enacting affecting such facilities.

**LD 945                      An Act to Establish Basic Standards and Procedures for Personal                      PUBLIC 285**  
**Services Contracting by the State**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT KONTOS	OTP-AM    MAJ ONTP        MIN	S-98

LD 945 proposed to establish minimum standards that must be met by State Government before it contracts for personal services outside of the civil service system. Notice of intent to contract would be required to be given to organizations that represent employees.



**Committee Amendment "A" (S-98)** proposed to strike out the requirements for notification to all organizations that represent state employees and replace it with language that requires a department to retain the data for any proposals for contracts.

***Enacted law summary***

Public Law 1997, chapter 285 establishes minimum standards that must be met before it contracts for personal services outside of the civil service system. The state must show that (1) there will be overall cost savings to the state, (2) those services are currently unavailable within a state agency, and (3) the services are of an urgent, temporary or occasional nature.

**LD 946                      An Act to Protect the Confidentiality of Financial Records                      PUBLIC 201**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JENKINS VIGUE	OTP-AM	S-148

LD 946 proposed to amend the law requiring municipalities to keep confidential certain records that they receive in connection with applications for economic development assistance. Current law requires that records relating to individuals be kept confidential; the bill extended confidentiality to the records of certain partnerships, limited partnerships, limited liability companies and corporations.

**Committee Amendment "A" (S-148)** added language providing that the confidentiality of information provided to a municipality during the course of the application process with the Department of Economic and Community Development is governed by that department's confidentiality law.

***Enacted law summary***

Public Law 1997, chapter 201 requires municipalities to maintain confidentiality for records that they receive in connection with applications for economic development assistance from certain partnerships, limited partnerships, limited liability companies and corporations. Current law requires records of individuals to be kept confidential. The law also provides that the confidentiality of information provided to a municipality during the course of the application process with the Department of Economic and Community Development is governed by that department's confidentiality law.

**LD 948                      An Act to Permit County Commissioners to Retain the Services of a Road Commissioner                      ONTP**

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

LD 948 proposed to authorize county commissioners to hire a qualified person to serve as county road commissioner.

LD 962

**An Act to Make the Commissioner of Inland Fisheries and Wildlife an Elected Position**

ONTP

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

LD 962 proposed that, beginning in November 1998, the Commissioner of Inland Fisheries and Wildlife would be elected by the qualified voters of the State at a statewide election. The term of an elected commissioner would be four years and a person could not serve more than two consecutive four-year terms as commissioner. The Governor would also have been authorized to appoint a successor commissioner in the event of a vacancy subject to review by the Joint Standing Committee on Inland Fisheries and Wildlife and to confirmation by the Legislature.

LD 1030

**An Act to Require That the Attorney General Be an Attorney in Good Standing in Maine**

PUBLIC 145

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DONNELLY LAFOUNTAIN	OTP-AM	H-169

LD 1030 proposed to require that the person appointed and confirmed as Attorney General be a member in good standing of the Maine Bar.

**Committee Amendment "A" (H-169)** proposed to define the term "member in good standing of the bar of the State." It also rewrites the bill to clarify that the person nominated or serving as Attorney General must be in good standing to be qualified to serve as Attorney General.

*Enacted law summary*

Public Law 1997, chapter 145 requires that the person appointed and confirmed as Attorney General be a member in good standing of the Maine Bar, and must remain in good standing to continue in office.

LD 1054

**Resolve, to Name the Richardson Township Boat Landing "Georges Landing"**

ONTP

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

LD 1054 proposed to name the public boat ramp on Mooselookmeguntic Lake in Richardson Township "Georges Landing."

**LD 1083**

**An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation**

**P & S 24**

<u>Sponsor(s)</u> POVICH RUHLIN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1083 proposed to amend the charter of the Lucerne-in-Maine Village Corporation to allow any legal voter of the village corporation to be elected for a three-year term as an overseer if the election of that overseer does not place all resident or nonresident overseers in office at the same time. The bill also provides that a person may run for the office of overseer for as many terms as that person is nominated.

***Enacted law summary***

Private and Special Law 1997, chapter 24 amends the charter of the Lucerne-in-Maine Village Corporation to allow any legal voter of the village corporation to be elected for a three-year term as an overseer if the election of that overseer does not place all resident or nonresident overseers in office at the same time. It also allows a person to run for the office of overseer for as many terms as that person is nominated.

**LD 1105**

**An Act to Exempt Public Airports with Approved Airport Layout Plans from Subdivision Review**

**PUBLIC 51**

<u>Sponsor(s)</u> BENOIT BARTH	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1105 proposed to exempt from municipal subdivision review any airport that has an airport layout plan that has received final approval from the airport sponsor, the Department of Transportation and the Federal Aviation Administration.

***Enacted law summary***

Public Law 1997, chapter 51 exempts an airport from municipal subdivision review if the airport has an airport layout plan that has received final approval from the airport sponsor, the Department of Transportation and the Federal Aviation Administration.

**LD 1115**

**An Act to Make Technical Corrections in the Maine Administrative Procedure Act**

**PUBLIC 196**

<u>Sponsor(s)</u> AMERO	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1115 proposed to amend the Maine Administrative Procedure Act regarding legislative review of major substantive agency rules to:

- 1. Require agencies, when they file finally adopted rules that have been reviewed by the Legislature with the Secretary of State, to cite the legislative act that authorized final adoption by the agency.
- 2. Require agencies to file copies of provisionally adopted rules with the Secretary of State at the same time they submit those rules to the Legislature for review.
- 3. Authorize the Legislative Council to establish an earlier filing deadline for agency rules being submitted for legislative review when the Legislature anticipates adjourning before statutory adjournment.

**Enacted law summary**

Public Law 1997, chapter 196 amends the Maine Administrative Procedure Act regarding legislative review of major substantive agency rules to:

- 1. Require agencies, when they file finally adopted rules that have been reviewed by the Legislature with the Secretary of State, to cite the legislative act that authorized final adoption by the agency.
- 2. Require agencies to file copies of provisionally adopted rules with the Secretary of State at the same time they submit those rules to the Legislature for review.
- 3. Authorize the Legislative Council to establish an earlier filing deadline for agency rules being submitted for legislative review when the Legislature anticipates adjourning before statutory adjournment.

**LD 1120                      An Act to Allow the Recording of Registry Records on Optical Disks                      ONTP**

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

LD 1120 proposed to allow the recording of deeds on optical disk or photograph as well as on microfilm and to permit a register of deeds to withdraw an original document from use after 50 years or earlier if in poor condition.

**LD 1152                      An Act to Provide Legal Counsel for Legislative Investigating Committees                      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARVIN BENOIT	OTP-AM      MAJ ONTP          MIN	H-488

LD 1152 proposed to allow a joint standing committee of the Legislature to employ independent legal counsel, without approval of the Attorney General, if the Legislative Council approved the committee's proposal for employment.

**Committee Amendment "A" (H-488)** proposed to replace the bill. It would have authorized the Legislative Council to employ legal counsel for a legislative investigating committee, without approval of the Attorney General, if (1) the council believed that representing the committee would place the Department of the Attorney General in a conflict with its representation of persons or entities subject to investigation; and, (2) existing legislative staff could not provide the needed services.

**LD 1160                      RESOLUTION, Proposing an Amendment to the Constitution of                      ONTP**  
**Maine to Establish 4-year Terms for Constitutional Officers**

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

LD 1160 proposed to amend the Constitution of Maine to establish four-year terms for the Attorney General, the Secretary of State, the Treasurer of State and the State Auditor.

**Committee Amendment "A" (H-174)** proposed to delete language relating to the State Auditor, since that office is not established in the Constitution and to add a limit of two consecutive terms to each of the constitutional officers.

**LD 1169                      An Act to Authorize the Annexation of Certain Land by Lake View                      ONTP**  
**Plantation**

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

LD 1169 proposed to authorize the annexation by Lake View Plantation of land owned by Albert J. Childs in Township 4, Range 9 NWP in Piscataquis County, subject to referendum.

**LD 1173                      An Act to Preserve Public Access to Governmental Information                      PUBLIC 299**  
**through Libraries Regardless of Format or Medium                      EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	S-253

LD 1173 proposed to require state agencies and legislative committees to supply 18 print copies of publications on electronic media, such as CDs or videotapes, as well as 18 copies in the publication medium. It also proposed to require that they provide one print copy of electronically published material, such as material placed on the Internet, to the State Librarian.

**Committee Amendment "A" (S-253)** replaced the bill. It deletes the requirement from the bill that an agency provide 18 print copies of a publication in electronic format, such as CD or videotape. It continues the requirement that agencies and committees provide one print copy of electronically published materials to the State Librarian, but exempts certain types of materials, such as frequently changing lists and daily reports, from that requirement.

***Enacted law summary***

Public Law 1997, chapter 299 requires state agencies and legislative committees to provide the State Librarian with 18 copies of electronic format publications, in the electronic format. It also requires them to provide one print copy of electronically published materials, such as materials placed on the Internet, excluding certain lists and reports that are subject to frequent updating. Chapter 299 was enacted as an emergency measure effective May 28, 1997.

**LD 1183                      An Act to Implement a Sliding Scale Salary Plan for Legislators                      ONTP**

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

LD 1183 proposed to require the Department of Administrative and Financial Services to devise a sliding salary scale for members of the Senate and House of Representatives, and proposed to require that each member submit a financial statement by December 1st in the first year of each biennium.

**Committee Amendment "A" (H-327)** replaced the original bill and made the sliding scale salary optional for Legislators.

**LD 1188                      An Act to Amend the Maine Administrative Procedure Act to Clarify the Definition of a Proposed Rule and the State Agencies' Ability to Solicit Input into the Rule Development Process                      PUBLIC 110**

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

LD 1188 proposed to clarify what actions an agency may take to gather information on ideas for rules it is considering adopting. The bill defined “proposed rule” as a rule proposal formally submitted to the Secretary of State for publication of notice. Any meetings after that date to discuss the rule must have notice published and opportunity for public participation. Before that date agencies may meet informally with interested persons without advertising or otherwise providing for general public participation.

***Enacted law summary***

Public Law 1997, chapter 110 clarifies what actions an agency may take to gather information on ideas for rules it is considering adopting. The chapter 110 defines “proposed rule” as a rule proposal formally submitted to the Secretary of State for publication of notice. Any meetings after that date to discuss the rule must have notice

published and opportunity for public participation. Before that date agencies may meet informally with interested persons without advertising or otherwise providing for general public participation.

**LD 1204                      An Act to Establish the Maine Disaster Relief Laws                      CARRIED OVER**

<u>Sponsor(s)</u> DAVIDSON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1204 proposes to allow disaster relief workers who are state or municipal employees to leave work for up to 15 days each year when asked by the American Red Cross to respond to a disaster. The bill proposes to require the approval of the employer and to allow the employee to be paid at the regular rate without any interruption in benefits. The bill has been carried over to the Second Regular Session.

**LD 1216                      An Act to Allow the Separation of Frye Island from the Town of Standish                      P & S 41**

<u>Sponsor(s)</u> MACK BUTLAND		<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN		<u>Amendments Adopted</u> H-602
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LD 1216 proposed to allow Frye Island in Sebago Lake to separate from the Town of Standish and incorporate as the Town of Frye Island, subject to local referendum. The Town of Frye Island would remain in School Administrative District 6 and Cumberland County. The bill proposed to continue the Frye Island Municipal Services Corporation within the Town of Frye Island, and proposed a local referendum on the bill for October 3, 1997. The bill proposed a November 1, 1997 effective date for separation.

**Committee Amendment "A" (H-602)** proposed to add a mandate preamble, change the separation date from November 1, 1997 to July 1, 1998 and change the referendum date from October 3, 1997 to October 14, 1997. It also proposed to remove the requirement for binding arbitration on issues not resolved by a certain date and to change the date for resolving issues through negotiation to September 22, 1997. Finally, it proposed to repeal the charter of the Frye Island Municipal Services Corporation two years after the incorporation of the Town of Frye Island and require that all assets of the corporation remaining at the time of repeal be transferred to the Town of Frye Island.

***Enacted law summary***

Private & Special Law 1997, chapter 41 allows Frye Island to separate from the Town of Standish and incorporate as the Town of Frye Island, subject to local referendum. The law provides for the allocation of debts and assets and provides that the Town of Frye Island remains within School Administrative District 6 and Cumberland County. The referendum on separation will be held on October 14, 1997 and if approved, separation is effective July 1, 1998. If the Town of Frye Island is formed, the charter of the Frye Island Municipal Services Corporation is repealed two years after the town's formation.

LD 1220

**An Act to Require Economic Impact Criteria on State Procurement Procedures**

**PUBLIC 263**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTLAND	OTP-AM MAJ ONTP MIN	S-147

LD 1220 requires bidders for state contracts to furnish financial information that allows the State to assess the fiscal impact of the contracts on the State.

**Committee Amendment "A" (S-147)** replaces the original bill. The amendment allows the Director of the Bureau of General Services to accept the best-value bidder as opposed to the lowest responsible bidder. This change allows the State to consider other matters, such as compliance with state and federal laws as well as other fiscal impacts in determining a contract award.

*Enacted law summary*

Public Law 1997, chapter 263 allows the Director of the Bureau of General Services to accept the “best-value” bidder as opposed to the “lowest responsible” bidder. The change enables the director to consider other matters in determining a contract award.

LD 1228

**An Act to Establish the Permanent Compensation Policy Commission for Upper-level Positions in State Government and State Education Institutions**

**ONTP**

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

LD 1228 proposed to establish a permanent commission to study and recommend equitable policies and compensation for upper-level positions in State Government and state education institutions to ensure that those positions can attract the most highly qualified candidates. The commission would have been composed of three members appointed by the Governor, the President of the Senate and the Speaker of the House. Members would have been able to hold any public office or have been a member or employee of a state department, agency, board or commission.

LD 1237

**An Act to Require Legislators to Disclose Their Interest in Pending Legislation**

**ONTP**

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

LD 1237 proposed to require that the House and the Senate establish committees to allow Legislators to publicly disclose their interest in legislation when that interest does not disqualify the Legislator from voting, but may raise



questions about conflict of interest in the minds of the public. Legislators would have been required to disclose their interest in legislation as a result of their profession or business or the profession or business of a family member. Other voluntary disclosures would have been permitted at the Legislator’s discretion.

**LD 1238                      Resolution, Proposing an Amendment to the Constitution of Maine to Make Changes in the Selection and Term of the Secretary of State and Succession of the Office of Governor                      ONTP**

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

LD 1238 proposed to amend the Constitution of Maine to provide for the direct popular election of the Secretary of State for a four-year term beginning in 2000 and would have changed the line of succession to the governorship, placing the Secretary of State directly following the Governor.

**LD 1242                      An Act to Promote the Effective Delivery of Public Services                      ONTP**

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

LD 1242 proposed to establish standards to be met by State Government before it could contract for services outside of the civil service system. Notice of intent to contract would be required to be given to employee representatives, the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on State and Local Government and interested parties.

**LD 1266                      An Act to Require the Deputy Commissioner of Inland Fisheries and Wildlife to be Appointed by the Governor and Confirmed by the Senate                      DIED IN CONCURRENCE**

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

Current law requires the Commissioner of Inland Fisheries and Wildlife to appoint a deputy commissioner. LD 1266 proposed to remove that authority and create the deputy commissioner position as an appointee of the Governor subject to confirmation by the Legislature.

**LD 1276**                      **An Act to Require Legislative Confirmation of Chairs of Medical Malpractice Mandatory Prelitigation Screening and Mediation Panels**                      **ONTP**

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

LD 1276 proposed to require legislative confirmation of persons who serve as chairs of medical malpractice mandatory prelitigation screening and mediation panels.

**LD 1301**                      **An Act to Continue and Expand the Duties of the Productivity Realization Task Force by Creating a Permanent Productivity Realization Council**                      **ONTP**

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

LD 1301 proposed to establish a permanent Productivity Realization Council to continue the work of the Productivity Realization Task Force from the 117th Legislature. The Council would have advised and assisted the Governor and the Legislature in the design and implementation of changes in State Government operations intended to improve the productivity of the work force and the efficiency of state services. The council would have been required to adopt a biennial schedule of review of all General Fund, dedicated fund and independent programs.

**Committee Amendment "A" (S-179)** proposed to change the timing of the review of various government programs. The Legislative Council would have established the schedule for review beginning in 1999, and every five years thereafter. General Fund programs would have been reviewed in the first year of the review and all other programs in the second year of the review.

**LD 1323**                      **An Act to Remove the Sunset for the Employment of an Owner's Representative**                      **PUBLIC 186**

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

LD 1323 proposed to repeal the sunset provision for the law authorizing the employment of an owner's representative, who would represent the owner on any state building project.

***Enacted law summary***

Public Law 1997, chapter 186 repeals the sunset provision for the employment of an owner's representative, and allows the owners to continue to use an owner's representative in state building projects.

**LD 1358**

**An Act to Amend the Procedures for Finalizing the Kennebec County Budget**

**CARRIED OVER**

Sponsor(s)  
JONES SA  
CAREY

Committee Report

Amendments Adopted

LD 1358 proposes to eliminate the requirement under current law that the Kennebec County commissioners submit the annual county budget to the Legislature for approval. It also eliminates the advisory budget committee and places responsibility for the final budget approval on a budget committee composed of elected and appointed municipal officials equally representing the county commissioner districts. As the county legislative delegation was divided on whether and how to amend the Kennebec County budget process, the bill was carried over to the Second Regular Session.

**LD 1359**

**An Act to Amend the Androscoggin County Budget Process**

**CARRIED OVER**

Sponsor(s)  
BOUFFARD  
JENKINS

Committee Report

Amendments Adopted

LD 1359 proposes 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 it must submit to the county commissioners. The county commissioners could alter the budget committee's budget only by a unanimous vote; and, if the commissioners do so, the budget committee could reject the county commissioners' change by a two-thirds vote. As the county legislative delegation was divided on whether and how to amend the Androscoggin County budget process, the bill was carried over to the Second Regular Session.

**LD 1379**

**An Act to Expand Options for Investment of Certain Municipal Trust Funds**

**PUBLIC 367**

Sponsor(s)  
AMERO

Committee Report  
OTP-AM

Amendments Adopted  
S-264

LD 1379 proposed to place certain conditions on mutual fund investing of a trust fund governed by the United States Internal Revenue Code, Section 501 (c) (3) and the custody of the municipality.

**Committee Amendment "A" (S-264)** proposed to replace the bill. It added an option for investment of municipal trust funds to allow investment in mutual funds with portfolios of other than United States government bonds and repurchase agreements backed by United States bonds, provided the trust fund is governed by the United States Internal Revenue Code, Section 501(c)(3), municipal officers approve the investment at a public meeting, no more than 50% of the assets of the trust are invested in such mutual funds and these investments are diversified.

***Enacted law summary***

Public Law 1997, chapter 367 adds an option for investment of certain municipal trust funds, to allow investment in mutual funds with portfolios of other than United States government bonds and repurchase agreements backed by United States bonds. This option applies only if the trust fund is governed by the United States Internal Revenue Code, Section 501(c)(3), municipal officers approve the investment at a public meeting, no more than 50% of the assets of the trust are invested in such mutual funds and the investments are diversified.

**LD 1387**                      **Resolve, to Authorize the Lincoln County Commissioners to Borrow Not More Than \$400,000 to Build the Lincoln County Communications Center**                      **RESOLVE 32 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR	OTP-AM	H-268

LD 1387 proposed to authorize the Lincoln County commissioners to borrow not more than \$600,000 for construction of a communications center for the communication needs of Lincoln County, such as the 9-1-1 system.

**Committee Amendment "A" (H-268)** proposed to reduce from \$600,000 to \$400,000 the amount the Lincoln County Commissioners are authorized to borrow to build a communications center for Lincoln County.

*Enacted law summary*

Resolve 1997, chapter 32 authorizes the Lincoln County commissioners to borrow up to \$400,000 for construction of a communication center for Lincoln County. Resolve 1997, chapter 32 was passed as an emergency measure effective May 20, 1997.

**LD 1391**                      **An Act to Reestablish the State Compensation Commission**                      **PUBLIC 506**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE DAGGETT	OTP-AM	H-309 H-440 KONTOS S-383 MICHAUD

LD 1391 proposed to reestablish the State Compensation Commission, consisting of five members appointed from the public. The bill proposed that, every two years, the commission submit to the Legislature its recommendations regarding compensation for Legislators, the Attorney General, the Secretary of State, the Treasurer of State and the State Auditor.

**Committee Amendment "A" (H-309)** proposed to clarify that the appointments may not be from the same political party and to require the State Compensation Commission to issue its initial report no later than January 15, 1998. The amendment also added an appropriation section and fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-383)** proposed to require the presiding officers to make their appointments within 15 days of the effective date of the bill and to require the chair of the Legislative

Council to convene the first meeting after receiving notice of the appointments. The amendment also required the commission to request any necessary staff assistance from the Legislative Council.

**House Amendment "A" (S-440)** required that the members appointed by the presiding officers must be made within 15 days of the effective date, and provides for staff assistance to the commission.

*Enacted law summary*

Public Law 506 reestablishes the State Compensation Commission, which must make a recommendation regarding compensation for Legislators and constitutional officers to the Legislature every two years, except that the first report must be submitted by January 15, 1998.

**LD 1408                      An Act to Redistrict Knox County and Provide for 5 County Commissioners                      PUBLIC 510**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	OTP-AM	H-475 S-356 MICHAUD

LD 1408 proposed to establish two new county commissioner districts in Knox County increasing the number of commissioner districts to five. Commissioners for the two new districts would be elected in 1998.

**Committee Amendment "A" (H-475)** replaced the bill. The amendment proposed that the question of whether to increase the number of Knox County commissioner districts be submitted to the voters of the county in November 1997. If the increase from the current three districts were approved by the voters, the amendment directed the next apportionment committee to redistrict Knox County into five county commissioner districts and delays implementation of the change until completion of the redistricting by the apportionment commission in 2005. The amendment also added a fiscal note and a mandate preamble to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-356)** shifted the cost to prepare and furnish ballots for the countywide referendum from the Secretary of State to Knox County.

*Enacted law summary*

Public Law 1997, chapter 510 submits the question of whether the number of Knox County commissioners should be increased from three to five to the voters of the county in November 1997. If approved by the voters, the next regularly convened apportionment committee would redistrict Knox County into five county commissioner districts and implementation of the increase would take place following that redistricting.

**LD 1414**

**An Act to Provide for Removal of a State Auditor Who Fails to Meet the Statutory Qualifications for the Office**

**PUBLIC 516**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO	OTP-AM A OTP-AM B ONTP C	S-279

LD 1414 proposed to provide that a person elected to the position of State Auditor who fails to meet the qualifications of certified public accountant, public accountant or certified internal auditor within the authorized nine months after taking office may no longer serve as State Auditor and is ineligible for reelection by the same Legislature.

**Committee Amendment "A" (S-279)**, the majority report of the committee, proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 516 provides that a person elected to the position of State Auditor who fails to meet the qualifications of certified public accountant, public accountant or certified internal auditor within the authorized nine months after taking office may no longer serve as State Auditor and is ineligible for reelection by the same Legislature.

**LD 1440**

**An Act to Prohibit Dedimus Justices from Receiving Payment for Services other than Long-distance Travel Reimbursement**

**ONTP**

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

LD 1440 proposed to prohibit dedimus justices from charging a fee for swearing in public officials, but would have allowed them to request and accept reimbursement for expenses for traveling 50 miles or more to perform the service.

**LD 1450**

**An Act to Deorganize the Town of Cooper**

**ONTP**

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

LD 1450 proposed to deorganize the Town of Cooper in Washington County, subject to approval at local referendum. It also would have specified that the kindergarten through Grade 8 pupils may attend Alexander schools and all secondary school pupils may attend Baileyville schools.

**LD 1537**

**An Act to Amend the Laws Relating to Notaries Public**

**DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	OTP-AM A ONTP B OTP-AM C	

LD 1537 proposed to require notaries public to maintain records of all notarial acts performed.

**Committee Amendment "A" (H-498)**, the majority report of the committee, proposed to specify what information must be recorded for each notarial act performed and to require that the record be kept in a separate, permanently bound book.

**LD 1551**

**An Act to Amend the Amount of Retainage on Public Building Contracts**

**CARRIED OVER**

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

LD 1551 proposes that, in the case of a contract awarded for any public improvement construction project, the State may not withhold money due the contractor pending acceptance of the project under the contract by or for the State. This bill was carried over to the Second Regular Session and the Department of Administrative and Financial Services charged with the task of convening a working group representing interested parties to work out solutions to the retainage and other public construction contract issues.

**LD 1561**

**Resolve, to Examine the Impact of Federal Devolution Decisions on Municipalities and Other Local Agencies**

**RESOLVE 49 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JENKINS	OTP-AM MAJ ONTP MIN	S-278

LD 1561 proposed to establish a task force for the purpose of examining the impact of federal downsizing on state programs including the following: the ability of the State to increase the efficiency with which programs are managed to make reduced funds go further; shifting funds from other parts of the state budget to maintain service levels; shifting responsibilities from the State to lower levels of government; and raising new state revenue to substitute for the withdrawal of federal funds. The task force was to report its findings and any necessary legislation by December 15, 1997.

**Committee Amendment "A" (S-278)** replaced the bill and proposed to establish a mechanism to study the nature of the changes being imposed from higher levels of government and the opportunities and obligations accompanying those changes so that local governments will be best positioned to respond. The existing Governor's Municipal

Advisory Council was directed to examine the issue and to report to the Legislature by February 1, 1998. This amendment also added a fiscal note to the resolve.

***Enacted law summary***

Resolve 1997, chapter 49 responds to the needs of municipalities and other local and regional government agencies and programs that will ultimately feel the impact of federal cutbacks, downsizing and devolution activities. The resolve establishes a mechanism to study the nature of the changes being imposed from higher levels of government and the opportunities and obligations accompanying those changes so that local governments will be best positioned to respond. The existing Governor's Municipal Advisory Council is directed to examine the issue and to report to the Legislature by February 1, 1998. Resolve chapter 49 was passed as an emergency measure effective on June 9, 1997.

**LD 1591**

**An Act to Amend the Washington County Budget Process**

**PUBLIC 279  
EMERGENCY**

<u>Sponsor(s)</u> BUNKER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-385
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LD 1591 proposed several changes to the current budget approval process for Washington County. The bill proposed the following.

1. It limited municipalities to one officer serving at a time on the budget advisory committee.
2. It required the county commissioners to publish the prior year's budget and make copies available to the budget advisory committee and the public.
3. It required the county commissioners to meet with the budget advisory committee to negotiate a budget if one is not finalized by the commissioners before December 15th.
4. It bill authorized the budget advisory committee to petition the Washington County legislative delegation to arbitrate and decide specific budget issues in dispute if the budget is not finalized by December 15th. The legislative delegation must act before January 1st and resolve disputed budget issues by a majority vote of the full delegation. If the budget advisory committee fails to request arbitration by the legislative delegation or if the delegation fails to act in time, the county commissioners shall approve the final county budget.

**Committee Amendment "A" (H-385)** proposed to expand the requirement in the bill that the Washington County Commissioners publish the prior year's budget and make copies available to the Washington County Budget Advisory Committee and the public by requiring that a comprehensive financial statement for the preceding year be published and made available. The amendment also removed the involvement of the Washington County legislative delegation in arbitrating budget disagreements between the county commissioners and the budget advisory committee. The amendment authorized the budget advisory committee to adopt and submit a final budget to the county commissioners if the commissioners do not approve a budget acceptable to the budget committee by December 15th. The county commissioners could then change the budget committee's budget by a majority vote. If the county commissioners change the budget committee's budget, the committee may reject the change by a two-thirds vote of the full committee. The amendment also added a fiscal note to the bill.



**Enacted law summary**

Public Law 1997, chapter 279 makes several changes in the budget approval process for Washington County. Chapter 279 does the following:

1. It limits municipalities to one officer serving at a time on the budget committee.
2. It requires the county commissioners to publish a comprehensive financial statement for the preceding year and to make copies available to the budget committee and the public.
3. It requires the county commissioners to meet with the budget committee before December 15 if the commissioners wish to make changes in the budget recommended by the committee.
4. It provides that between December 15 and December 30 the budget committee may adopt and transmit a budget to the county commissioners if the commissioners have not adopted a budget acceptable to the budget committee. By majority vote, the commissioners may change the committee's budget. If they do, the budget committee may reject the change or changes by a two-thirds vote of its membership.

Chapter 229 was enacted as an emergency measure effective May 27, 1997.

**LD 1602**

**An Act Regarding the Division of Safety and Environmental Services in the Bureau of General Services**

**PUBLIC 499**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT GAGNON	OTP-AM	S-288 S-424 MICHAUD

LD 1602 proposed that the Department of Administrative and Financial Services, through the Bureau of General Services, Division of Safety and Environmental Services provide asbestos, lead and indoor air quality assessment and mitigation services for public schools and state facilities. The bill provided funding for the division and allowed the division to charge a fee for its services. The bill established the Special Revenue Fund in the Division of Safety and Environmental Services, into which fees collected by the division and money received by the State in connection with claims relating to asbestos were to be deposited. Revenue in the fund must be used to provide necessary training and licensing of division employees, to purchase necessary equipment and to sample and test asbestos, lead and other indoor air contaminants.

**Committee Amendment "A" (S-288)** proposed to the following changes in the bill. It clarified that the services provided by the Division of Safety and Environmental Services for schools and state facilities are for air quality assessment and mitigation oversight. It removed the authorization for the division to assess fees for its services and the requirement that those fees be deposited in the Special Revenue Fund. It removed the appropriation section that provided funds for new positions in the division and for contractual services to be provided by consultants.

**Senate Amendment "A" to Committee Amendment "A" (S-424)** proposed to eliminate the provision establishing the Special Revenue Fund and the provision dedicating money received in connection with claims relating to asbestos.

*Enacted law summary*

Public Law 1997, chapter 499 establishes the Division of Safety and Environmental Services under the Bureau of General Services in the Department of Administrative and Financial Services as the local state agency responsible for asbestos, lead and indoor air quality matters and directs the division to provide asbestos, lead and air quality assessment and mitigation oversight services to public schools and state facilities.

**LD 1605                      An Act to Prohibit Towns from Canceling Health Insurance                      PUBLIC 419**  
**Provided to Retired Employees**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
OTT	OTP-AM    MAJ ONTP        MIN	H-497

LD 1605 proposed to require a municipality to allow a retired former employee to remain enrolled in the municipality's health insurance plan if the retired employee pays the premiums.

**Committee Amendment "A" (H-497)** proposed to clarify that the premium rate that a retired municipal employee must pay in order to be kept on the municipality's health care plan is the group rate. It also corrected a headnote, and added a mandate preamble and a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 419 requires a municipality to allow a retired former employee to remain enrolled in the health insurance plan offered by the municipality if the retiree pays the group rate premiums for that coverage.

**LD 1610                      Resolve, to Establish a Commission to Designate Outstanding Maine                      RESOLVE 64**  
**Citizens Whose Portraits Are to Be Displayed in the State House**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMKE	OTP-AM    MAJ ONTP        MIN	H-328 H-452    AHEARNE

LD 1610 proposed to establish the Maine Commission on Outstanding Citizens to designate outstanding Maine citizens to be honored by display of a portrait in the State House.

**Committee Amendment "A" (H-328)** proposed to add a member from the State House and Capitol Park Commission and to replace the appointment from the Joint Standing Committee on Education and Cultural Affairs with an appointment from the Joint Standing Committee on State and Local Government. The amendment also added an appropriation section and a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-452)** proposed to require the legislative member of the Commission to be appointed by the presiding officers of the Legislature.

*Enacted law summary*

Resolve 1997, chapter 64 establishes the Maine Commission on Outstanding Citizens to designate outstanding Maine Citizens to be honored by display of a portrait in the State House.

**LD 1612**                      **Resolve, Concerning the Construction of a State Playground at Capitol Park**                      **ONTP**

<u>Sponsor(s)</u> O'BRIEN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1612 proposed to establish the Commission to Study the Feasibility of Constructing a Playground at Capitol Park.

**LD 1635**                      **An Act to Make Changes to the Official Maine State Symbols**                      **ONTP**

<u>Sponsor(s)</u> PINGREE		<u>Committee Report</u> ONTP      MAJ OTP      MIN		<u>Amendments Adopted</u>
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LD 1635 proposed to established the seal currently in use by the Secretary of State as the official state seal and to establish the same design as the official coat of arms. It proposed to establish the flag adopted by the Legislature in 1901 as the official state flag. That flag had a buff background, with a blue star in the left corner and a large pine tree in the middle. This flag would also be used as the state merchant and marine flag. The bill would have established the design currently in use as the state flag as the official flag of the Governor. This flag would also be carried by the Maine National Guard with the addition of an inscription "Maine National Guard."

**LD 1720**                      **An Act to Repeal the Requirement That Victualers Be Licensed by a Municipality**                      **PUBLIC 446**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1720 proposed to repeal the requirement that a victualer be licensed by a municipality, because eating establishments are also required to be licensed by the Department of Human Services, which has detailed licensing standards and an extensive inspection system which is enforced by the state or by a municipality if it meets certain criteria.

***Enacted law summary***

Public Law 1997, chapter 446 repeals the requirement that a victualer be licensed by a municipality, because eating establishments are also required to be licensed by the Department of Human Services, which has detailed licensing

standards and an extensive inspection system which is enforced by the state or by a municipality if it meets certain criteria.

**LD 1733**                      **An Act to Allow Municipalities the Option to Require Residency for Those Who Submit Major Budget Requests to the Municipality**                      **ONTP**

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

LD 1733 proposed to allow municipalities to require residency in the municipality for officials and employees who submit major budgetary requests for the municipality. During deliberations on the bill, the committee concluded that the bill was unnecessary because current law permits such requirements to be imposed on the categories of municipal officials who would have been affected by the bill.

**LD 1759**                      **An Act to Create the Maine Governmental Facilities Authority**                      **PUBLIC 523**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING	OTP-AM    MAJ	H-737    DONNELLY
AHEARNE	ONTP        MIN	S-297
		S-336    NUTTING

LD 1759 proposed the establishment of the Maine Governmental Facilities Authority for the purpose of financing the renovation or construction of state and judicial department facilities. The bill proposed to incorporate the existing provisions of the Maine Court Facilities Authority Act and permits the Maine Governmental Facilities Authority to finance state facilities as well as court facilities. The bill required that each issuance of securities by the Maine Governmental Facilities Authority be approved by the Legislature.

**Committee Amendment "A" (S-297)** added a fiscal note to the bill.

**House Amendment "A" (H-737)** proposed the following:

1. It required a two-thirds vote of approval in each House of the Legislature prior to the issuance of any securities;
2. It lowered the debt ceiling from \$70,000,000 to \$60,000,000 and allocated \$30,000,000 of that lower amount for the Judicial Branch; and
3. It added a requirement that the Commissioner of Administrative and Financial Services submit a plan by January 15, 1998 that describes a method to finance the Maine Governmental Facilities Authority debt service and related costs.

**Senate Amendment "A" (S-336)** proposed to eliminate the power of eminent domain from the proposed Maine Governmental Facilities Authority.

*Enacted law summary*

Public Law 1997, chapter 523 establishes the Maine Governmental Facilities Authority for the purpose of financing the renovation or construction of state and judicial department facilities.

The bill proposed to incorporate the existing provisions of the Maine Court Facilities Authority Act and permits the Maine Governmental Facilities Authority to finance state facilities as well as court facilities. Each issuance of securities by the Maine Governmental Facilities Authority must be approved by a two-thirds vote in each House of the Legislature.

The debt ceiling of the authority is set at \$60,000,000 - \$30 million for the Judicial Branch and \$30 million for State facilities. The Commissioner of Administrative and Financial Services must submit a plan by January 15, 1998, on how to finance the debt service and related costs of the authority.

**LD 1764                      An Act to Establish an Office of Regulatory Reform within the                      CARRIED OVER**  
**Executive Branch**

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

LD 1764 proposes to establish the Office of Regulatory Reform in the Governor’s Office. The office would review all proposed rules and could review existing rules according to criteria listed in the bill. The purpose of the review is to assure that the benefits of the rule outweigh its costs and that the rule is based on scientific and economic evidence. The committee felt that the bill had merit but found concerns regarding the location of the office in the Executive Branch and with the interplay of existing rules review procedures under the Administrative Procedure Act. The bill was carried over to the Second Regular Session.

**LD 1774                      An Act to Promote Fiscal Accountability in State Contracts for                      ONTP**  
**Services**

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

LD 1774 proposed to require the State Purchasing Agent to collect and maintain information about the cost of administering contracts for services.

**LD 1777                      An Act to Permit the Creation of Cooperative Municipal Fire                      CARRIED OVER**  
**Districts**

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

LD 1777 proposes to allow municipalities to establish cooperative municipal fire districts. The bill has been carried over to the Second Regular Session.

**LD 1782**                      **Resolve, Authorizing the Transfer of Land from the State to the Freeman Ridge Cemetery Association**                      **RESOLVE 50**

<u>Sponsor(s)</u> DEXTER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-635
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LD 1782 proposed to transfer land constituting the Freeman Ridge Cemetery and School House lot to the Freeman Ridge Cemetery Association, Inc.

**Committee Amendment "A" (H-635)** removes the emergency preamble and the emergency clause.

***Enacted law summary***

Resolves 1997, chapter 50 transfers land constituting the Freeman Ridge Cemetery and School House lot to the Freeman Ridge Cemetery Association, Inc.

**LD 1795**                      **An Act to Clarify the Qualifications of State Auditor**                      **ONTP**

<u>Sponsor(s)</u> DONNELLY AMERO		<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN		<u>Amendments Adopted</u>
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LD 1795 proposed to amend the law relating to qualification of the State Auditor to require the State Auditor to be a certified public accountant at the time of the election.

**Committee Amendment "A" (H-567)** proposed to change a second section of law that refers to the qualifications of the State Auditor to conform to changes made in the bill and to update language and would have clarified that the bill applies to State Auditors elected after the effective date of the Act.

**LD 1822**                      **Resolve, Authorizing the Town of Southwest Harbor to Refinance Certain Temporary Bond Anticipation Notes Issued for Its Water Project**                      **RESOLVE 40  
EMERGENCY**

<u>Sponsor(s)</u> GOLDTHWAIT JONES K		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1822 proposed to allow the Town of Southwest Harbor to issue and sell its temporary general obligation bond anticipation notes in a principal amount not to exceed \$800,000 for an additional two-year period.

***Enacted law summary***

Resolves 1997, chapter 40 allows the Town of Southwest Harbor to issue and sell its temporary general obligation bond anticipation notes in a principal amount not to exceed \$800,000 for an additional two-year period. Resolve chapter 40 was passed as an emergency measure effective May 28, 1997.

**LD 1845**

**An Act to Amend the Laws Regarding Legal Notices**

**PUBLIC 405**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G LAWRENCE	OTP-AM	H-519

LD 1845 proposed to repeal the requirement that, to be qualified as a medium for the publication of legal notices required by law to be published in a newspaper, a newspaper must be published and printed in whole or in part in this State.

**Committee Amendment "A" (H-519)** proposed to remove the requirement that entry of the newspaper as second class mail be made at a post office in this State.

***Enacted law summary***

Public Law 1997, chapter 405 repeals the requirement that, to be qualified as a medium for the publication of legal notices required by law to be published in a newspaper, the newspaper be published and printed in whole or in part in this State and be mailed within the State.

**LD 1850**

**An Act to Allow the Town of Chester to Annex a Certain Parcel of Land**

**P & S 55**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD	OTP-AM MAJ ONTP MIN	S-296 S-364 MICHAUD

LD 1850 proposed to allow the Town of Chester to annex land located in part of Township 2, Range 8, NWP in Penobscot County.

**Committee Amendment "A" (S-296)** proposed to add a fiscal note to the bill.

**Senate Amendment "A" (S-364)** proposed to add a mandate preamble to the bill.

***Enacted law summary***

Private and Special Law 1997, chapter 55 allows the Town of Chester to annex certain land located in Township 2, Range 8, NWP in Penobscot County.

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

LD 1851 proposed to clarify that before a proposed unaccepted way is considered subject to vacation both of the stated conditions must be met. The way may not have been constructed or used as a way and the way may not have been accepted by the specified dates.

The bill also proposed to allow a municipality to accept a proposed way as a public, utility or recreational easement as well as for motor vehicle purposes in order to avoid an order of vacation.

***Enacted law summary***

Public Law 1997, chapter 386 clarifies that before a proposed unaccepted way is considered subject to vacation both of the stated conditions must be met. The way may not have been constructed or used as a way and the way may not have been accepted by the specified dates.

The bill also allows a municipality to accept a proposed way as a public, utility or recreational easement as well as for motor vehicle purposes in order to avoid an order of vacation.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM MAJ	H-586
GOLDTHWAIT	ONTP MIN	

LD 1860 proposed to authorize the Hancock County commissioners to seek approval from county voters to raise \$6,000,000 for construction of a jail facility at the Hancock County courthouse and renovations of the courthouse according to state mandates.

**Committee Amendment "A" (H-586)** proposed to change the question to the voters to clarify that the bond issue may not exceed \$6,000,000. The amendment also adds a mandate preamble and a fiscal note to the bill.

***Enacted law summary***

Private and Special Law 1997, chapter 40 authorizes the Hancock County commissioners to seek approval from county voters to raise \$6,000,000 for the construction of a jail facility at the Hancock County courthouse and renovations of the courthouse according to state mandates. Chapter 40 was enacted as an emergency measure effective June 9, 1997.



**LD 1880**

**Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1997**

**RESOLVE 48  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

LD 1880 to authorize the laying of the county taxes and expenditures of Androscoggin County government for the year 1997.

***Enacted law summary***

Resolves 1997, chapter 48 authorizes the laying of the county taxes and expenditures of Androscoggin County government for the year 1997. Resolve chapter 48 was passed as an emergency measure effective May 31, 1997.

**LD 1884**

**Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1997**

**RESOLVE 55  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

LD 1884 proposed to authorize the laying of the county taxes and authorizing expenditures of Kennebec County for the year 1997.

***Enacted law summary***

Resolve 1997, chapter 55 authorizes the laying of the county taxes and authorizing expenditures of Kennebec County for the year 1997. Resolve chapter 55 was passed as an emergency measure effective June 9, 1997.

**LD 1890**

**An Act to Revise the Salaries of Certain County Officers**

**PUBLIC 448  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP MAJ

Amendments Adopted

LD 1890 proposed to establish the 1997 salaries of certain county officers in Kennebec and Androscoggin counties. This was the majority report of the State and Local Government Committee.

***Enacted law summary***

Public law 1997, chapter 448 establishes the 1997 salaries for county commissioners, sheriff, treasurer, register of probate, judge of probate and register of deeds in Kennebec and Androscoggin counties. Chapter 448 was enacted as an emergency measure effective June 10, 1997.

Sponsor(s)

| Committee Report  
|     OTP         MIN     |

| Amendments Adopted

LD 1891 proposed to establish the 1997 salaries of certain county officers in Kennebec and Androscoggin counties. This was the minority report of the State and Local Government Committee. It differed from the majority report only in that it contained no increase in salary for the Androscoggin County Sheriff in 1997.

# Joint Standing Committee on State and Local Government

## SUBJECT INDEX

### *Administrative Procedures: Rulemaking*

#### Enacted

LD 120	An Act to Transfer the Authority for Fixed Assets Inventory	PUBLIC 90	Page 785
LD 1115	An Act to Make Technical Corrections in the Maine Administrative Procedure Act	PUBLIC 196	Page 817
LD 1188	An Act to Amend the Maine Administrative Procedure Act to Clarify the Definition of a Proposed Rule and the State Agencies' Ability to Solicit Input into the Rule Development Process	PUBLIC 110	Page 820

#### Not Enacted

LD 510	An Act to Designate Agency Rules That Increase Fees or Restrict Licenses as Major Substantive Rulemaking	ONTP	Page 802
LD 1764*	An Act to Establish an Office of Regulatory Reform within the Executive Branch	CARRIED OVER	Page 835

### *Boards and Commissions*

#### Enacted

LD 6	An Act to Allow Certain County and Municipal Officials to Serve on the Maine Land Use Regulation Commission and the Board of Environmental Protection	PUBLIC 346	Page 778
LD 156	An Act to Amend the Charter of the Loring Development Authority as It Pertains to Immunity of the Authority	PUBLIC 71 EMERGENCY	Page 788
LD 487	An Act Concerning the Charter of the Northern Maine Development Commission, Inc.	P & S 13 EMERGENCY	Page 801

**LD 1759**      **An Act to Create the Maine Governmental Facilities Authority**      **PUBLIC 523**    **Page 834**

**Not Enacted**

**LD 40**      **An Act to Require Appointment of a County Commissioner Whose District Includes Unorganized and Deorganized Areas to the Maine Land Use Regulation Commission**      **ONTP**    **Page 781**

**LD 1228**      **An Act to Establish the Permanent Compensation Policy Commission for Upper-level Positions in State Government and State Education Institutions**      **ONTP**    **Page 822**

**LD 1276**      **An Act to Require Legislative Confirmation of Chairs of Medical Malpractice Mandatory Prelitigation Screening and Mediation Panels**      **ONTP**    **Page 823**

*Cemeteries*

**Enacted**

**LD 517**      **An Act to Create a Cemetery Perpetual Care Fund**      **PUBLIC 140**    **Page 803**

**LD 1782**      **Resolve, Authorizing the Transfer of Land from the State to the Freeman Ridge Cemetery Association**      **RESOLVE 50**    **Page 836**

**Not Enacted**

None

*City of Augusta; Capitol Area*

**Enacted**

**LD 629**      **Resolve, Authorizing the Conveyance of the Interest of the State in Certain Property in Augusta**      **RESOLVE 17**    **Page 805**

**Not Enacted**

None

## *Constitutional Amendments*

### Enacted

None

### Not Enacted

<b>LD 34</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Process for the Selection of the State Treasurer</b>	<b>ONTP</b>	<b>Page 780</b>
<b>LD 188*</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Minimum Qualifications for the Treasurer of State</b>	<b>CARRIED OVER</b>	<b>Page 789</b>
<b>LD 201</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Term of the Governor</b>	<b>ONTP</b>	<b>Page 790</b>
<b>LD 206</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives</b>	<b>ONTP</b>	<b>Page 790</b>
<b>LD 214</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003</b>	<b>ONTP</b>	<b>Page 792</b>
<b>LD 256</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Runoff Election if No Candidate Receives a Majority of the Votes in the General Election</b>	<b>ONTP</b>	<b>Page 793</b>
<b>LD 269</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide 4-year Terms for Senators and Members of the House of Representatives</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 793</b>
<b>LD 354</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 796</b>
<b>LD 400</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That Constitutional Officers Be Appointed by the Governor</b>	<b>ONTP</b>	<b>Page 798</b>

<b>LD 401</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Election of the Secretary of State in Statewide Elections</b>	<b>DIED IN CONCURRENCE</b>	<b>Page 798</b>
<b>LD 458</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Manner in Which the Legislature Calls Itself into Special Session</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 800</b>
<b>LD 479</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure that the Composition of the Legislature Reflects the Socio-economic Makeup of the Population of the State</b>	<b>ONTP</b>	<b>Page 801</b>
<b>LD 495</b>	<b>RESOLUTION, Proposing An Amendment to the Constitution of Maine to Alter the Requirements for Redistricting</b>	<b>ONTP</b>	<b>Page 802</b>
<b>LD 877</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify the Process for Inclusion of a Competing Measure</b>	<b>FAILED FINAL PASSAGE</b>	<b>Page 811</b>
<b>LD 1160</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish 4-year Terms for Constitutional Officers</b>	<b>ONTP</b>	<b>Page 818</b>
<b>LD 1238</b>	<b>Resolution, Proposing an Amendment to the Constitution of Maine to Make Changes in the Selection and Term of the Secretary of State and Succession of the Office of Governor</b>	<b>ONTP</b>	<b>Page 822</b>

### *County Budgets*

**Enacted**

<b>LD 702</b>	<b>An Act to Amend the Penobscot County Budget Committee Process</b>	<b>PUBLIC 198</b>	<b>Page 806</b>
<b>LD 706</b>	<b>An Act to Amend the Washington County Budget Advisory Committee</b>	<b>PUBLIC 171</b>	<b>Page 807</b>
<b>LD 1591</b>	<b>An Act to Amend the Washington County Budget Process</b>	<b>PUBLIC 279 EMERGENCY</b>	<b>Page 830</b>
<b>LD 1880</b>	<b>Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1997</b>	<b>RESOLVE 48 EMERGENCY</b>	<b>Page 839</b>

<b>LD 1884</b>	<b>Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1997</b>	<b>RESOLVE 55 EMERGENCY</b>	<b>Page 839</b>
<b>LD 1890</b>	<b>An Act to Revise the Salaries of Certain County Officers</b>	<b>PUBLIC 448 EMERGENCY</b>	<b>Page 839</b>
<b><u>Not Enacted</u></b>			
<b>LD 77</b>	<b>An Act to Change the Budgeting Process for York County</b>	<b>CARRIED OVER</b>	<b>Page 783</b>
<b>LD 1358*</b>	<b>An Act to Amend the Procedures for Finalizing the Kennebec County Budget</b>	<b>CARRIED OVER</b>	<b>Page 824</b>
<b>LD 1359*</b>	<b>An Act to Amend the Androscoggin County Budget Process</b>	<b>CARRIED OVER</b>	<b>Page 825</b>
<b>LD 1891</b>	<b>An Act to Modify the Salaries of Certain County Officers</b>	<b>ONTP</b>	<b>Page 840</b>

### *County Government*

#### **Enacted**

<b>LD 6</b>	<b>An Act to Allow Certain County and Municipal Officials to Serve on the Maine Land Use Regulation Commission and the Board of Environmental Protection</b>	<b>PUBLIC 346</b>	<b>Page 778</b>
<b>LD 31</b>	<b>An Act to Require That a Vacancy in the Office of Sheriff Be Filled by an Appointee from the Same Political Party</b>	<b>PUBLIC 87</b>	<b>Page 779</b>
<b>LD 39</b>	<b>An Act to Clarify the Authority of County Commissioners to Close Roads for Winter in the Unorganized Territories</b>	<b>PUBLIC 327</b>	<b>Page 780</b>
<b>LD 62</b>	<b>An Act to Change the Method for Setting Wages for Deputies</b>	<b>PUBLIC 44</b>	<b>Page 782</b>
<b>LD 63</b>	<b>An Act Concerning Dangerous Buildings in the Unorganized Territories</b>	<b>PUBLIC 6</b>	<b>Page 782</b>
<b>LD 133</b>	<b>An Act Regarding Qualifications for the Office of Sheriff</b>	<b>PUBLIC 37</b>	<b>Page 786</b>

<b>LD 207</b>	<b>An Act to Change How the Mileage Allowance is Determined for Sheriffs and Deputies</b>	<b>PUBLIC 8</b>	<b>Page 790</b>
<b>LD 702</b>	<b>An Act to Amend the Penobscot County Budget Committee Process</b>	<b>PUBLIC 198</b>	<b>Page 806</b>
<b>LD 706</b>	<b>An Act to Amend the Washington County Budget Advisory Committee</b>	<b>PUBLIC 171</b>	<b>Page 807</b>
<b>LD 1387</b>	<b>Resolve, to Authorize the Lincoln County Commissioners to Borrow Not More Than \$400,000 to Build the Lincoln County Communications Center</b>	<b>RESOLVE 32 EMERGENCY</b>	<b>Page 826</b>
<b>LD 1408</b>	<b>An Act to Redistrict Knox County and Provide for 5 County Commissioners</b>	<b>PUBLIC 510</b>	<b>Page 827</b>
<b>LD 1561</b>	<b>Resolve, to Examine the Impact of Federal Devolution Decisions on Municipalities and Other Local Agencies</b>	<b>RESOLVE 49 EMERGENCY</b>	<b>Page 829</b>
<b>LD 1591</b>	<b>An Act to Amend the Washington County Budget Process</b>	<b>PUBLIC 279 EMERGENCY</b>	<b>Page 830</b>
<b>LD 1860</b>	<b>An Act to Authorize Hancock County to Hold a Referendum Election in November 1997 on a Bond Issue of \$6,000,000 to Construct a New Jail and to Provide Necessary Renovations to the Courthouse to Comply with State Mandates</b>	<b>P &amp; S 40 EMERGENCY</b>	<b>Page 838</b>

**Not Enacted**

<b>LD 40</b>	<b>An Act to Require Appointment of a County Commissioner Whose District Includes Unorganized and Deorganized Areas to the Maine Land Use Regulation Commission</b>	<b>ONTP</b>	<b>Page 781</b>
<b>LD 77*</b>	<b>An Act to Change the Budgeting Process for York County</b>	<b>CARRIED OVER</b>	<b>Page 783</b>
<b>LD 948</b>	<b>An Act to Permit County Commissioners to Retain the Services of a Road Commissioner</b>	<b>ONTP</b>	<b>Page 815</b>
<b>LD 1120</b>	<b>An Act to Allow the Recording of Registry Records on Optical Disks</b>	<b>ONTP</b>	<b>Page 817</b>
<b>LD 1358*</b>	<b>An Act to Amend the Procedures for Finalizing the Kennebec County Budget</b>	<b>CARRIED OVER</b>	<b>Page 824</b>



**LD 1359\***      **An Act to Amend the Androscoggin County Budget Process**      **CARRIED OVER**      **Page 825**

*Departments and Agencies of State Government*

Enacted

**LD 1173**      **An Act to Preserve Public Access to Governmental Information through Libraries Regardless of Format or Medium**      **PUBLIC 299 EMERGENCY**      **Page 819**

**LD 1561**      **Resolve, to Examine the Impact of Federal Devolution Decisions on Municipalities and Other Local Agencies**      **RESOLVE 49 EMERGENCY**      **Page 829**

**LD 1602**      **An Act Regarding the Division of Safety and Environmental Services in the Bureau of General Services**      **PUBLIC 499**      **Page 831**

**LD 1759**      **An Act to Create the Maine Governmental Facilities Authority**      **PUBLIC 523**      **Page 834**

Not Enacted

**LD 131**      **An Act to Authorize a State Agency to Charge Interest on Money Owed to that Agency**      **ONTP**      **Page 786**

**LD 962**      **An Act to Make the Commissioner of Inland Fisheries and Wildlife an Elected Position**      **ONTP**      **Page 815**

**LD 1266**      **An Act to Require the Deputy Commissioner of Inland Fisheries and Wildlife to be Appointed by the Governor and Confirmed by the Senate**      **DIED IN CONCURRENCE**      **Page 823**

**LD 1551\***      **An Act to Amend the Amount of Retainage on Public Building Contracts**      **CARRIED OVER**      **Page 829**

*Documents, Licenses, Permits and Fees*

Enacted

**LD 44**      **An Act to Raise the Fee for Congressional and Legislative Registration Plates**      **PUBLIC 58**      **Page 781**

**LD 45**      **An Act to Increase the Fees for Attachment of Real Estate and Personal Property**      **PUBLIC 5**      **Page 781**

<b>LD 450</b>	<b>An Act to Amend the Date for Recognizing Marginal Discharges of Mortgages</b>	<b>PUBLIC 103</b>	<b>Page 800</b>
<b>LD 488</b>	<b>An Act to Change the Laws Pertaining to the Issuance of Copies of Birth, Marriage or Death Certificates by Towns</b>	<b>PUBLIC 32</b>	<b>Page 801</b>
<b><u>Not Enacted</u></b>			
<b>LD 551</b>	<b>An Act to Require Certain State Notices to Include Statutory Authority Citations</b>	<b>ONTP</b>	<b>Page 804</b>
<b>LD 555</b>	<b>An Act Concerning the Fees Charged by the Secretary of State for Copies</b>	<b>INDEF PP</b>	<b>Page 804</b>
<b>LD 1120</b>	<b>An Act to Allow the Recording of Registry Records on Optical Disks</b>	<b>ONTP</b>	<b>Page 817</b>
<b>LD 1440</b>	<b>An Act to Prohibit Dedimus Justices from Receiving Payment for Services other than Long-distance Travel Reimbursement</b>	<b>ONTP</b>	<b>Page 828</b>
<b>LD 1537</b>	<b>An Act to Amend the Laws Relating to Notaries Public</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 828</b>

***Land: Boundaries, Name Changes, Access, Transfer***

**Enacted**

<b>LD 13</b>	<b>Resolve, to Name the Body of Water on Route 27 in Coburn Gore "Fabian's Dunk"</b>	<b>RESOLVE 4</b>	<b>Page 778</b>
<b>LD 71</b>	<b>An Act to Return a Certain Parcel of Land to Hartland from Pittsfield</b>	<b>P &amp; S 7 EMERGENCY</b>	<b>Page 783</b>
<b>LD 223</b>	<b>An Act to Clarify the Territory Included within Lake Arrowhead Community, Incorporated</b>	<b>P &amp; S 4</b>	<b>Page 792</b>
<b>LD 629</b>	<b>Resolve, Authorizing the Conveyance of the Interest of the State in Certain Property in Augusta</b>	<b>RESOLVE 17</b>	<b>Page 805</b>
<b>LD 863</b>	<b>An Act to Amend the North Yarmouth-Cumberland Town Line</b>	<b>P &amp; S 10 EMERGENCY</b>	<b>Page 810</b>
<b>LD 1782</b>	<b>Resolve, Authorizing the Transfer of Land from the State to the Freeman Ridge Cemetery Association</b>	<b>RESOLVE 50</b>	<b>Page 836</b>

Not Enacted

**LD 1054**                      **Resolve, to Name the Richardson Township Boat Landing "Georges Landing"**                      **ONTP**    **Page 816**

*Legislature and Legislative Process*

Enacted

**LD 44**                      **An Act to Raise the Fee for Congressional and Legislative Registration Plates**                      **PUBLIC 58**    **Page 781**

**LD 103**                      **An Act to Make Legislative Information Available through the Internet**                      **PUBLIC 43**    **Page 785**

**LD 379**                      **An Act to Clarify the Reimbursement of Legislators' Expenses**                      **PUBLIC 309**    **Page 797**

**LD 430**                      **An Act to Clarify the Provisions that Implement Performance Budgeting in State Government**                      **PUBLIC 184**    **Page 799**

**LD 1173**                      **An Act to Preserve Public Access to Governmental Information through Libraries Regardless of Format or Medium**                      **PUBLIC 299**    **Page 819**  
**EMERGENCY**

**LD 1391**                      **An Act to Reestablish the State Compensation Commission**                      **PUBLIC 506**    **Page 826**

Not Enacted

**LD 84**                      **An Act to Reduce the Meal Allowance for Legislators from \$32 to \$16**                      **INDEF PP**    **Page 784**

**LD 99**                      **An Act Concerning the Format of Legislative Documents**                      **ONTP**    **Page 785**

**LD 137**                      **An Act to Prohibit Omnibus Fish and Game Legislation**                      **ONTP**    **Page 787**

**LD 192**                      **An Act to Prohibit a Former Legislator from Employment in the Legislative, Judicial or Executive Branch for 2 Years after the End of the Legislator's Term**                      **ONTP**    **Page 790**

<b>LD 206</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives</b>	<b>ONTP</b>	<b>Page 790</b>
<b>LD 209</b>	<b>An Act to Increase Term Limits to 12 Years for Elected Officials and Constitutional Officers</b>	<b>ONTP</b>	<b>Page 791</b>
<b>LD 214</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003</b>	<b>ONTP</b>	<b>Page 792</b>
<b>LD 1238</b>	<b>Resolution, Proposing an Amendment to the Constitution of Maine to Make Changes in the Selection and Term of the Secretary of State and Succession of the Office of Governor</b>	<b>ONTP</b>	<b>Page 822</b>
<b>LD 249</b>	<b>An Act to Require That All Legislative Documents Contain a Citizen and Business Impact Statement</b>	<b>ONTP</b>	<b>Page 793</b>
<b>LD 269</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide 4-year Terms for Senators and Members of the House of Representatives</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 793</b>
<b>LD 418</b>	<b>An Act to Amend Certain Benefits Offered Legislators</b>	<b>ONTP</b>	<b>Page 799</b>
<b>LD 458</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Manner in Which the Legislature Calls Itself into Special Session</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 800</b>
<b>LD 479</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure that the Composition of the Legislature Reflects the Socio-economic Makeup of the Population of the State</b>	<b>ONTP</b>	<b>Page 801</b>
<b>LD 495</b>	<b>RESOLUTION, Proposing An Amendment to the Constitution of Maine to Alter the Requirements for Redistricting</b>	<b>ONTP</b>	<b>Page 802</b>
<b>LD 534</b>	<b>An Act to Require Legislators to Pay a Portion of Their Health and Dental Insurance Premiums</b>	<b>ONTP</b>	<b>Page 803</b>
<b>LD 566*</b>	<b>An Act to Provide Computers for Use in the Legislature</b>	<b>CARRIED OVER</b>	<b>Page 804</b>
<b>LD 781</b>	<b>An Act to Provide Legislators with the Same Health Benefits as State Employees</b>	<b>ONTP</b>	<b>Page 808</b>

<b>LD 821</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide That the Biennial Budget May Take Effect Immediately if Passed by a Majority Vote</b>	<b>INDEF PP</b>	<b>Page 809</b>
<b>LD 855</b>	<b>Resolve, to Convene a Legislative Employee Salary Review Committee</b>	<b>ONTP</b>	<b>Page 810</b>
<b>LD 875</b>	<b>An Act to Require Legislative Confirmation of the Director of the Office of Substance Abuse</b>	<b>ONTP</b>	<b>Page 811</b>
<b>LD 877</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify the Process for Inclusion of a Competing Measure</b>	<b>FAILED FINAL PASSAGE</b>	<b>Page 811</b>
<b>LD 1152</b>	<b>An Act to Provide Legal Counsel for Legislative Investigating Committees</b>	<b>INDEF PP</b>	<b>Page 818</b>
<b>LD 1237</b>	<b>An Act to Require Legislators to Disclose Their Interest in Pending Legislation</b>	<b>ONTP</b>	<b>Page 822</b>

### *Municipalities and Quasi-Municipal Corporations*

#### Enacted

<b>LD 71</b>	<b>An Act to Return a Certain Parcel of Land to Hartland from Pittsfield</b>	<b>P &amp; S 7 EMERGENCY</b>	<b>Page 783</b>
<b>LD 83</b>	<b>An Act to Amend the Laws Requiring Notification for Public Hearings Concerning Ordinance Changes</b>	<b>PUBLIC 36 EMERGENCY</b>	<b>Page 783</b>
<b>LD 88</b>	<b>An Act to Clarify That a Town's Mooring Ordinance May Grandfather Existing Commercial or Noncommercial Moorings</b>	<b>PUBLIC 89</b>	<b>Page 784</b>
<b>LD 151</b>	<b>An Act to Increase the Penalty for Illegally Parking in a Handicapped Parking Space</b>	<b>PUBLIC 60</b>	<b>Page 787</b>
<b>LD 223</b>	<b>An Act to Clarify the Territory Included within Lake Arrowhead Community, Incorporated</b>	<b>P &amp; S 4</b>	<b>Page 792</b>
<b>LD 274</b>	<b>An Act to Allow Towns to Use the Money Held in Administrative Funds That Comes from the Use of Ministerial Trust Land</b>	<b>PUBLIC 57</b>	<b>Page 794</b>

<b>LD 344</b>	<b>An Act to Amend the Report Criteria for a Municipality's Annual Postaudit</b>	<b>PUBLIC 142</b>	<b>Page 795</b>
<b>LD 488</b>	<b>An Act to Change the Laws Pertaining to the Issuance of Copies of Birth, Marriage or Death Certificates by Towns</b>	<b>PUBLIC 32</b>	<b>Page 801</b>
<b>LD 516</b>	<b>An Act to Impose a Statute of Limitations for Violations of Municipal Subdivision Ordinances</b>	<b>PUBLIC 323</b>	<b>Page 802</b>
<b>LD 601</b>	<b>An Act to Provide Municipal Notification of Utility Services</b>	<b>PUBLIC 199</b>	<b>Page 805 942</b>
<b>LD 863</b>	<b>An Act to Amend the North Yarmouth-Cumberland Town Line</b>	<b>P &amp; S 10 EMERGENCY</b>	<b>Page 810</b>
<b>LD 943</b>	<b>An Act to Amend the Law Governing Municipal Zoning with Respect to Community Living Arrangements</b>	<b>PUBLIC 442</b>	<b>Page 813</b>
<b>LD 946</b>	<b>An Act to Protect the Confidentiality of Financial Records</b>	<b>PUBLIC 201</b>	<b>Page 814</b>
<b>LD 1083</b>	<b>An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation</b>	<b>P &amp; S 24</b>	<b>Page 816</b>
<b>LD 1105</b>	<b>An Act to Exempt Public Airports with Approved Airport Layout Plans from Subdivision Review</b>	<b>PUBLIC 51</b>	<b>Page 816</b>
<b>LD 1216</b>	<b>An Act to Allow the Separation of Frye Island from the Town of Standish</b>	<b>P &amp; S 41</b>	<b>Page 820</b>
<b>LD 1379</b>	<b>An Act to Expand Options for Investment of Certain Municipal Trust Funds</b>	<b>PUBLIC 367</b>	<b>Page 825</b>
<b>LD 1561</b>	<b>Resolve, to Examine the Impact of Federal Devolution Decisions on Municipalities and Other Local Agencies</b>	<b>RESOLVE 49 EMERGENCY</b>	<b>Page 829</b>
<b>LD 1605</b>	<b>An Act to Prohibit Towns from Canceling Health Insurance Provided to Retired Employees</b>	<b>PUBLIC 419</b>	<b>Page 832</b>
<b>LD 1720</b>	<b>An Act to Repeal the Requirement That Victualers Be Licensed by a Municipality</b>	<b>PUBLIC 446</b>	<b>Page 833</b>
<b>LD 1822</b>	<b>Resolve, Authorizing the Town of Southwest Harbor to Refinance Certain Temporary Bond Anticipation Notes Issued for Its Water Project</b>	<b>RESOLVE 40 EMERGENCY</b>	<b>Page 836</b>

<b>LD 1845</b>	<b>An Act to Amend the Laws Regarding Legal Notices</b>	<b>PUBLIC 405</b>	<b>Page 837</b>
<b>LD 1850</b>	<b>An Act to Allow the Town of Chester to Annex a Certain Parcel of Land</b>	<b>P &amp; S 55</b>	<b>Page 837</b>
<b><u>Not Enacted</u></b>			
<b>LD 16</b>	<b>An Act to Allow Municipalities to Advertise Public Legal Notices in Weekly Papers</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 779</b>
<b>LD 865</b>	<b>An Act Regarding the Self-governance of Biddeford Pool</b>	<b>DIED IN CONCURRENCE</b>	<b>Page 810</b>
<b>LD 892</b>	<b>An Act to Require Municipalities to Purchase Insurance by Competitive Bidding</b>	<b>ONTP</b>	<b>Page 812</b>

*Official Items; Commemorative Events*

**Enacted**

<b>LD 370</b>	<b>An Act to Establish a Commemorative Day Recognizing the Children of this State</b>	<b>PUBLIC 74</b>	<b>Page 797</b>
<b>LD 1610</b>	<b>Resolve, to Establish a Commission to Designate Outstanding Maine Citizens Whose Portraits Are to Be Displayed in the State House</b>	<b>RESOLVE 64</b>	<b>Page 832</b>

**Not Enacted**

<b>LD 135</b>	<b>An Act to Designate Square Dancing as the Official Folk Dance of Maine</b>	<b>ONTP</b>	<b>Page 787</b>
<b>LD 926</b>	<b>Resolve, Creating a Special Commission to Erect a Plaque in the Hall of Flags Honoring Those Who Served in the Civilian Conservation Corps from Maine</b>	<b>ONTP</b>	<b>Page 812</b>
<b>LD 1612</b>	<b>Resolve, Concerning the Construction of a State Playground at Capitol Park</b>	<b>ONTP</b>	<b>Page 833</b>
<b>LD 1635</b>	<b>An Act to Make Changes to the Official Maine State Symbols</b>	<b>ONTP</b>	<b>Page 833</b>

## *Privatization*

### Enacted

<b>LD 430</b>	<b>An Act to Clarify the Provisions that Implement Performance Budgeting in State Government</b>	<b>PUBLIC 184</b>	<b>Page 799</b>
<b>LD 945</b>	<b>An Act to Establish Basic Standards and Procedures for Personal Services Contracting by the State</b>	<b>PUBLIC 285</b>	<b>Page 813</b>

### Not Enacted

<b>LD 680</b>	<b>Resolve, Establishing the Maine Council on Competitiveness</b>	<b>ONTP</b>	<b>Page 806</b>
<b>LD 1242</b>	<b>An Act to Promote the Effective Delivery of Public Services</b>	<b>ONTP</b>	<b>Page 823</b>
<b>LD 1301</b>	<b>An Act to Continue and Expand the Duties of the Productivity Realization Task Force by Creating a Permanent Productivity Realization Council</b>	<b>ONTP</b>	<b>Page 823</b>

## *Records*

### Enacted

<b>LD 720</b>	<b>An Act to Amend the Laws Regarding Confidentiality of Library Records</b>	<b>PUBLIC 146</b>	<b>Page 807</b>
<b>LD 946</b>	<b>An Act to Protect the Confidentiality of Financial Records</b>	<b>PUBLIC 201</b>	<b>Page 814</b>
<b>LD 1173</b>	<b>An Act to Preserve Public Access to Governmental Information through Libraries Regardless of Format or Medium</b>	<b>PUBLIC 299</b> <b>EMERGENCY</b>	<b>Page 819</b>

### Not Enacted

None

## *Restructuring*

### Enacted



**LD 430**                    **An Act to Clarify the Provisions that Implement Performance Budgeting in State Government**                    **PUBLIC 184**    **Page 799**

**Not Enacted**

**LD 1301**                    **An Act to Continue and Expand the Duties of the Productivity Realization Task Force by Creating a Permanent Productivity Realization Council**                    **ONTP**    **Page 823**

*Secession/Annexation/Deorganization*

**Enacted**

**LD 1216**                    **An Act to Allow the Separation of Frye Island from the Town of Standish**                    **P & S 41**    **Page 820**

**LD 1850**                    **An Act to Allow the Town of Chester to Annex a Certain Parcel of Land**                    **P & S 55**    **Page 837**

**Not Enacted**

**LD 865**                    **An Act Regarding the Self-governance of Biddeford Pool**                    **DIED IN CONCURRENCE**    **Page 810**

**LD 1169**                    **An Act to Authorize the Annexation of Certain Land by Lake View Plantation**                    **ONTP**    **Page 818**

**LD 1450**                    **An Act to Deorganize the Town of Cooper**                    **ONTP**    **Page 828**

*State Contracts and Fiscal Procedures*

**Enacted**

**LD 349**                    **An Act to Modify the Prequalification Laws to Allow the Disqualification of Contractors for a Time Not to Exceed One Year**                    **PUBLIC 295**    **Page 795**

**LD 408**                    **An Act to Include Operation and Maintenance in the Life-cycle Costs Analysis Required for Public Improvements**                    **PUBLIC 541**    **Page 798**

**LD 945**                    **An Act to Establish Basic Standards and Procedures for Personal Services Contracting by the State**                    **PUBLIC 285**    **Page 813**

**LD 1220**      **An Act to Require Economic Impact Criteria on State Procurement Procedures**      **PUBLIC 263**    **Page 821**

**LD 1323**      **An Act to Remove the Sunset for the Employment of an Owner's Representative**      **PUBLIC 186**    **Page 824**

**Not Enacted**

**LD 331**      **An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to a Living Wage in State Subcontracted Work**      **ONTP**    **Page 795**

**LD 362**      **An Act to Revise the Procurement of Products and Services from Rehabilitation Facilities and Work Centers**      **ONTP**    **Page 797**

**LD 777**      **Resolve, to Establish a Board to Review State Spending and Budget Procedures**      **ONTP**    **Page 808**

**LD 1242**      **An Act to Promote the Effective Delivery of Public Services**      **ONTP**    **Page 823**

**LD 1551\***      **An Act to Amend the Amount of Retainage on Public Building Contracts**      **CARRIED OVER**    **Page 829**

**LD 1774**      **An Act to Promote Fiscal Accountability in State Contracts for Services**      **ONTP**    **Page 835**

***State Employees and Employee Benefits***

**Enacted**

**LD 825**      **An Act to Clarify the Laws on Personal Information of State Employees**      **PUBLIC 124**    **Page 809**

**LD 937**      **An Act Relating to the State's Deferred Compensation Plan**      **PUBLIC 204**    **Page 812**

Not Enacted

**LD 331**                    **An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to a Living Wage in State Subcontracted Work**                    **ONTP**    **Page 795**

*State Officials*

Enacted

**LD 1030**                    **An Act to Require That the Attorney General Be an Attorney in Good Standing in Maine**                    **PUBLIC 145**    **Page 815**

**LD 1414**                    **An Act to Provide for Removal of a State Auditor Who Fails to Meet the Statutory Qualifications for the Office**                    **PUBLIC 516**    **Page 827**

Not Enacted

**LD 33**                    **An Act to Change the Selection Process and Qualifications for State Auditor**                    **DIED IN CONCURRENCE**    **Page 779**

**LD 34**                    **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Process for the Selection of the State Treasurer**                    **ONTP**    **Page 780**

**LD 92**                    **An Act to Establish State Auditor As an Appointed Position**                    **ONTP**    **Page 785**

**LD 188\***                    **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Minimum Qualifications for the Treasurer of State**                    **CARRIED OVER**    **Page 789**

**LD 201**                    **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Term of the Governor**                    **ONTP**    **Page 790**

**LD 209**                    **An Act to Increase Term Limits to 12 Years for Elected Officials and Constitutional Officers**                    **ONTP**    **Page 791**

**LD 219**                    **Resolve, to Establish Qualifications for Constitutional Officers and the State Auditor**                    **DIED BETWEEN BODIES**    **Page 792**

<b>LD 256</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Runoff Election if No Candidate Receives a Majority of the Votes in the General Election</b>	<b>ONTP</b>	<b>Page 793</b>
<b>LD 354</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 796</b>
<b>LD 400</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That Constitutional Officers Be Appointed by the Governor</b>	<b>ONTP</b>	<b>Page 798</b>
<b>LD 401</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Election of the Secretary of State in Statewide Elections</b>	<b>DIED IN CONCURRENCE</b>	<b>Page 798</b>
<b>LD 794</b>	<b>An Act to Ensure Ethical Conduct in the Office of Treasurer of State</b>	<b>DIED BETWEEN BODIES</b>	<b>Page 808</b>
<b>LD 1160</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish 4-year Terms for Constitutional Officers</b>	<b>ONTP</b>	<b>Page 818</b>
<b>LD 1238</b>	<b>Resolution, Proposing an Amendment to the Constitution of Maine to Make Changes in the Selection and Term of the Secretary of State and Succession of the Office of Governor</b>	<b>ONTP</b>	<b>Page 822</b>
<b>LD 1795</b>	<b>An Act to Clarify the Qualifications of State Auditor</b>	<b>ONTP</b>	<b>Page 836</b>

*State Property*

Enacted

<b>LD 175</b>	<b>An Act to Make Technical Changes in Laws Authorizing the Sale of the Pineland Center</b>	<b>P &amp; S 3</b>	<b>Page 789</b>
<b>LD 629</b>	<b>Resolve, Authorizing the Conveyance of the Interest of the State in Certain Property in Augusta</b>	<b>RESOLVE 17</b>	<b>Page 805</b>
<b>LD 1759</b>	<b>An Act to Create the Maine Governmental Facilities Authority</b>	<b>PUBLIC 523</b>	<b>Page 834</b>

**Not Enacted**

**LD 1054**

**Resolve, to Name the Richardson Township Boat  
Landing "Georges Landing"**

**ONTP Page 816**



## Joint Standing Committee on Transportation

**LD 3**                      **An Act to Amend the Laws Regarding the Registration of Pickup Trucks**                      **ONTP**

<u>Sponsor(s)</u> LIBBY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 3 proposed to repeal language that requires pickup trucks pulling semitrailers to be registered as commercial vehicles if the combined gross weight of the pickup truck and the semitrailer exceeds 6,000 pounds.

**LD 27**                      **An Act to Broaden the Requirements for Special Veterans Registration Plates**                      **PUBLIC 31**

<u>Sponsor(s)</u> LAFOUNTAIN MCALEVEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-17
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Current law requires that a person who applies for a prisoner of war plate must have United States Armed Forces service. LD 27 proposed to add language that if a United States civilian citizen was interned as a prisoner of war, that person may receive a prisoner of war plate.

**Committee Amendment "A" (S-17)** proposed to add a requirement that a civilian interned as a prisoner of war submit an official form issued by the Federal Government that certifies that the person is a former prisoner of war to qualify for special veterans registration plates. The amendment also proposed to add a fiscal note to the bill.

### *Enacted law summary*

Current law requires that a person who applies for a prisoner of war plate must have United States Armed Forces service. Public Law 1997, chapter 31 adds language that if a United States civilian citizen was interned as a prisoner of war, that person may receive a prisoner of war plate. To obtain a plate a person must submit an official form issued by the Federal Government that certifies the person is a former prisoner of war to qualify for special veterans registration plates.

**LD 28**

**An Act to Create Silver Star and Bronze Star License Plates**

**ONTP**

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

LD 28 proposed to authorize the Secretary of State to issue special plates for recipients of the Silver Star medal and the Bronze Star medal.

**LD 42**

**An Act to Allow Veterans to Get Vanity Veteran License Plates**

**PUBLIC 69**

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

LD 42 proposed to give those veterans who, under current law, have the option of obtaining veteran-designated registration license plates the further option of obtaining vanity veteran registration plates.

**Committee Amendment "A" (H-83)** proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 69 gives those veterans who, under current law, have the option of obtaining veteran-designated registration license plates the further option of obtaining vanity veteran registration plates.

**LD 46**

**An Act to Amend the Laws Regarding Law Enforcement Officers' Insurance Rates**

**PUBLIC 114**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E	OTP-AM MAJ ONTP MIN	H-125

LD 46 proposed to provide that the report of an accident filed by a law enforcement officer with the Chief of the State Police may not contain the name or date of birth of any law enforcement officer if the accident involved an officer who was operating a motor vehicle in the course and scope of the officer's employment.

**Committee Amendment "A" (H-125)** proposed to replace the bill. It proposed to add to the laws regarding law enforcement officers' automobile insurance rates a reference to the general penalty that applies to a violation of those laws.

***Enacted law summary***

Public Law 1997, chapter 114 adds to the laws regarding law enforcement officers' automobile insurance rates a reference to the general penalty that applies to a violation of those laws.



**LD 48**                      **An Act to Allow Escorts of Certain Motor Vehicles by Any Police Officer**                      **ONTP**

<u>Sponsor(s)</u> WHEELER E FERGUSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 48 proposed to allow a county sheriff or municipal police officer to serve as an escort for certain oversized vehicles. Current law requires a State Police escort. See also LD 525.

**LD 50**                      **An Act to Clarify the Authority of the Department of Transportation to Designate Truck Routes**                      **ONTP**

<u>Sponsor(s)</u> WHEELER E		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 50 proposed to clarify that the Department of Transportation may restrict the passage of trucks over ways and bridges and may designate truck routes when the department determines such passage would be unsafe or is likely to cause excessive damage. It also proposed to specify that the maximum fine for violating these provisions be \$50.

**LD 51**                      **Resolve, to Name the South Warren Bridge in Memory of James Andrew "Drew" Griffith**                      **RESOLVE 3**

<u>Sponsor(s)</u> SAVAGE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 51 proposed to name the bridge in South Warren on Route 1 the James Andrew "Drew" Griffith Bridge.

***Enacted law summary***

Resolve 1997, chapter 3 names the bridge in South Warren on Route 1 the James Andrew "Drew" Griffith Bridge.

**LD 55**                      **An Act to Require Disclosure of Insurer on Motor Vehicle Registrations**                      **ONTP**

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 55 proposed to require the Secretary of State to revise motor vehicle registration applications so that the name of the registrant's motor vehicle insurer is included in the Secretary of State's information request.

**LD 78**                      **An Act to Increase the Fee for Car Inspections**                      **ONTP**

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

LD 78 proposed to increase the motor vehicle inspection fee from \$6 to \$11.

**LD 102**                      **An Act to Repeal the Mandatory Driver Education Course**                      **ONTP**

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

LD 102 proposed to repeal the provision that requires a person under 17 years of age to present a certificate of successful completion of an approved driver education course before a driver's license may be issued.

**LD 109**                      **An Act to Eliminate the Fine for Exceeding the Axle Weight Limit**                      **ONTP**

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

LD 109 proposed to eliminate the fine for exceeding the axle weight limit.

**LD 110**                      **An Act to Exempt Certain Loaned Federal Vehicles from Certificates of Title**                      **PUBLIC 100  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANE CATHCART	OTP-AM	H-126

LD 110 proposed to exempt from registration fees and certificate of title requirements vehicles donated by the Federal Government to an approved veterans' organization primarily for use in ceremonial activities.

**Committee Amendment "A" (H-126)** proposed to strike from the bill an exemption from registration fees for vehicles donated by the Federal Government to veterans' organizations. In addition, the amendment proposed to permit the Secretary of State to exempt from title and certificate of salvage requirements vehicles that are loaned by the Federal Government to veterans' organizations and municipalities. The amendment also proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 100 permits the Secretary of State to exempt from title and certificate of salvage requirements vehicles that are loaned by the Federal Government to veterans' organizations and municipalities. This law is effective April 18, 1997.

**LD 116**

**An Act to Amend the Law Regarding Fog Lights**

**PUBLIC 115**

Sponsor(s)  
LAVERDIERE

Committee Report  
OTP

Amendments Adopted

Under current law, when approaching an oncoming vehicle or following a vehicle, the operator of a motor vehicle must turn off fog lights or auxiliary lights that exceed 20,000 candlepower. LD 116 proposed to expand that requirement to apply to all fog lights and auxiliary lights.

***Enacted law summary***

Under current law, when approaching an oncoming vehicle or following a vehicle, the operator of a motor vehicle must turn off fog lights or auxiliary lights that exceed 20,000 candlepower. Public Law 1997, chapter 115 expands that requirement to apply to all fog lights and auxiliary lights.

**LD 119**

**Resolve, to Name a Section of Route 26 in Bethel in Oxford County in Memory of Captain Carl R. Churchill, United States Air Force, Killed in Action in Laos, May 3, 1970**

**RESOLVE 5**

Sponsor(s)  
BARTH  
FERGUSON

Committee Report  
OTP

Amendments Adopted

LD 119 proposed to name the part of Route 26 in Bethel that goes from the Greenwood-Bethel town line to the junction of the East Bethel Road in memory of Captain Carl R. Churchill, United States Air Force, killed in action May 3, 1970 in Laos.

***Enacted law summary***

Resolve 1997, chapter 5 names the part of Route 26 in Bethel that goes from the Greenwood-Bethel town line to the junction of the East Bethel Road in memory of Captain Carl R. Churchill, United States Air Force, killed in action May 3, 1970 in Laos.

**LD 124**                      **An Act to Repeal the Rental Fees for Road Signs**                      **ONTP**

<u>Sponsor(s)</u> FOSTER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 124 proposed to repeal the provision for an annual fee for official business directional signs. There would have been only an initial fee.

**LD 150**                      **An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and Emergency Medical Services Personnel**                      **ONTP**

<u>Sponsor(s)</u> MORGAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 150 proposed to permit municipal and volunteer firefighters and emergency medical services personnel to use a siren and flashing red and amber lights on a personal vehicle while en route to or at the scene of a fire or other emergency. It also proposed to require that such vehicles be covered by the rules of operation applying to authorized emergency vehicles.

**LD 154**                      **An Act to Increase the Population Threshold at Which a Town is Responsible for Maintaining Highways**                      **ONTP**

<u>Sponsor(s)</u> LIBBY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 154 proposed to increase the population threshold at which a municipality must maintain certain state highways.

**LD 161**                      **An Act to Require that Cargo Being Hauled by Trucks Be Covered**                      **ONTP**

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 161 proposed to require operators of gravel trucks to cover the gravel so that the gravel does not fall from the vehicle during transit.

**LD 166**

**An Act to Issue Military Service Award License Plate Decals**

**ONTP**

Sponsor(s)  
LIBBY

Committee Report  
ONTP

Amendments Adopted

LD 166 proposed to authorize the issuance of a military service award decal to recipients of a military service award. The decal could have been attached to a special veterans registration plate.

**LD 180**

**An Act to Amend the Motor Vehicle Laws Regarding Proof of Financial Responsibility and to Increase the Required Minimum Amounts of Liability Insurance Coverage**

**PUBLIC 176**

Sponsor(s)  
LEMAIRE  
CLEVELAND

Committee Report  
OTP-AM

Amendments Adopted  
H-218  
H-258 MAYO

LD 180 proposed to require a person adjudicated for the offense of failing to produce evidence of insurance to file proof of financial responsibility with the Secretary of State. The bill also proposed to increase the minimum amounts of automobile liability insurance coverage. The bill also proposed that a civil penalty of \$50 may be imposed upon an insurance carrier for each day after 15 days that an insurance carrier fails to notify the Secretary of State that a policy was not in effect at the time of an accident.

**Committee Amendment "A" (H-218)** proposed to change the bill by providing the Secretary of State authority to impose an administrative penalty of \$50 for each day after 15 days that an insurance carrier fails to notify the Secretary of State that a policy was not in effect at the time of an accident.

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

**House Amendment "A" (H-258)** proposed to add a requirement that minimum amounts of insurance for medical payments be obtained in order to operate a motor vehicle. The amendment also proposed to add an application section to require all insurance policies to comply with the mandatory minimum limits of insurance by July 1, 1998.

***Enacted law summary***

Public Law 1997, chapter 176 requires a person adjudicated for the offense of failing to produce evidence of insurance to file proof of financial responsibility with the Secretary of State. It also increases the minimum amounts of automobile liability insurance coverage. It provides the Secretary of State authority to impose an administrative penalty of \$50 for each day after 15 days that an insurance carrier fails to notify the Secretary of State that a policy was not in effect at the time of an accident. It also adds a requirement that minimum amounts of insurance for medical payments be obtained in order to operate a motor vehicle.

**LD 197**

**Resolve, to Name a Portion of Highway in Milbridge in Honor of David Kennedy**

**RESOLVE 6**

Sponsor(s)  
LAYTON  
CASSIDY

Committee Report  
OTP

Amendments Adopted

LD 197 proposed naming the part of Route 1-A in Milbridge from the Main Street intersection to the Harrington town line after former Speaker of the Maine House of Representatives and town selectman David Kennedy.

***Enacted law summary***

Resolve 1997, chapter 6 names the part of Route 1-A in Milbridge from the Main Street intersection to the Harrington town line after former Speaker of the Maine House of Representatives and town selectman David Kennedy.

**LD 216**

**An Act to Abolish the \$3 Photograph Fee for Senior Citizen Drivers' Licenses**

**ONTP**

Sponsor(s)  
LIBBY

Committee Report  
ONTP

Amendments Adopted

LD 216 proposed to exempt people 65 years of age or older from paying the \$3 photograph fee when obtaining a driver's license.

**LD 227**

**An Act to Amend the Motor Vehicle Laws Regarding Loss of License**

**ONTP**

Sponsor(s)  
GAGNE

Committee Report  
ONTP

Amendments Adopted

LD 227 proposed to require the Secretary of State to suspend, for up to one year, the driver's license of any person who has had the license for less than one year, is involved in an accident that results in bodily injury or death and is more than 50% at fault for that accident.

**LD 228**

**An Act to Require the Department of Transportation to Notify Counties of Planned Bridge Projects at the Time of Planning**

**PUBLIC 13**

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

LD 228 proposed to require the Department of Transportation to notify the county commissioners early in the process when a bridge in that county is being considered for capital improvement.

***Enacted law summary***

Public Law 1997, chapter 13 requires the Department of Transportation to notify the county commissioners early in the process when a bridge in that county is being considered for capital improvement.

**LD 242**

**An Act Requiring Reimbursement to Municipalities for Fire and Rescue on the Maine Turnpike**

**ONTP**

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

LD 242 proposed to require the Maine Turnpike Authority to reimburse municipalities for the cost of emergency services provided in response to an emergency on the turnpike.

**LD 243**

**An Act to Require the Department of Transportation to Include Timber in the Bidding Process for Construction of New Bridges or Bridge Repair**

**ONTP**

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

LD 243 proposed to require the Department of Transportation to evaluate the cost-effectiveness of timber in bridge construction, reconstruction or repair projects and for the department to request information on the use of timber in designs submitted under a bidding process for bridge construction, reconstruction or repair. It also proposed to direct the department to give preference to timber construction when these designs are cost-effective.

**LD 259**

**An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Fiscal Year Ending June 30, 1997**

**P & S 5  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DRISCOLL CASSIDY	OTP-AM	H-14

LD 259 proposed to make supplemental allocations from the Highway Fund.

**Committee Amendment "A" (H-14)** proposed supplemental allocations from the Highway Fund, the Federal Expenditure Fund and the Augusta State Airport Fund. It also proposed to add a fiscal note to the bill.

*Enacted law summary*

Private and Special Law 1997, chapter 5 makes supplemental allocations from the Highway Fund, the Federal Expenditure Fund and the Augusta State Airport Fund. This law is effective March 27, 1997.

**LD 260**

**An Act to Implement the Recommendations of the Task Force on Production and Issuance of Registration Plates**

**PUBLIC 311**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	H-364
	OTP-AM B	
	OTP-AM C	

LD 260 proposed to create a new design for the new general issue of registration plates that includes a chickadee, a pine cone and a pine tree tassel.

**Committee Amendment "A" (H-364)** proposed to specify that the Secretary of State must have the advice of the Joint Standing Committee on Transportation when devising a numbering system for the new general issue of registration plates.

The amendment also proposed to authorize the continuation through the 118th Legislature of the Task Force on Production and Issuance of License Plates, which was created by Public Law 1995, chapter 645, Part C, section 15. Members of the task force would continue to serve, except that the 2 legislative members whose legislative terms have expired would be replaced with new appointments by the President of the Senate and the Speaker of the House. The amendment would charge the task force with continuing its study of the equipment and technology used for the production of license plates and the methods of assigning identifiers to license plates.

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

**Committee Amendment "B" (H-365)**, which was not adopted, was one of two minority reports of the Joint Standing Committee on Transportation.

The amendment proposed to establish the new general issue registration plate design as an illustration of the West Quoddy Headlight.



The amendment also proposed to require the Secretary of State to seek the advice of the joint standing committee of the Legislature having jurisdiction over transportation matters when devising a numbering system for the new general issue of registration plates.

The amendment also proposed to authorize the continuation through the 118th Legislature of the Task Force on Production and Issuance of License Plates, which was created by Public Law 1995, chapter 645, Part C, section 15. Members of the task force would continue to serve, except that the two legislative members whose legislative terms have expired would be replaced with new appointments by the President of the Senate and the Speaker of the House. The amendment would charge the task force with continuing its study of the equipment and technology used for the production of license plates and the methods of assigning identifiers to license plates.

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

**Committee Amendment "C" (H-366)**, which was not adopted, was one of two minority reports of the Joint Standing Committee on Transportation.

The amendment proposed that the new general issue registration plate include only black letters or numbers on a white background with no illustration.

The amendment also proposed to authorize the continuation through the 118th Legislature of the Task Force on Production and Issuance of License Plates, which was created by Public Law 1995, chapter 645, Part C, section 15. Members of the task force would continue to serve, except that the two legislative members whose legislative terms have expired would be replaced with new appointments by the President of the Senate and the Speaker of the House. The amendment would charge the task force with continuing its study of the equipment and technology used for the production of license plates and the methods of assigning identifiers to license plates.

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

**House Amendment "A" to Committee Amendment "B" (H-432)** proposed to strike the provision in Committee Amendment "B" that requires license plates with an illustration of the West Quoddy Head light and replace it with language describing a plate that is the same as the current lobster license plate, but without the lobster and without the word "Vacationland." This amendment was not adopted.

**House Amendment "B" to Committee Amendment "B" (H-433)** proposed to strike the provision in Committee Amendment "B" that requires license plates with an illustration of the West Quoddy Head light and replace it with language describing a plate that is the same as the current lobster license plate, but without the lobster. This amendment was not adopted.

**House Amendment "C" to Committee Amendment "B" (H-443)** proposed to require that the new general issue of registration plates include only black letters or numbers on a white background with a border distinctly black. This amendment also proposed the Task Force on Production and Issuance of Registration Plates to consider the production of two specialty plates: one plate with the illustration of the West Quoddy Headlight and the other plate with the illustration of a chickadee, pine cone and tassel. It also proposed to authorize the task force to review the production of the environmental registration plate and the registration plate for the University of Maine System in its consideration of producing the two specialty plates. This amendment was not adopted.

**House Amendment "A" (H-398) to Committee Amendment "C" (H-366)** proposed to repeal the requirement that registration plates contain the word "Vacationland." This amendment was not adopted.

***Enacted law summary***

Public Law 1997, chapter 311 creates a new design for the new general issue of registration plates that includes a chickadee, a pine cone and a pine tree tassel. It specifies that the Secretary of State must have the advice of the Joint Standing Committee on Transportation when devising a numbering system for the new general issue of registration plates. It also authorizes the continuation through the 118th Legislature of the Task Force on Production and Issuance of License Plates, which was created by Public Law 1995, chapter 645, Part C, section 15. Members of the task force must continue to serve, except that the two legislative members whose legislative terms have expired must be replaced with new appointments by the President of the Senate and the Speaker of the House. The law charges the task force with continuing its study of the equipment and technology used for the production of license plates and the methods of assigning identifiers to license plates.

**LD 264                      An Act to Create a License Plate for Women Veterans                      ONTP**

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

LD 264 proposed to establish a specialty license plate for veterans who are women and who have been honorably discharged.

**LD 279                      An Act to Require the Department of Transportation to Include Additional Criteria When Determining Whether to Take Over a Road                      ONTP**

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

LD 279 proposed to add the impact of a classification of a highway on agriculture and forestry to the list of criteria the Department of Transportation must use in its rules for determining whether a road is a state aid, state highway or town way.

**LD 299                      An Act to Prohibit the Department of Transportation from Classifying a Road as a Town Way if 4,000 or More Vehicles Travel the Road Daily                      ONTP**

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

LD 299 proposed to prohibit the Department of Transportation from classifying a road as a town way if that road serves 4,000 or more vehicles per day on average.

**LD 322**                      **An Act to Require the Secretary of State to Revoke the Driver's License of a Person Involved in a Fatal Accident while Committing a Violation of the Maine Revised Statutes, Title 29-A**                      **ONTP**

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

Currently, the Secretary of State has discretionary authority to administratively suspend a driver's license for good reason. LD 322 proposed to set a three-year license suspension period, consistent with the three-year administrative suspension period for OUI-related homicides, when the driver has caused the death of another person while engaged in conduct that is a violation of any provision of the Maine Revised Statutes, Title 29-A, even if the driver was not under the influence.

**LD 340**                      **An Act Relating to Consumer Rental Vehicles**                      **ONTP**

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

LD 340 proposed to provide that a rental company's insurance policy must provide primary coverage for rental cars and trucks.

**LD 342**                      **An Act to Change the Eligibility Requirements for Free Registration Plates for Certain Veterans**                      **ONTP**

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

Under current law a veteran must be 100% disabled in order to qualify for free disabled veteran registration plates. LD 342 proposed to reduce the required amount of disability to 50% or more.

**LD 367**                      **An Act to Provide That the Operator of a Motor Vehicle Is Not Responsible for Securing in a Seat Belt a Passenger 18 Years of Age or Older**                      **PUBLIC 450**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND	OTP-AM	H-334 S-218 LIBBY S-343 LIBBY

LD 367 proposed to exempt limousine drivers from the responsibility of having paying passengers use a seat belt.

**Committee Amendment "A" (H-334)** proposed to exempt limousine drivers from the responsibility of ensuring that paying passengers use a seat belt by incorporating limousine drivers into the existing exemption regarding taxicab drivers.

Current law requires the operator of a motor vehicle to secure all passengers of that motor vehicle in seat belts.

**Senate Amendment "B" (S-218)** proposed to make passengers 18 years of age or older responsible for wearing their seat belts.

Current law requires the operator of a motor vehicle to secure the operator and any passengers of that motor vehicle in seat belts. An operator may be cited for the failure of either the operator or a passenger to wear a seat belt. However, an operator is not required to pay a fine for failure to wear a seat belt unless the operator also is required to pay a fine for some other violation.

**Senate Amendment "A" to Senate Amendment "C" (S-343)** proposed to repeal the current requirement that the operator is required to pay a fine for a violation other than failure to wear a seat belt before the operator is subject to a fine for failure to wear a seat belt. A passenger 18 years of age or older would be subject to a fine for failure to wear a seat belt regardless of the disposition of the violation by the operator.

This amendment also proposed to correct a headnote to clarify the contents of the subsection.

***Enacted law summary***

Public Law 1997, chapter 450 exempts limousine drivers from the responsibility of ensuring that paying passengers use a seat belt by incorporating limousine drivers into the existing exemption regarding taxicab drivers. It also makes passengers 18 years of age or older responsible for wearing their seat belts. Current law requires the operator of a motor vehicle to secure all passengers of that motor vehicle in seat belts.

The law also changes the penalty provisions regarding failure to wear a seatbelt. Current law requires the operator of a motor vehicle to secure the operator and any passengers of that motor vehicle in seat belts. An operator may be cited for the failure of either the operator or a passenger to wear a seat belt. However, an operator is not required to pay a fine for failure to wear a seat belt unless the operator also is required to pay a fine for some other violation. This public law repeals the current requirement that the operator is required to pay a fine for some other violation than failure to wear a seat belt before the operator is subject to a fine for failure to wear a seat belt. A passenger 18 years of age or older is subject to a fine for failure to wear a seat belt regardless of the disposition of the violation by the operator.

**LD 385**

**Resolve, to Name the Portland-South Portland Bridge the "George Cleeve Memorial Bridge"**

**ONTP**

Sponsor(s)  
BUTLAND  
BUCK

Committee Report  
ONTP

Amendments Adopted

LD 385 proposed to name the new bridge built crossing the Fore River between Portland and South Portland in honor of George Cleeve, who is considered to be the founder of Portland, Maine.

**LD 423**

**An Act to Require That Headlights Be on during Inclement Weather**

**PUBLIC 249**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO	OTP-AM MAJ ONTP MIN	S-137

LD 423 proposed a requirement that, whenever windshield wipers are used due to inclement weather conditions, headlights must also be used.

**Committee Amendment "A" (S-137)** proposed to strike the bill and provide that headlights must be used whenever windshield wipers are in constant use. The amendment also proposed adding a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 249 requires that headlights must be used whenever windshield wipers are in constant use.

**LD 431**

**An Act to Improve the Rail Lines in Washington County and Establish an Intermodal Railroad Facility**

**ONTP**

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

LD 431 proposed to require the Maine Port Authority and the Department of Transportation to establish an intermodal railroad facility in Calais to serve the port of Eastport.

**LD 446**

**An Act to Make the Use of Stop Arm Warning Devices Mandatory on School Buses**

**ONTP**

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

LD 446 proposed to make mandatory the use of stop arms on all school buses.

**LD 448**                      **Resolve, to Name the Entrances to the Donald V. Carter Bridge Connecting Winslow and Waterville the "Purple Heart Highway"**                      **ONTP**

<u>Sponsor(s)</u> VIGUE CAREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 448 proposed to name the road that crosses the Donald V. Carter Bridge from China Road in Winslow to Kennedy Memorial Drive in Waterville the "Purple Heart Highway."

**LD 451**                      **An Act to Expand the Number of Lights Firefighters May Use on Their Cars**                      **ONTP**

<u>Sponsor(s)</u> JONES SA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 451 proposed to permit 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.

**LD 489**                      **An Act Relative to the Improvement of the Maine Turnpike Authority**                      **ONTP**

<u>Sponsor(s)</u> MACKINNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 489 proposed to increase the amount of bonds the Maine Turnpike Authority may issue in connection with a widening of the turnpike from Exit 1 to Exit 6-A, if all or a portion of a project is approved under the Maine Revised Statutes, Title 23, sections 1965 and 1965-A. The bill also proposed to clarify the Maine Turnpike Authority's obligations with respect to other aspects of transportation planning that pertain to such a project.

**LD 525**                      **An Act to Increase the Availability and Reduce the Cost of Escorts for Over-limit Movements on the State's Roads**                      **PUBLIC 144  
EMERGENCY**

<u>Sponsor(s)</u> MAYO SMALL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-162
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LD 525 proposed that a county sheriff or municipal police officer may serve as an escort for certain oversized vehicles. Current law requires a State Police escort. The bill also proposed that a county sheriff or municipal police department may establish fees for escorts and that a permittee may select the law enforcement agency to provide the escort.

**Committee Amendment "A" (H-162)** proposed allowing a county sheriff or municipal police department to provide an escort for certain oversized vehicles for which a police escort is required. It also proposed a requirement that any escort for these oversized vehicles on the interstate highway system be provided by the State Police.

*Enacted law summary*

Public Law 1997, chapter 144 permits a county sheriff or municipal police department to provide an escort for certain oversized vehicles for which a police escort is required. It also requires any escort for these oversized vehicles on the interstate highway system be provided by the State Police.

**LD 544**                      **An Act Regarding the Penalty for Passing a Stopped School Bus**                      **ONTP**

<u>Sponsor(s)</u> CAMERON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 544 proposed to remove the mandatory requirement that a person's driver's license be suspended for 30 days for the second violation of passing a stopped school bus within three years of the first offense.

**LD 595**                      **An Act to Clarify the State's Authority to Acquire and Preserve Rail Corridors for Use as Transportation Corridors**                      **ONTP**

<u>Sponsor(s)</u> BOUFFARD FERGUSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 595 proposed to clarify the Department of Transportation's authority to acquire railroad lines and railroad property not only for rail purposes but for transportation purposes.

**LD 617**                      **An Act to Prohibit Passing an Emergency Vehicle Using Its Lights and Siren**                      **ONTP**

<u>Sponsor(s)</u> TUTTLE JENKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 617 proposed to make it a Class E crime to pass an emergency vehicle that is flashing lights and using a siren.

**LD 618**

**An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1998 and June 30, 1999 and to Accelerate the Starting Date of the State Police Training Academy**

**PUBLIC 394  
EMERGENCY**

<u>Sponsor(s)</u> KERR MICHAUD	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-515
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LD 618 proposed to make allocations from the Transportation Safety Fund for the fiscal years ending June 30, 1998 and June 30, 1999.

**Committee Amendment "A" (H-515)** proposed to set the appropriate cap for the Department of Public Safety, accelerate the starting date of the Maine State Police Training Academy and replace the fiscal note.

***Enacted law summary***

Public Law 1997, chapter 394 makes allocations from the Transportation Safety Fund for the fiscal years ending June 30, 1998 and June 30, 1999. It also accelerates the starting date of the Maine State Police Training Academy and replaces the fiscal note. This law is effective July 1, 1997.

**LD 626**

**An Act to Provide for Department of Transportation Assistance in the Rehabilitation of Access Roads to Bridges of Historic Significance**

**PUBLIC 547**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-92
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LD 626 proposed to permit towns to petition the Department of Transportation to reconstruct or rehabilitate a local road that provides access to a bridge of historic significance. The department would provide 75% of the funding and perform the work; the towns would provide 25% of the funding.

**Committee Amendment "A" (S-92)** proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 547 permits towns to petition the Department of Transportation to reconstruct or rehabilitate a local road that provides access to a bridge of historic significance. The department provides 75% of the funding and performs the work; the towns provide 25% of the funding.

**LD 627**

**An Act to Reimburse Part-time Police Departments**

**ONTP**

<u>Sponsor(s)</u> DAGGETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 627 proposed to apportion 50% of the revenues collected through fines and forfeitures levied for traffic infractions to a municipality when law enforcement officers employed by the municipality issue the traffic summonses and the municipality employs less than three full-time officers.

**LD 637**                      **An Act Concerning Shared Compensation for Traffic Violations for Municipalities**                      **ONTP**

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

LD 637 proposed to authorize municipal officers to enact local traffic ordinances and collect fines for violations. It also proposed to add a surcharge on fines for certain traffic violations and return the surcharge to the municipality enforcing the ordinances.

**LD 640**                      **An Act Requiring Qualified Investigation of Certain Truck-related and Bus-related Fatalities**                      **PUBLIC 172**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMKE NUTTING	OTP-AM    MAJ ONTP        MIN	H-149

LD 640 proposed a requirement that the investigators from the Maine State Police accident reconstruction program and the commercial vehicle enforcement unit investigate a fatal accident involving a bus or a truck that weighs 10,000 pounds or more. It also proposed that a prosecution arising out of such an investigation be conducted by the Department of the Attorney General.

**Committee Amendment "A" (H-149)** proposed requiring a law enforcement officer who investigates an accident involving a bus or truck with a gross vehicle weight rating or a registered weight of 10,000 pounds or more that results in the death of any person to request a certified accident reconstructionist and the Bureau of State Police Commercial Vehicle Enforcement Unit to assist in the investigation of the accident. The amendment also proposed requiring the Attorney General to designate an assistant attorney general familiar with federal commercial vehicle laws and regulations to serve as a resource to any district attorney who initiates a prosecution arising from an accident involving a bus or truck that weighs in excess of 10,000 pounds that results in the death of a person.

***Enacted law summary***

Public Law 1997, chapter requires a law enforcement officer who investigates an accident involving a bus or truck with a gross vehicle weight rating or a registered weight of 10,000 pounds or more that results in the death of any person to request a certified accident reconstructionist and the Bureau of State Police Commercial Vehicle Enforcement Unit to assist in the investigation of the accident. It also requires the Attorney General to designate an assistant attorney general familiar with federal commercial vehicle laws and regulations to serve as a resource to

any district attorney who initiates a prosecution arising from an accident involving a bus or truck that weighs in excess of 10,000 pounds that results in the death of a person.

**LD 649**                      **An Act Regarding Registration Plates for Motorcycle Trailers**                      **ONTP**

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

LD 649 proposed to require that a registration plate issued for a trailer that is designed to be attached to or pulled by a motorcycle must be the same size as the registration plate issued for a motorcycle.

**LD 653**                      **Resolve, Directing the Secretary of State to Consider a Lighthouse Design by Students of Noble Junior High School for the Next General Issue of License Plates**                      **ONTP**

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

LD 653 proposed to require the Secretary of State to consider a lighthouse design by students of Noble Junior High School when developing a license plate design for a new general issue of license plates.

**LD 679**                      **An Act to Authorize the Department of Transportation to Use Design-build Contracting for Development of a New Bath-Woolwich Bridge**                      **P & S 2  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL MAYO	OTP-AM	S-10

LD 679 proposed to authorize the Department of Transportation to use the design-build method of contracting for development of a proposed new Bath-Woolwich Bridge. Under the design-build contracting method, a single contract is awarded to a qualified firm for both the design and construction phases of a project.

**Committee Amendment "A" (S-10)** proposed to add a fiscal note to the bill.

***Enacted law summary***

Private and Special Law 1997, chapter 2 authorizes the Department of Transportation to use the design-build method of contracting for development of a proposed new Bath-Woolwich Bridge. Under the design-build contracting method, a single contract is awarded to a qualified firm for both the design and construction phases of a project. Chapter 2 was enacted as an emergency measure effective February 20, 1997.

**LD 700**                      **An Act to Authorize the Department of Transportation to Cut  
Brush and Trees along a Highway at the Request of a Business**                      **ONTP**

<u>Sponsor(s)</u> CAMPBELL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 700 proposed to allow 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.

**LD 703**                      **An Act to Allow Signs to Change an Unlimited Number of Times  
per Day**                      **ONTP**

<u>Sponsor(s)</u> MACK HARRIMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 703 proposed to permit the message on changeable message board signs to be changed an unlimited number of times per day.

**LD 711**                      **An Act to Require the Use of Headlights by Motor Vehicle Drivers  
at All Times**                      **ONTP**

<u>Sponsor(s)</u> O'NEAL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 711 proposed to require the use of headlights anytime a motor vehicle is operated on a way.

**LD 712**                      **An Act to Exempt Certain Driver Education Schools from License  
Fees**                      **ONTP**

<u>Sponsor(s)</u> O'NEAL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 712 proposed to exempt a noncommercial driver education school that subsidizes 50% or more of the program from the license fees required under the Maine Revised Statutes, Title 29-A, section 1354, subsection 5-A.

**LD 726**                      **An Act to Increase the Bonding Limits of the Maine Turnpike Authority**                      **CARRIED OVER**

<u>Sponsor(s)</u> JOYCE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 726 proposes to establish a \$100,000,000 bonding limit for the sole purpose of paying the cost of widening all or any portion of the Maine Turnpike between Exits 1 and 6-A from two lanes of travel in both directions to three lanes of travel in both directions. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 747**                      **Resolve, to Name a Portion of Route 26 from Newry to Upton**                      **ONTP**

<u>Sponsor(s)</u> CAMERON FERGUSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 747 proposed to designate a portion of Route 26 from Newry to Upton as the Bernard Powers Highway.

**LD 750**                      **An Act to Allow Law Enforcement Agencies to Use Red Flashing Lights on Their Vehicles**                      **ONTP**

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 750 proposed to allow law enforcement vehicles to be equipped with red emergency lights.

**LD 757**                      **An Act to Create Graduated Licenses**                      **CARRIED OVER**

<u>Sponsor(s)</u> JOYNER BENNETT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 757 proposes to establish graduated driver's licenses. The bill was carried over to the Second Regular Session of the 118th Legislature.



\$100,000 and the work does not create an undue risk to public safety or welfare, or a State agency does not require the services of a registered professional engineer to meet any provision of law or rule.

**LD 838**                      **An Act to Permit Towns the Option of Winter Maintenance for Roads That are Turned Over to the Town for That Purpose**                      **ONTP**

<u>Sponsor(s)</u> FOSTER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 838 proposed to require the Department of Transportation, upon payment by a municipality of \$600, to perform snow maintenance work on a mile of state highway for which such maintenance has been transferred to the municipality because of population factors.

**LD 848**                      **An Act to Establish a One-year Moratorium on the Municipal Adoption and Enforcement of Certain Traffic Ordinances**                      **PUBLIC 392 EMERGENCY**

<u>Sponsor(s)</u> JONES SL MURRAY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-516
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LD 848 proposed to return 2% of all fines collected for motor vehicle moving violations to the law enforcement agency charging the person with the moving violation. It also proposed that the money will be used only for technical purposes such as the purchase of computer equipment.

**Committee Amendment "A" (H-516)** proposed to replace the bill, change the title of the bill and make the bill an emergency.

The amendment proposed to enact a one-year moratorium on municipal adoption and enforcement of ordinances that conflict with speed or other traffic control limits imposed by the Department of Transportation pursuant to the Maine Revised Statutes, Title 29-A. The bill also proposed to authorize the Joint Standing Committee on Transportation to report out legislation on this issue to the Second Regular Session of the 118th Legislature.

***Enacted law summary***

Public Law 1997, chapter 392 enacts a one-year moratorium on municipal adoption and enforcement of ordinances that conflict with speed or other traffic control limits imposed by the Department of Transportation pursuant to the Maine Revised Statutes, Title 29-A. The law also authorizes the Joint Standing Committee on Transportation to report out legislation on this issue to the Second Regular Session of the 118th Legislature. This law takes effect June 2, 1997.

**LD 849**

**An Act to Require Reflectors on Snow Plows**

**ONTP**

Sponsor(s)  
SKOGLUND

Committee Report  
ONTP

Amendments Adopted

LD 849 proposed to require that snowplows engaged in plowing state or town roads have reflectors on the plow wing that faces oncoming traffic.

**LD 868**

**An Act Regarding the Form of Motorcycle License Plates**

**PUBLIC 287**

Sponsor(s)  
PENDLETON P  
PINKHAM R

Committee Report  
OTP-AM

Amendments Adopted  
S-180

LD 868 proposed to require motorcycle registration plates to bear the words "Support safety and education."

**Committee Amendment "A" (S-180)** proposed to require motorcycle plates issued after January 1, 1998 to bear the words "Ride Safe." It proposed to exempt antique and state motorcycle registration plates from this requirement. The amendment also proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 287 requires motorcycle plates issued after January 1, 1998 to bear the words "Ride Safe." It also exempts antique and state motorcycle registration plates from this requirement.

**LD 903**

**An Act to Maintain the Department of Transportation's Current Policy on Reimbursement of Consultant Costs**

**PUBLIC 52**

Sponsor(s)  
CLUKEY

Committee Report  
OTP-AM

Amendments Adopted  
H-13

LD 903 proposed to allow the Department of Transportation to continue its current practice of establishing guidelines to promote engineering and design quality and to ensure maximum competition by firms providing consultant services. This bill was in response to Section 307 of the 1995 National Highway System Designation Act that requires Maine to enact legislation in order to continue Maine's current policies and practices.

**Committee Amendment "A" (H-13)** proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 52 allows the Department of Transportation to continue its current practice of establishing guidelines to promote engineering and design quality and to ensure maximum competition by firms providing consultant services. This law is in response to Section 307 of the 1995 National Highway System Designation Act that requires Maine to enact legislation in order to continue Maine's current policies and practices.

<u>Sponsor(s)</u> FISHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-198
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LD 914 proposed the following penalties for the failure to yield the right-of-way to an emergency vehicle.

1. It proposed that the failure to yield the right-of-way to an emergency vehicle be a Class E crime punishable by a \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's license for a second offense occurring within three years of the first offense.
2. It proposed that a person who is a registered owner of a vehicle at the time that vehicle fails to yield the right-of-way to an emergency vehicle commits a traffic infraction.

**Committee Amendment "A" (H-198)** proposed to replace the bill. It proposed to make failing to yield the right-of-way to an emergency vehicle engaged in an emergency response a Class E crime. It also proposed that the operator of an emergency vehicle that is engaged in an emergency response may report the license plate number of a vehicle that fails to yield the right-of-way to that emergency vehicle. The registered owner of that vehicle would be considered to have committed a traffic infraction unless the registered owner provides one of four defenses:

1. A person other than the owner is convicted of failing to yield the right-of-way;
2. The registered owner is a lessor of vehicles and a lessee was driving the vehicle;
3. The vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer of transporter; or
4. A report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs and an investigation determines the vehicle was stolen.

#### *Enacted law summary*

Public Law 1997, chapter 162 makes failing to yield the right-of-way to an emergency vehicle engaged in an emergency response a Class E crime. It also provides that the operator of an emergency vehicle that is engaged in an emergency response may report the license plate number of a vehicle that fails to yield the right-of-way to that emergency vehicle. The registered owner of that vehicle is considered to have committed a traffic infraction unless the registered owner provides one of four defenses:

1. A person other than the owner is convicted of failing to yield the right-of-way;
2. The registered owner is a lessor of vehicles and a lessee was driving the vehicle;
3. The vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer of transporter; or



4. A report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs and an investigation determines the vehicle was stolen.

**LD 927**                      **An Act to Eliminate the Requirement for a Motor Vehicle Title upon Registration if the Motor Vehicle Is More than 10 Years Old**                      **ONTP**

<u>Sponsor(s)</u> WRIGHT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 927 proposed to allow a vehicle more than 10 years old to be registered without a title.

**LD 931**                      **An Act to Amend the Laws Regarding Medical History Questions on an Application for a Driver's License**                      **ONTP**

<u>Sponsor(s)</u> POULIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 931 proposed to require an applicant for a driver's license to answer a question on the application as to whether the applicant has ever suffered a cerebrovascular accident, commonly referred to as a stroke.

**LD 934**                      **An Act to Add One Cent to the Gasoline Tax to Expand the Maine State Ferry Service between Frenchboro and Bass Harbor and Provide Municipalities with Road Maintenance Revenue**                      **ONTP**

<u>Sponsor(s)</u> VOLENIK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 934 proposed to provide a 1¢ increase in the gasoline tax to be used as follows: 5% would have been used to purchase and operate a Maine State Ferry Service boat to service Frenchboro and provide a minimum of two daily round-trip ferry runs to Frenchboro with that boat; 5% would have been used by the Maine State Ferry Service for operating expenses in excess of expenses paid for by passenger revenues; and 90% would have been distributed to municipalities for the purpose of road maintenance.

**LD 954**                      **An Act to Establish a Passamaquoddy License Plate**                      **ONTP**

<u>Sponsor(s)</u> MOORE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 954 proposed to authorize the issuance of a special registration plate for members of the Passamaquoddy Tribe.

**LD 963**

**An Act to Establish the Loon Plate as the Official State License Plate and Establish the Committee to Develop a Decal System for License Plates**

**ONTP**

Sponsor(s)  
LEMKE

Committee Report  
ONTP

Amendments Adopted

LD 963 proposed to make the loon design currently on the environmental registration plates the design for general issue plates. It also proposed to provide for an optional plate of plain design to be issued upon request. It also proposed to establish the Committee to Develop a Decal System for License Plates to accommodate the demand for specialty plates.

**LD 984**

**Resolve, to Name the New Bridge over the Fore River in Portland**

**RESOLVE 7**

Sponsor(s)  
SAXL M  
RAND

Committee Report  
OTP

Amendments Adopted

LD 984 proposed to require that the recently constructed bridge over the Fore River in Portland be known as the Casco Bay Bridge.

***Enacted law summary***

Resolve 1997, chapter 7 requires that the recently constructed bridge over the Fore River in Portland be known as the Casco Bay Bridge.

**LD 1001**

**An Act to Encourage Organ Donation by Making Information Available through the Secretary of State**

**PUBLIC 233**

Sponsor(s)  
LEMAIRE  
RAND

Committee Report  
OTP-AM

Amendments Adopted  
H-260

LD 1001 proposed to establish a registry to voluntarily list holders of Maine driver's licenses who formally declare their choice to make an anatomical gift upon death. The bill also proposed to require the Secretary of State to provide licensees at the time of initial application or renewal with the information necessary to formally declare a person's choice to make an anatomical gift upon death. The bill also proposed to require the Secretary of State to make available to license holders information regarding organ and tissue donation.

**Committee Amendment "A" (H-260)** proposed to replace the bill and change its title. It proposed to require the Secretary of State to make information on organ and tissue donation available to license applicants and holders and in offices of the Bureau of Motor Vehicles. It also proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 233 requires the Secretary of State to make information on organ and tissue donation available to license applicants and holders and in offices of the Bureau of Motor Vehicles.

**LD 1008**                      **An Act to Make Allocation for Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1998**                      **P & S 28**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-261
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LD 1008 proposed to make allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the fiscal year ending December 31, 1998 in accordance with the Maine Revised Statutes, Title 23, section 1961, subsection 6.

**Committee Amendment "A" (H-261)** proposed to add a fiscal note to the bill.

***Enacted law summary***

Private and Special Law 1997, chapter 28 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the fiscal year ending December 31, 1998 in accordance with the Maine Revised Statutes, Title 23, section 1961, subsection 6.

**LD 1013**                      **An Act to Implement Electronic Monitoring for Compliance with the Motor Vehicle Financial Responsibility Laws by 1999 and Make Other Changes in Those Laws**                      **PUBLIC 165**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-110
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LD 1013 proposed the following.

1. It proposed to require the Bureau of Motor Vehicles to implement an electronic filing system for providing proof of liability insurance or financial responsibility, as required by the motor vehicle financial responsibility laws, by January 1, 1999.
2. It proposed to require that a person convicted of one or more violations of the requirement to maintain motor vehicle financial responsibility within a three-year period must provide proof of financial responsibility. Current law imposes this requirement after conviction of two or more violations of the requirement to maintain motor vehicle financial responsibility.
3. It proposed to raise the fee for reinstatement of a suspended driver's license or other permit or privilege to operate a motor vehicle from \$25 to \$35 and makes this increase effective October 1, 1997.

**Committee Amendment "A" (S-110)** proposed to replace the bill and require any person who violates the vehicle liability insurance and financial responsibility laws to provide the Secretary of State proof of financial responsibility. It also proposed a system for the electronic filing of vehicle insurance for people who violate the vehicle insurance laws. It also adds a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 165 requires any person who violates the vehicle liability insurance and financial responsibility laws to provide the Secretary of State proof of financial responsibility. It also requires the Secretary of State to develop a system for the electronic filing of vehicle insurance for people who violate the vehicle insurance laws.

**LD 1038**                      **An Act to Require That a Person under 16 Years of Age Wear Protective Headgear when Riding a Bicycle**                      **ONTP**

<u>Sponsor(s)</u> BRENNAN	<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN	<u>Amendments Adopted</u>
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LD 1038 proposed to authorize the State to promote the health and safety of a person under 16 years of age who is operating a bicycle or is a passenger on a bicycle by requiring that person to wear a bicycle helmet.

**LD 1039**                      **An Act Relating to the Use of Railbeds as Recreational Trails**                      **ONTP**

<u>Sponsor(s)</u> MACK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1039 proposed to require persons to obtain approval by law for the use of active or inactive railbeds as recreational trails. It also proposed to require the person to ensure that certain standards are met in the formation and maintenance of the trails.

**LD 1079**                      **An Act to Create the Cobscook Bay Transit District**                      **P & S 19**

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-197
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LD 1079 proposed to establish a transit district in Cobscook Bay for the purpose of providing ferry service between Eastport and Lubec. It proposed to create an elected nine-member board of directors for the district, with four members from Eastport, four from Lubec and one member from Trescott Township, Whiting, Edmunds Township, Dennysville, Pembroke, Perry or Pleasant Point.

**Committee Amendment "A" (H-197)** proposed to strike from the bill all provisions exempting the Cobscook Bay Transit District from taxes. It also proposed to strike the requirement that rates charged by the district be subject to regulation by the Public Utilities Commission.

*Enacted law summary*

Private and Special Law 1997, chapter 19 establishes a transit district in Cobscook Bay for the purpose of providing ferry service between Eastport and Lubec. It creates an elected nine-member board of directors for the district, with four members from Eastport, four from Lubec and one member from Trescott Township, Whiting, Edmunds Township, Dennysville, Pembroke, Perry or Pleasant Point.

**LD 1084                      An Act to Allow After-market Window Tinting of Multi-purpose Vehicles                      PUBLIC 129**

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

LD 1084 proposed to amend the Maine Revised Statutes, Title 29-A, section 1916 governing reflective and tinted glass to add a multi-purpose vehicle to the list of vehicles to which the provisions of subsection 1, paragraphs C and D do not apply. It also proposed to define a multi-purpose vehicle.

*Enacted law summary*

Public Law 1997, chapter 129 amends the Maine Revised Statutes, Title 29-A, section 1916 governing reflective and tinted glass to add a multi-purpose vehicle to the list of vehicles to which the provisions of subsection 1, paragraphs C and D do not apply. It also defines a multi-purpose vehicle.

**LD 1086                      An Act to Amend the Laws Regarding Motor Vehicle License Plates for Legislators                      ONTP**

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

LD 1086 proposed to require state officials entitled to a specially designed motor vehicle number plate to pay \$13 for the plate. They could have obtained a second set of plates for \$16.50.

<u>Sponsor(s)</u> CLUKEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-230
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LD 1097 proposed to prohibit a person from producing fictitious or fraudulently altered documents or a document that is not actually in effect, although it purports to be, when asked by a law enforcement officer to provide proof of automobile liability insurance.

**Committee Amendment "A" (H-230)** proposed to replace the bill and prohibit a person from producing evidence of vehicle liability insurance or financial responsibility that is not in effect. It also proposed to designate as a Class E crime the producing of fictitious or fraudulently altered evidence of vehicle liability insurance or financial responsibility. The amendment also proposed to require the submission of an original motor vehicle accident report to the Chief of the State Police by an investigating agency.

#### *Enacted law summary*

Public Law 1997, chapter 178 prohibits a person from producing evidence of vehicle liability insurance or financial responsibility that is not in effect. It also designates as a Class E crime the producing of fictitious or fraudulently altered evidence of vehicle liability insurance or financial responsibility. The law also requires the submission of an original motor vehicle accident report to the Chief of the State Police by an investigating agency.

<u>Sponsor(s)</u> SAVAGE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1123 proposed to allow a driver to make a left turn after stopping at a red light if both roads at an intersection are one-way streets.

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1125 proposed to prohibit the Secretary of State from issuing an instruction permit for a motorcycle, motor-driven cycle or moped to a person who has failed a motor vehicle driving test.

**LD 1143**

**Resolve, to Name the New Topsham-Brunswick Bridge across the Androscoggin**

**RESOLVE 39**

Sponsor(s)  
TRIPP

Committee Report  
OTP-AM

Amendments Adopted  
H-423

LD 1143 proposed to name the new bridge built crossing the Androscoggin River between Topsham and Brunswick in honor of George J. Mitchell.

**Committee Amendment "A" (H-423)** proposed to replace the resolve. It proposed to name the new bridge spanning the Androscoggin River between the Town of Topsham and the Town of Brunswick the "Merrymeeting Bridge." It also proposed to direct that a plaque, designed and created by the towns of Topsham and Brunswick, be erected by the Department of Transportation near the bridge.

*Enacted law summary*

Resolve 1997, chapter 39 names the new bridge spanning the Androscoggin River between the Town of Topsham and the Town of Brunswick the "Merrymeeting Bridge" and it directs that a plaque, designed and created by the towns of Topsham and Brunswick, be erected by the Department of Transportation near the bridge.

**LD 1145**

**An Act to Amend the Maine Turnpike Authority Laws to Eliminate Conflicts of Interest**

**ONTP**

Sponsor(s)  
TUTTLE  
NUTTING

Committee Report  
ONTP

Amendments Adopted

LD 1145 proposed to prohibit a person from serving as a member of the Maine Turnpike Authority if that person or that person's family possesses or acquires an interest in any contract or proposed contract of the authority.

**LD 1182**

**An Act to Amend Coded Licenses**

**PUBLIC 318**

Sponsor(s)  
CAMERON

Committee Report  
OTP-AM

Amendments Adopted  
H-262

In the Second Regular Session of the 117th Legislature, the Legislature increased from six to 10 the number of years that a driver's license issued to a person who is convicted of operating under the influence must be coded. LD 1182 proposed to specify that the increase in the number of years that a license must be coded applies only to persons convicted on or after July 1, 1996, which was the effective date of the change in the law. The license of a person convicted prior to July 1, 1996 would need to be coded for six years. This bill would have applied retroactively to July 1, 1996.

**Committee Amendment "A" (H-262)** proposed to replace the bill and authorize the Secretary of State to remove the coded notation from a first-time OUI offender's license after six years, provided that the person has maintained a clean driving record.

***Enacted law summary***

Public Law 1997, chapter 539 authorizes the Secretary of State to remove the coded notation from a first-time OUI offender's license after six years, provided that the person has maintained a clean driving record.

**LD 1227**                      **An Act to Require the Department of Transportation to Improve the Conditions of Any Road That May be Turned Over to a Municipality**                      **PUBLIC 539 EMERGENCY**

<u>Sponsor(s)</u> HARRIMAN BULL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-318
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LD 1227 proposed to require the Department of Transportation to develop guidelines for determining whether a section of road is in good repair according to generally accepted engineering standards and require that a section of road be in good repair at the time of transfer to a municipality for future maintenance. It also proposed to require the department to provide a maintenance plan for the section of road being transferred. A municipality's maintenance responsibility within a compact area would be limited to state aid highways. The department could not transfer responsibility for sections of roads classified as regional highways, which are those state and state aid highways located within town boundaries upon which at least 50% of the traffic traversing the town boundaries. The bill also proposed a retroactive effective date of January 1, 1997 so that any regional highways transferred after that date are unauthorized.

**Committee Amendment "A" (S-318)** proposed to replace the bill and require the Department of Transportation to ensure that sections of state highways and state aid highways are in good repair before transferring maintenance responsibility for those sections to municipalities when municipalities are required to maintain the sections because of population growth. This provision would apply to sections of state or state aid highways scheduled to be transferred to municipalities on January 1, 1997 or later because of population growth.

The amendment also proposed to add a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 539 requires the Department of Transportation to ensure that sections of state highways and state aid highways are in good repair before transferring maintenance responsibility for those sections to municipalities when municipalities are required to maintain the sections because of population growth. This provision applies to sections of state or state aid highways scheduled to be transferred to municipalities on January 1, 1997 or later because of population growth. This law is effective June 12, 1997.



**LD 1280**                      **Resolve, to Provide Funds to Municipalities for Road Upkeep Based on Need**                      **ONTP**

<u>Sponsor(s)</u> BUNKER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1280 proposed to direct the Department of Transportation to establish guidelines to take a municipality's evaluation and ability to pay into consideration for the formula used in the disbursement of funds for maintenance of local roads.

**LD 1298**                      **An Act Regarding Restrictions Placed on Certain Motor Vehicles That Travel on a Public Way**                      **ONTP**

<u>Sponsor(s)</u> PENDLETON P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1298 proposed to increase the minimum fine for violating weight or passage restrictions on ways requiring special protection to \$1,000 if death or injury arises out of that violation.

The bill also proposed requiring that loads of gravel, sand and other loose products of debris be confined to prevent falling or spillage rather than being covered or otherwise secured.

**LD 1307**                      **Resolve, to Name the New Connector of Route 196 and Route 1 in Topsham**                      **ONTP**

<u>Sponsor(s)</u> TRIPP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1307 proposed requiring that the recently constructed connector road between Route 196 and Route 1 in Topsham be known by the name selected by the committees formed to name that road.

**LD 1319**                      **An Act to Equalize Tolls on the Maine Turnpike**                      **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1319 proposed to equalize tolls by repealing provisions that allow the Maine Turnpike Authority to authorize commuter discounts and variable surcharges.

**LD 1320**                      **Resolve, to Direct the Department of Transportation to Create a Weighing Point on Route 202 between Alfred and Lebanon**                      **ONTP**

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1320 proposed to require the Department of Transportation to establish a weighing point on Route 202 between the Town of Alfred and the Town of Lebanon.

**LD 1331**                      **An Act Regarding Show Lights on Motor Vehicles**                      **ONTP**

<u>Sponsor(s)</u> PARADIS BELANGER D		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1331 proposed to allow a motor vehicle to be equipped with a fluorescent light on its undercarriage that emits a purple light.

**LD 1332**                      **An Act to Permit the Sale of Used License Plates**                      **PUBLIC 520**

<u>Sponsor(s)</u> PARADIS BELANGER D		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-268
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LD 1332 proposed to allow a person to retain motor vehicle registration plates that are no longer valid if that person obtained from the Secretary of State stickers that the person must place on the registration plates indicating that the plates are no longer valid. Plates with these stickers affixed would be the property of the owner and not the property of the State. Plates with these stickers affixed could be sold or otherwise transferred by the owner.

**Committee Amendment "A" (S-268)** was the majority report of the committee and proposed to replace the bill. It proposed to make a discontinued general issue license plate the property of the person to whom the plate was issued. Under current law, all license plates are the property of the State. It also proposed to add a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 520 makes a discontinued general issue license plate the property of the person to whom the plate was issued.

**LD 1333**

**Resolve, Regarding the Posting of Certain Roads by the Department of Transportation DIED BETWEEN BODIES**

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

LD 1333 proposed to require that the Department of Transportation reconstruct or repair portions of Route 11 in Aroostook County such that that roadway is of a condition adequate to reasonably ensure that the road will not be "posted" seasonally or otherwise restricted due to concerns of safety or roadway damage.

**Committee Amendment "A" (S-220)** was the minority report. It proposed to change from December 31, 1997 to December 31, 2002 the date by which the Department of Transportation must reconstruct or repair portions of Route 11 between the towns of Sherman and Ashland.

**LD 1339**

**An Act Relating to Municipal Excise Tax Reimbursement**

**PUBLIC 505  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP-AM	S-331

LD 1339 proposed to correct an oversight in Public Law 1995, chapter 440 by establishing an escrow fund within the Highway Fund to reimburse municipalities for the difference between excise tax based on the manufacturer's suggested retail price and the actual purchase price for heavy trucks.

**Committee Amendment "A" (S-331)** proposed to replace the bill. It proposed to correct an oversight in Public Law 1995, chapter 440 by establishing a fund to reimburse municipalities for the difference between excise tax based on the manufacturer's suggested retail price and the actual purchase price for heavy trucks. It also proposed to add a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 505 corrects an oversight in Public Law 1995, chapter 440 by establishing a fund to reimburse municipalities for the difference between excise tax based on the manufacturer's suggested retail price and the actual purchase price for heavy trucks. This law is effective June 12, 1997.



LD 1367

**An Act to Amend the Bicycle Provisions of the Maine Revised Statutes, Title 29-A in Order to Provide a Greater Measure of Safety for Travel by Bicyclists**

ONTP

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

LD 1367 proposed to resolve inconsistencies in existing law among provisions affecting bicyclists, bring all bicycle safety provisions to highest standards and best practice and simplify provisions for bicyclists by including bicyclists and bicycles under existing vehicle provisions.

LD 1377

**Resolve, to Establish a Maine Mobility Fund Task Force**

**RESOLVE 73  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA DRISCOLL	OTP-AM MAJ ONTP MIN	H-493 DRISCOLL S-206 S-420 MICHAUD

LD 1377 proposed to establish the Task Force to Study the Feasibility of Creating a Maine Mobility Fund.

**Committee Amendment "A" (S-206)** proposed to add to the emergency preamble a statement that all revenues that currently accrue to the Highway Fund are needed for those transportation expenditures and activities currently authorized by the Legislature. It also proposed to strike from the emergency preamble a reference to the per capita expenditures on public transportation. It also proposed to prohibit the Task Force to Study the Feasibility of Creating a Maine Mobility Fund from being allocated money from the Highway Fund. It also proposed to add to the task force one member selected by the Maine Motor Transport Association. It also proposed to require the task force report be submitted to the Joint Standing Committee on Transportation by January 15, 1998. In addition, it proposed that any extension of the task force reporting deadline be approved by the Joint Standing Committee on Transportation. The amendment also proposed to add an allocation section and a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-493)** proposed to give members of the Task Force to Study the Feasibility of Creating a Maine Mobility Fund per diem and expenses. It also proposed to add an appropriation section to the amendment.

**Senate Amendment "B" to Committee Amendment "A" (S-420)** proposed to change the reporting date of the task force to January 1, 1998, specify the number of meetings and revise the appropriations section.

***Enacted law summary***

Resolve 1997, chapter 73 establishes the Task Force to Study the Feasibility of Creating a Maine Mobility Fund. The Task Force must study alternative sources of revenue to fund public transportation. It must report its findings to the Joint Standing Committee on Transportation by January 1, 1998. This law is effective June 12, 1997.

**LD 1382**                      **An Act to Reimburse Law Enforcement Agencies for Their Costs  
Related to the Prosecution of Criminal and Traffic Violations**                      **ONTP**

<u>Sponsor(s)</u> CLEVELAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1382 proposed to reimburse law enforcement agencies for the cost of sending off-duty officers to testify in court. The bill also proposed to increase the compensation for the designated court officer from \$10 to \$20 per day.

**LD 1401**                      **An Act to Impose Penalties on Adult Passengers in Motor Vehicles  
Who Fail to Use Seat Belts**                      **ONTP**

<u>Sponsor(s)</u> USHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1401 proposed that if a passenger 19 years of age or older does not wear a seat belt, both the driver and the passenger commit a traffic infraction.

**LD 1418**                      **An Act to Allow Certain Overweight Trucks to Proceed without  
Being Off-loaded**                      **ONTP**

<u>Sponsor(s)</u> MICHAUD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1418 proposed to allow a state police officer to issue a permit to an overweight motor vehicle to continue to its destination without off-loading if the officer determines that the excess weight does not constitute a public hazard.

**LD 1422**                      **An Act to Abolish the Maine Turnpike Authority**                      **ONTP**

<u>Sponsor(s)</u> RUHLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1422 proposed to abolish the Maine Turnpike Authority in two years and transfer duties and operation of the turnpike to the Department of Transportation. The department would have been required to submit a plan by January 1, 1998 that would accomplish the transfer by January 1, 1999.

**LD 1441**

**An Act to Amend the Laws Regarding Commercial Driver Education Instructors**

**ONTP**

Sponsor(s)  
BRAGDON

Committee Report  
ONTP

Amendments Adopted

LD 1441 proposed to prohibit an instructor in a commercial driving school from teaching driver education to a public school student if the instructor also teaches the student in any class at the public school and either utilizes the public school for teaching a driver education course without paying the standard fee applicable to use of the school's facilities or utilizes motor vehicles for driver education that are registered by the public school or the school administrative unit under which the public school is administered.

**LD 1444**

**Resolve, to Designate an East-West Highway and Install Signs on that Highway**

**RESOLVE 46**

Sponsor(s)  
MERES

Committee Report  
OTP-AM

Amendments Adopted  
H-581

LD 1444 proposed to direct the Department of Transportation to designate an East-West Highway in Maine, install signs indicating this highway and notify map makers of this action.

**Committee Amendment "A" (H-581)** proposed to strike language from the bill requiring signage designating a northeast corridor to an east-west highway.

*Enacted law summary*

Resolve 1997, chapter 46 directs the Department of Transportation to designate an East-West Highway in Maine, install signs indicating this highway and notify map makers of this action.

**LD 1451**

**An Act to Encourage the Planning and Implementation of Municipal Ordinances Concerning Bicyclists and Pedestrians**

**ONTP**

Sponsor(s)  
GIERINGER  
CLEVELAND

Committee Report  
ONTP

Amendments Adopted

LD 1451 proposed to amend certain provisions in the Maine Revised Statutes, Title 29-A concerning pedestrians and bicycles to provide that:

1. Motor vehicle operators yield the right-of-way to a pedestrian on a public way at an intersection or a pedestrian crossing within a crosswalk;
2. Pedestrians use a crosswalk if it is located within 100 feet of the location at which the pedestrian is crossing;

3. A bicyclist wear on the back of the torso fluorescent reflector strips at all times when motor vehicles are required to display headlights; and
4. A municipality may permit bicycles on a public way.

The bill also proposed to require the Department of Environmental Protection to adopt rules that require a commercial or retail mall developer to provide clearly visible pedestrian access in all areas where vehicles are present and to provide bicycle access facilities. The bill also proposed to require the Department of Transportation to design and implement, by rule, a grant program to award funds to a municipality that has adopted a pedestrian and bicycle access facilities plan consistent with state laws. These plans would have included, at a minimum, adequate infrastructure and facilities for safe and efficient bicycle and pedestrian access, a requirement that local site review ordinances include bicycle and pedestrian access review for new developments and clearly marked crossings for pedestrian access. The bill proposed to require the Secretary of State to create the Civil Traffic Violation Fund for fines collected for violation of civil traffic infractions enforced by local or municipal officials.

**LD 1461**                      **Resolve, Requiring the Department of Transportation to Investigate Increasing the Speed Limit on Certain Portions of the Interstate Highway System in Portland and Bangor**                      **ONTP**

<u>Sponsor(s)</u> CAMERON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1461 proposed to direct the Department of Transportation to study increasing the interstate highway speed limits around Portland and Bangor and report its study results to the Second Regular Session of the 118th Legislature by January 1, 1998.

**LD 1466**                      **An Act to Provide Flexibility and Costs-savings in Department of Transportation Property Acquisition Procedures**                      **PUBLIC 272**

<u>Sponsor(s)</u> DRISCOLL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-362
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LD 1466 proposed to enable the Department of Transportation to use alternative eminent domain valuation procedures, rather than appraisals, in cases in which the estimated value of an acquisition is less than \$5,000. In unsettled cases or when owners request, such low-value acquisitions still would be appraised. It proposed to eliminate the requirement that the Department of Transportation publish the entire notice of layout and taking for each condemnation. This would allow the department to eliminate publication of the lengthy metes and bounds description of each property interest. The department would continue to publish a list of affected owners and the type and extent of the interests acquired, along with a map of the location of the taking.

**Committee Amendment "A" (H-362)** adds a fiscal note to the bill

*Enacted law summary*

Public Law 1997, chapter 272 enables the Department of Transportation to use alternative eminent domain valuation procedures, rather than appraisals, in cases in which the estimated value of the acquisition is less than \$5,000. In unsettled cases or when owners request, such low-value acquisitions still would be appraised. The law



eliminates the requirement that the Department of Transportation publish the entire notice of layout and taking for each condemnation. This permits the department to eliminate publication of the lengthy metes and bounds description of each property interest. The department will continue to publish a list of affected owners and the type and extent of the interests acquired, along with a map of the location of the taking.

**LD 1475**

**An Act to Amend Certain Motor Vehicle Laws**

**PUBLIC 437**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA CASSIDY	OTP-AM	S-319

LD 1475 proposed to do the following.

1. Repeal the statutory provisions relating to state identification cards.
2. Allow for the issuance of vanity plates on trucks that are registered up to 9,000 pounds gross vehicle weight. It also proposed to repeal the language that requires a registrant to have the identical vanity plate prior to applying for a trailer vanity plate.
3. Allow the Secretary of State the ability to expand the environmental plate program.
4. Clarify the requirement for foreign long-term trailer registrants to have an agent.
5. Establish a separate account within the Highway Fund to reimburse municipalities for the difference between excise taxes based on the manufacturer's suggested retail price and the actual purchase price for heavy trucks.
6. Exempt mobile home dealers from the licensing requirement if they do not wish to hold trailer dealer plates. If a mobile home dealer wishes to hold trailer dealer plates, all requirements would need to be met before the license is issued.
7. Increase the record of sale retention time from three years to five years, which mirrors the requirements for other dealers and also meets the standards of the Federal Truth in Mileage Act of 1986.
8. Make clear which dealers are exempt from the salvage license fee.
9. Adopt an exemption provided in the Federal Motor Carrier Safety Regulations, 49 Code of Federal Regulations, Part 383.3(d)(3)(i), which authorizes states to waive the requirements for a commercial driver's license for back-up snow removal drivers employed by eligible units of local government. The vehicle would need to be operated within the boundaries of a city, town, county, district or other unit of local government created pursuant to law that has a total population of 3,000 or less. In addition, the vehicle would need to be operated by an employee of that local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting. The exemption would apply only when the employee who ordinarily operates the vehicle is unavailable or in need of additional assistance due to snow emergency. This bill would not affect the requirement that the customary operator of the vehicle have a commercial driver's license, nor would it affect other laws and rules concerning the safe operation of commercial vehicles.
10. Allow the State to comply with the anticipated federal enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This Act requires, at a minimum, every applicant for a driver's license

or other comparable identification document to submit the applicant's social security number and for the State to verify with the federal Social Security Administration that such number is valid.

11. Remove semitrailers from the endorsement fee. A special endorsement is not required for a semitrailer.
12. Require a full-face digital image or a photographic image of the licensee to be displayed on a driver's license.
13. Clarify that a \$3 fee is charged for a photographic or digitized driver's license.
14. Give authority to the Secretary of State to capture, store, retrieve, reproduce and distribute the digital image and digital signature of the licensee.
15. Authorize the Secretary of State to utilize codes on a license instead of a decal for organ donations.
16. Clarify that an additional fee of \$3 is required for a photograph or digital image of the licensee.
17. Clarify that when any change is made on photograph or digitized driver's license, that license, when issued, is considered a duplicate.
18. Make it clear that a veteran must be permanently, 100% disabled to obtain a driver's license without paying a fee.
19. Enact a law stating that the Secretary of State is responsible for the issuance of nondriver identification cards. In addition this bill would give authority to the Secretary of State to capture, store, retrieve, reproduce and distribute the digital image and digital signature of the nondriver identification card applicant. This bill would also establish an expiration date to ensure that an updated picture of the nondriver identification card holder is displayed on the document and requires social security number.
20. Require a person adjudicated of the offense of failing to produce evidence of insurance to file proof of financial responsibility with the Secretary of State. The bill would also increase the minimum amounts of automobile liability insurance coverage.
21. Remove the higher insurance coverage from trailer and mobile home dealers and lower the property damage limits from \$300,000 to \$100,000 for licensed vehicle dealers.
22. Require that the multiple operating-under-the-influence offenders who wish to have their licenses reinstated early under the Ignition Interlock Device Program have automobile liability insurance.
23. Require all International Registration Plan revenues collected in fiscal years 1996-97 and 1997-98 be transferred to a special account.

**Committee Amendment "A" (S-319)** proposed to make a variety of technical changes to the motor vehicle laws. It proposed to:

1. Allow vanity plates to be issued for trucks registered up to 9,000 pounds gross vehicle weight and to semitrailers that do not exceed 2,000 pounds;
2. Allow a pickup truck with a semitrailer that has a registered weight of 2,000 pounds or less to be registered as a noncommercial vehicle, provided that the truck and trailer are used for noncommercial purposes;

3. Authorize the Bureau of Motor Vehicles to require all motor carriers to display a United States Department of Transportation census number;
4. Require a vehicle sold by a dealer to be accompanied by a certificate of title or salvage at the time of the vehicle's sale;
5. Clarify that a mobile home dealer is not required to obtain heavy trailer dealer registration plates;
6. Provide licenses for automobile dealers to conduct operations and promotions at locations other than primary facilities;
7. Strike from the bill provisions regarding the dispensation of excise taxes collected under the International Registration Plan;
8. Strike from the bill certain provisions relating to automobile insurance requirements;
9. Clarify that a woods tractor that is exempt from the complete motor vehicle inspection requirements must be used solely for logging purposes;
10. Establish that a person commits a Class E crime if that person knowingly disseminates information that is protected by state laws or rules that implement the Federal Driver's Privacy Protection Act of 1994;
11. Require a person who seeks early reinstatement of a driver's license under the ignition interlock statutes to obtain an automobile insurance policy with \$300,000 limits for property damage and the injury or death of a person; and
12. Add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 437 makes a variety of changes to the motor vehicle laws. It:

1. Repeals the statutory provisions relating to state identification cards.
2. Allows for the issuance of vanity plates on trucks that are registered up to 9,000 pounds gross vehicle weight. It also repeals the language that requires a registrant to have the identical vanity plate prior to applying for a trailer vanity plate.
3. Allows the Secretary of State the ability to expand the environmental plate program.
4. Clarifies the requirement for foreign long-term trailer registrants to have an agent.
5. Exempts mobile home dealers from the licensing requirement if they do not wish to hold trailer dealer plates. If a mobile home dealer wishes to hold trailer dealer plates, all requirements must be met before the license is issued.
6. Increases the record of sale retention time from three years to five years, which mirrors the requirements for other dealers and also meets the standards of the Federal Truth in Mileage Act of 1986.

7. Makes clear which dealers are exempt from the salvage license fee.
8. Adopts an exemption provided in the Federal Motor Carrier Safety Regulations, 49 Code of Federal Regulations, Part 383.3(d)(3)(i), which authorizes states to waive the requirements for a commercial driver's license for back-up snow removal drivers employed by eligible units of local government. The vehicle must be operated within the boundaries of a city, town, county, district or other unit of local government created pursuant to law that has a total population of 3,000 or less. In addition, the vehicle must be operated by an employee of that local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting. The exemption applies only when the employee who ordinarily operates the vehicle is unavailable or in need of additional assistance due to snow emergency. This bill does not affect the requirement that the customary operator of the vehicle have a commercial driver's license, nor does it affect other laws and rules concerning the safe operation of commercial vehicles.
9. Allows the State to comply with the anticipated federal enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This Act requires, at a minimum, every applicant for a driver's license or other comparable identification document to submit the applicant's social security number and for the State to verify with the federal Social Security Administration that such number is valid.
10. Removes semitrailers from the endorsement fee. A special endorsement is not required for a semitrailer.
11. Requires a full-face digital image or a photographic image of the licensee to be displayed on a driver's license.
12. Clarifies that a \$3 fee is charged for a photographic or digitized driver's license.
13. Gives authority to the Secretary of State to capture, store, retrieve, reproduce and distribute the digital image and digital signature of the licensee.
14. Authorizes the Secretary of State to utilize codes on a license instead of a decal for organ donations.
15. Clarifies that an additional fee of \$3 is required for a photograph or digital image of the licensee.
16. Clarifies that when any change is made on photograph or digitized driver's license, that license, when issued, is considered a duplicate.
17. Makes it clear that a veteran must be permanently, 100% disabled to obtain a driver's license without paying a fee.
18. Enacts a law stating that the Secretary of State is responsible for the issuance of nondriver identification cards. In addition this bill gives authority to the Secretary of State to capture, store, retrieve, reproduce and distribute the digital image and digital signature of the nondriver identification card applicant. This bill also establishes an expiration date to ensure that an updated picture of the nondriver identification card holder is displayed on the document and requires social security number.
19. Removes the higher coverage from trailer and mobile home dealers and lowers the property damage limits from \$300,000 to \$100,000 for licensed vehicle dealers.
20. Requires that the multiple operating-under-the-influence offenders who wish to have their licenses reinstated early under the Ignition Interlock Device Program have automobile liability insurance. These increased limits would better protect the public in the event a program participant is involved in a motor vehicle accident.

21. Allows vanity plates to be issued for trucks registered up to 9,000 pounds gross vehicle weight and to semitrailers that do not exceed 2,000 pounds.
22. Allows a pickup truck with a semitrailer that has a registered weight of 2,000 pounds or less to be registered as a noncommercial vehicle, provided that the truck and trailer are used for noncommercial purposes.
23. Authorizes the Bureau of Motor Vehicles to require all motor carriers to display a United States Department of Transportation census number.
24. Requires a vehicle sold by a dealer to be accompanied by a certificate of title or salvage at the time of the vehicle's sale.
25. Clarifies that a mobile home dealer is not required to obtain heavy trailer dealer registration plates.
26. Provides licenses for automobile dealers to conduct operations and promotions at locations other than primary facilities.
27. Clarifies that a woods tractor that is exempt from the complete motor vehicle inspection requirements must be used solely for logging purposes.
28. Establishes that a person commits a Class E crime if that person knowingly disseminates information that is protected by state laws or rules that implement the Federal Driver's Privacy Protection Act of 1994.
29. Requires a person who seeks early reinstatement of a driver's license under the ignition interlock statutes to obtain an automobile insurance policy with \$300,000 limits for property damage and the injury or death of a person.

**LD 1476**

**An Act Making Unified and Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999**

**PUBLIC 25  
EMERGENCY**

Sponsor(s)  
O'GARA  
DRISCOLL

Committee Report  
OTP-AM

Amendments Adopted  
S-47

LD 1476 proposed to: Make allocations from the Highway Fund; make allocations from the Highway Fund representing reduction proposals or adjustments; amend the law to provide for the capitalization of the Local Road Assistance Program; make supplemental allocations from the Highway Fund; make supplemental allocations from the Federal Expenditures Fund; make supplemental allocations from the Other Special Revenue funds; make supplemental allocations from the Island Ferry Services Fund; make allocations from the Highway Fund for approved reclassifications and range changes; and make allocations from the Highway Fund as reductions to support approved reclassifications and range changes.

**Committee Amendment "A" (S-47 )** proposed to clarify that only the Highway Fund allocations in Part A, section 1 are actually allocated. All other funds are provided for informational purposes only.

This amendment proposed to replace Part C of the bill. It proposed to require a report from the Commissioner of Transportation on the administration of the Local Road Assistance Program for fiscal year 1997-98 and fiscal year 1998-99.

This amendment proposed to add the following provisions to the original bill: Provide specific reduction proposals and program transfers for the Department of Administrative and Financial Services, the Department of Public Safety and the Department of the Secretary of State; provide specific allocations and reduction proposals by the Department of Transportation; provide specific position transfers by the Department of Transportation; make adjusting allocations and deallocations to the Federal Expenditures Fund; make adjusting allocations and deallocations to Other Special Revenue funds; make deallocations from the Motor Transport Service Fund; authorize the transfer of Highway Fund Salary Plan funds for unfunded actuarial liability obligations; authorize a consolidation of Building and Maintenance Accounts and requires the State Budget Officer to submit a report to the Joint Standing Committee on Transportation; provide nonlapsing language to allow personal services funds to carry forward in the Highway Fund Salary Plan; require prison labor to be used to construct a license plate storage facility on state property; increase title and reinstatement fees by \$5; and authorize a transfer from Collector Road Program funds to Highway Fund undedicated revenue.

***Enacted law summary***

Public Law 1997, chapter 25 makes allocations from the Highway Fund; makes allocations from the Highway Fund representing reduction proposals or adjustments; requires a report from the Commissioner of Transportation on the administration of the Local Road Assistance Program for fiscal year 1997-98 and fiscal year 1998-99; makes supplemental allocations from the Highway Fund; makes supplemental allocations from the Federal Expenditures Fund; makes supplemental allocations from the Other Special Revenue funds; makes supplemental allocations from the Island Ferry Services Fund; makes allocations from the Highway Fund for approved reclassifications and range changes; makes allocations from the Highway Fund as reductions to support approved reclassifications and range changes; provides specific reduction proposals and program transfers for the Department of Administrative and Financial Services, the Department of Public Safety and the Department of the Secretary of State; provides specific allocations and reduction proposals by the Department of Transportation; provides specific position transfers by the Department of Transportation; makes adjusting allocations and deallocations to the Federal Expenditures Fund; makes adjusting allocations and deallocations to Other Special Revenue funds; makes deallocations from the Motor Transport Service Fund; authorizes the transfer of Highway Fund Salary Plan funds for unfunded actuarial liability obligations; authorizes a consolidation of Building and Maintenance Accounts and requires the State Budget Officer to submit a report to the Joint Standing Committee on Transportation; provides nonlapsing language to allow personal services funds to carry forward in the Highway Fund Salary Plan; requires prison labor to be used to construct a license plate storage facility on state property; increases title and reinstatement fees by \$5; and authorizes a transfer from Collector Road Program funds to Highway Fund undedicated revenue. This law takes effect July 1, 1997.

**LD 1480**

**An Act to Decriminalize Various Traffic Violations and Enhance Collectibility of Associated Penalties**

**ONTP**

Sponsor(s)  
MILLS

Committee Report  
ONTP

Amendments Adopted

LD 1480 proposed to convert several motor vehicle violations that are currently crimes into traffic violations. It also proposed to clarify certain civil provisions concerning contesting a traffic infraction. Several maximum fines would have been adjusted to accommodate surcharges. The amount of time a parent has to show the court that a child safety seat has been acquired would have been reduced from 30 days to 20 days. The requirement that a fine be imposed for a separate violation in order for a fine to be imposed for violations of the seat belt law would have been repealed.

**LD 1485                      Resolve, to Require the Department of Transportation to Study the                      ONTP**  
**Use of Culverts**

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

LD 1485 proposed to require the Commissioner of Transportation to study the use of a culvert in the Town of Troy to determine a more efficient manner of controlling rainwater runoff.

**LD 1504                      An Act to Amend the Notification Requirements for Insurance                      ONTP**  
**Companies and Towing Companies**

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

LD 1504 proposed to require towing companies to inform owners of a motor vehicle of all the towing and storage charges that are associated with towing the vehicle before the vehicle is towed. The bill also proposed to require the insurer of an insured motor vehicle that is involved in an accident to keep the owner and the driver of the motor vehicle apprised of any actions or communications related to the accident.

**LD 1505                      An Act to Preserve the Privacy of Commuters                      ONTP**

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

LD 1505 proposed to prohibit the use of information collected through an electronic toll collection system on the Maine Turnpike to track a person's movement. It also proposed to place limitations on the information that may be recorded on a person's electronic toll system account.

**LD 1507                      An Act to Change the Fine for Speeding in a School Zone                      ONTP**

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

LD 1507 proposed to create a fine for speeding in a school zone that is double the fine for speeding outside of a school zone.

**LD 1534**                      **An Act to Increase the Speed Limit and Amend the Penalty Point System**                      **ONTP**

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

LD 1534 proposed to establish speed limits for different portions of the Maine Turnpike and the Interstate Highway System. The bill also proposed to direct the Secretary of State to modify the demerit point system for assessing points for speeding violations.

**LD 1586**                      **An Act Regarding Reimbursement for Sand and Salt Storage Facility Construction**                      **PUBLIC 551**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH	OTP-AM	H-658
KILKELLY		

LD 1586 requires the Department of Transportation to make available funds for all constructed salt and sand storage projects built prior to June 30, 1997.

**Committee Amendment "A" (H-658)** proposed to replace the bill. It proposed to expand the number of lower priority salt and sand storage facilities that may receive state reimbursement dollars initially targeted for higher priority facilities when those higher priority facilities fail to meet certain criteria necessary to obtain reimbursement funds.

*Enacted law summary*

Public Law 1997, chapter 551 expands the number of lower priority salt and sand storage facilities that may receive state reimbursement dollars initially targeted for higher priority facilities when those higher priority facilities fail to meet certain criteria necessary to obtain reimbursement funds.

**LD 1594**                      **An Act to Transfer State Ownership of Certain Railroad Rights-of-way, Create the Calais to Eastport Rail Authority and Authorize a General Fund Bond Issue in the Amount of \$4,500,000 to Fund Establishment of Freight Rail Service between Calais and Eastport**                      **CARRIED OVER**

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



LD 1594 proposes to create the Calais to Eastport Rail Authority to establish freight rail service between Calais and Eastport. The bill transfers to the authority the Department of Transportation's interest in the existing rail line between Calais and Ayers Junction. It also transfers 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. The bill also proposes a \$4,500,000 million bond issue for use by the authority in establishing freight rail service between Calais and Eastport. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1607                      Resolve, to Name the New Bangor-Brewer Replacement Bridge                      RESOLVE 22**

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

LD 1607 proposed to name the new Bangor-Brewer replacement bridge the Penobscot Bridge, followed by that name in parenthesis in the official language of the Penobscot Nation.

***Enacted law summary***

Resolve 1997, chapter 22 names the new Bangor-Brewer replacement bridge the Penobscot Bridge, followed by that name in parenthesis in the official language of the Penobscot Nation.

**LD 1617                      An Act to Amend the Sensible Transportation Policy Act                      ONTP**

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

LD 1617 proposed to amend the Sensible Transportation Policy Act so that transportation planning, capital investment and project decisions require, for all significant highway construction or reconstruction projects, an evaluation of highway, bridge, air, water and rail transportation alternatives only, rather than an evaluation of all kinds of reasonable transportation alternatives. The bill also proposed to repeal the provision that requires transportation planning decisions, capital investment decisions and project decisions to reduce the State's reliance on foreign oil and promote reliance on energy-efficient forms of transportation and it proposed to repeal a provision relating to public hearings.

**LD 1641                      An Act Regarding the Taking of Tolls on the Maine Turnpike                      ONTP**

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

LD 1641 proposed to require Maine Turnpike toll booth operators to let vehicles pass without collecting a toll whenever there are more than 15 vehicles waiting to pay the toll or there is more than a five-minute delay traveling

from entrance to exit. The bill also proposed to require toll booth operators to say "thank you" when taking a toll or pass.

**LD 1659**                      **An Act Concerning the Disclosure of Motor Vehicle Records**                      **ONTP**

<u>Sponsor(s)</u> O'GARA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1659 proposed to implement the provisions of the federal Driver's Privacy Protection Act of 1994, Public Law 103-202, which prohibits states from disclosing personal information contained in motor vehicle records except under certain circumstances. It would have prohibited the Bureau of Motor Vehicles from disclosing personal information except for use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of nonowner records from the original owner records of motor vehicle manufacturers.

The bill also proposed penalties for unauthorized disclosure of personal information.

**LD 1660**                      **An Act to Amend the Motor Vehicle Laws Concerning Inspection Stations**                      **ONTP**

<u>Sponsor(s)</u> O'GARA		<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN		<u>Amendments Adopted</u>
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LD 1660 proposed to amend the motor vehicle inspection laws by:

1. Establishing the Board of Maine Motor Vehicle Inspectors to assist the Chief of the State Police in the administration of the vehicle inspection laws.
2. Repealing the requirement that the catalytic converter and filler neck restriction be inspected and meet inspection standards.
3. Repealing the \$6 inspection fee and instead allow a station to charge for one-half hour of its posted labor rate.
4. Requiring that for a vehicle that does not pass inspection, the owner be given a defect report and the vehicle have placed on it a failure sticker. The owner would have one month to repair the defect that caused the vehicle to fail inspection.
5. Requiring all inspection mechanics to obtain Institute of Automotive Service Excellence, ASE, certification and to attend an inspection seminar. New applicants and mechanics renewing their certification would be required to have ASE certification. Currently certified inspection mechanics who do not have ASE certification would need to obtain certification by November 1, 1998.

6. Requiring inspection stations to obtain liability insurance, a sales tax registration certificate, and sufficient tools and personnel to repair all inspection defects except for body and collision work and glass replacement. An inspection station would be required to be open at least 35 hours per week.
7. Requiring that all fees generated from the inspection program in excess of the amount credited to the General Highway Fund in fiscal year 1995, \$1,476,959, be credited to and used by the Maine State Police to administer and enforce the motor vehicle inspection program.

**LD 1666**

**An Act Concerning the Authority of the Secretary of State to Suspend and Revoke Licenses and Privileges to Operate in Maine**

**PUBLIC 111  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE DONNELLY	OTP-AM	S-119

LD 1666 proposed to authorize the Secretary of State to suspend or revoke the licenses, certificates, decals or authority of separate legal entities, which are related as a result of common ownership or control, when one entity is issued a suspension or revocation.

**Committee Amendment "A" (S-119)** proposed to change the definition of related entities from the bill to include certain entities in which related individuals have a role in ownership, operation or control. The amendment also proposed to require that, when the Secretary of State's suspension or revocation of an entity is based on a recommendation of the Motor Carrier Review Board, the board must also make a recommendation on the suspension or revocation of related entities. The amendment also proposed to clarify that if an entity becomes a related entity or is created after the Secretary of State has made the decision to suspend or after the Motor Carrier Review Board makes its recommendation to suspend, the Secretary of State may immediately suspend the related entity.

***Enacted law summary***

Public Law 1997, chapter 111 authorizes the Secretary of State to suspend or revoke the licenses, certificates, decals or authority of separate legal entities, which are related as a result of common ownership or control, when one entity is issued a suspension or revocation. It also requires that, when the Secretary of State's suspension or revocation of an entity is based on a recommendation of the Motor Carrier Review Board, the board must also make a recommendation on the suspension or revocation of related entities. It also clarifies that if an entity becomes a related entity or is created after the Secretary of State has made the decision to suspend or after the Motor Carrier Review Board makes its recommendation to suspend, the Secretary of State may immediately suspend the related entity. This law is effective April 18, 1997.

**LD 1682**

**Resolve, Directing the Commissioner of Transportation to Propose an Adopt-A-Highway Program**

**RESOLVE 60**

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

LD 1682 proposed to direct the Commissioner of Transportation to review Adopt-A-Highway programs in other states and report to the Joint Standing Committee on Transportation to provide a plan for implementing an Adopt-A-Highway program in the State.

***Enacted law summary***

Resolve 1997, chapter 60 directs the Commissioner of Transportation to review Adopt-A-Highway programs in other states and report to the Joint Standing Committee on Transportation to provide a plan for implementing an Adopt-A-Highway program in the State.

**LD 1687**

**An Act to Regulate the Use of Tow Trucks**

**ONTP**

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

LD 1687 would have applied to a vehicle that is towed without the permission of the owner or operator of the vehicle. The bill proposed establishing maximum towing and storage charges and making the owner of the wrecker or tow truck liable for damages arising from the towing of a vehicle. The bill also proposed requiring that a vehicle may not be considered to be on a tow truck or wrecker and no charge may be assessed if all the vehicle's wheels are on the ground.

**LD 1690**

**An Act to Allow Law Enforcement Agencies Access to Motor Vehicle Insurance Information**

**ONTP**

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

LD 1690 proposed to require the Secretary of State to create the uninsured motorist identification database program to allow state and local law enforcement agencies to verify compliance with a motor vehicle owner's obligation to maintain liability insurance. The bill would have required each insurer that issues motor vehicle liability insurance to provide monthly reports to the Secretary of State identifying each motor vehicle policy in effect as of the previous month. The bill would have required the issuance of standardized temporary insurance cards and require an insurance company or insurance agent to notify the Secretary of State after cancellation of a policy maintained to meet the financial responsibility and insurance requirements of the Maine Revised Statutes, Title 29-A, chapter 13. The insurer could have been fined for failure to comply with these duties.

The Secretary of State would have been required to notify, in writing, a former insured that the person has one week to obtain motor vehicle liability insurance and to provide proof of such to the Secretary of State. If a former insured failed to comply, the Secretary of State would be required to suspend the registration of a motor vehicle for which insurance has been canceled.

The information provided to the Secretary of State under the uninsured motorist identification database program would be considered to be the property of the person providing the information and could only be disclosed in certain circumstances. An insurer would not be liable to any person for providing the required information nor would the State be liable for gathering, managing or using the information in the program.

**LD 1749**                      **Resolve, Designating a World War II Monument in Bangor an Official State Memorial and Authorizing the Department of Transportation to Erect Signs Identifying That Memorial**                      **RESOLVE 37**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J MURRAY	OTP-AM	H-363

LD 1749 proposed to permit the Department of Transportation to erect signs identifying the location of the World War II Memorial in Bangor.

**Committee Amendment "A" (H-363)** proposed to replace the resolve. It proposed to designate as an official state memorial the World War II monument to be erected in Bangor on the grounds of the Cole Land Transportation Museum. It also proposed to authorize the Department of Transportation to erect signs identifying the memorial's location.

*Enacted law summary*

Resolve 1997, chapter 37 designates as an official state memorial the World War II monument to be erected in Bangor on the grounds of the Cole Land Transportation Museum. It also authorizes the Department of Transportation to erect signs identifying the memorial's location.

**LD 1767**                      **Resolve, Directing the Department of Transportation to Construct an Adequate Railing on the Donald V. Carter Bridge**                      **ONTP**

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

LD 1767 proposed to direct the Department of Transportation to construct a railing on the Donald V. Carter Bridge that provides adequate protection for bicyclists and motorcyclists.



to a terminus at or near Farmington. The bill would have directed the department to install signs on existing state highways that connect Calais, Gilead and Coburn Gore. The names of these highways would have been chosen by the joint standing committee of the Legislature having jurisdiction over transportation matters during the Second Regular Session of the 118th Legislature.

**LD 1883**                      **An Act to Ask Voters in a Referendum Whether One Travel Lane in Each Direction Should be Added to the Maine Turnpike, Paid for by Turnpike Tolls, to Reduce Accidents and Congestion**                      **PUBLIC 493**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1883 establishes a voter referendum regarding the widening of the Maine Turnpike. Approval of the referendum question results in the Maine Turnpike Authority being directed by law to proceed with adding one travel lane in each direction between Mile 12 and Mile 42 of the Maine Turnpike. Rejection of the referendum question results in a prohibition on widening or expanding the Maine Turnpike, unless the widening or expansion is approved by the Legislature.

**House Amendment "A" (H-642)** alters the referendum question to eliminate the phrase "to reduce accidents and congestion."

**House Amendment "B" (H-674)** establishes a voter referendum regarding the Maine Turnpike. Approval of the referendum question results in:

1. The Maine Turnpike Authority being directed by law to proceed with adding one travel lane in each direction between mile 12 and mile 42 of the Maine Turnpike;
2. A requirement that the Maine Turnpike Authority spend on alternative modes of transportation an amount equal to that spent on the widening;
3. The elimination of commuter discounts;
4. The Maine Turnpike Authority being authorized to offer discount tolls during nonpeak hours; and
5. The Maine Turnpike Authority being authorized to charge variable surcharges during any time period.

Rejection of the referendum question results in a prohibition on widening or expanding the Maine Turnpike unless the widening or expansion is approved by the Legislature.

***Enacted law summary***

Public Law 1997, chapter 493 establishes a voter referendum regarding the widening of the Maine Turnpike. Approval of the referendum question results in the Maine Turnpike Authority being directed by law to proceed with adding one travel lane in each direction between Mile 12 and Mile 42 of the Maine Turnpike. Rejection of the referendum question results in a prohibition on widening or expanding the Maine Turnpike, unless the widening or expansion is approved by the Legislature.

# Joint Standing Committee on Transportation

## SUBJECT INDEX

### *Bicycles*

#### Enacted

None

#### Not Enacted

LD 1038	An Act to Require That a Person under 16 Years of Age Wear Protective Headgear when Riding a Bicycle	ONTP	Page 892
LD 1352	An Act to Allow Municipalities to Enact Ordinances Restricting Bicycle Tour Groups on State Roads	ONTP	Page 900
LD 1367	An Act to Amend the Bicycle Provisions of the Maine Revised Statutes, Title 29-A in Order to Provide a Greater Measure of Safety for Travel by Bicyclists	ONTP	Page 900
LD 1451	An Act to Encourage the Planning and Implementation of Municipal Ordinances Concerning Bicyclists and Pedestrians	ONTP	Page 903

### *Budget/Bond Bills*

#### Enacted

LD 259	An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Fiscal Year Ending June 30, 1997	P & S 5 EMERGENCY	Page 871
LD 618	An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1998 and June 30, 1999 and to Accelerate the Starting Date of the State Police Training Academy	PUBLIC 394 EMERGENCY	Page 879



**LD 1476**                    **An Act Making Unified and Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999**                    **PUBLIC 25**    **Page 909**  
**EMERGENCY**

**LD 1842**                    **An Act to Authorize Department of Transportation Bond Issues in the Amount of \$56,850,000 to Match Available Federal Funds for Improvements to Municipal and State Roads, State and Local Bridges, Airports, State Ferry Vessels and Terminals and Rail and Marine Facilities**                    **P & S 56**    **Page 918**

**Not Enacted**

None

***Driver Education***

**Enacted**

None

**Not Enacted**

**LD 102**                    **An Act to Repeal the Mandatory Driver Education Course**                    **ONTP**    **Page 865**

**LD 712**                    **An Act to Exempt Certain Driver Education Schools from License Fees**                    **ONTP**    **Page 883**

**LD 1441**                    **An Act to Amend the Laws Regarding Commercial Driver Education Instructors**                    **ONTP**    **Page 902**

***Driver's License***

**Enacted**

**LD 1001**                    **An Act to Encourage Organ Donation by Making Information Available through the Secretary of State**                    **PUBLIC 233**    **Page 890**

**LD 1182**                    **An Act to Amend Coded Licenses**                    **PUBLIC 318**    **Page 895**

**LD 1332**                    **An Act to Permit the Sale of Used License Plates**                    **PUBLIC 520**    **Page 898**

**Not Enacted**

<b>LD 216</b>	<b>An Act to Abolish the \$3 Photograph Fee for Senior Citizen Drivers' Licenses</b>	<b>ONTP</b>	<b>Page 869</b>
<b>LD 227</b>	<b>An Act to Amend the Motor Vehicle Laws Regarding Loss of License</b>	<b>ONTP</b>	<b>Page 869</b>
<b>LD 322</b>	<b>An Act to Require the Secretary of State to Revoke the Driver's License of a Person Involved in a Fatal Accident while Committing a Violation of the Maine Revised Statutes, Title 29-A</b>	<b>ONTP</b>	<b>Page 874</b>
<b>LD 757</b>	<b>An Act to Create Graduated Licenses</b>	<b>CARRIED OVER</b>	<b>Page 884</b>
<b>LD 931</b>	<b>An Act to Amend the Laws Regarding Medical History Questions on an Application for a Driver's License</b>	<b>ONTP</b>	<b>Page 889</b>
<b>LD 1125</b>	<b>An Act to Amend the Laws Governing Driver's Licenses</b>	<b>ONTP</b>	<b>Page 894</b>

***Emergency Vehicles***

**Enacted**

<b>LD 914</b>	<b>An Act Regarding Penalties for Failure to Yield the Right-of-way to an Emergency Vehicle</b>	<b>PUBLIC 162</b>	<b>Page 887</b>
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**Not Enacted**

<b>LD 617</b>	<b>An Act to Prohibit Passing an Emergency Vehicle Using Its Lights and Siren</b>	<b>ONTP</b>	<b>Page 879</b>
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***Ferry Service***

**Enacted**

<b>LD 1079</b>	<b>An Act to Create the Cobscook Bay Transit District</b>	<b>P &amp; S 19</b>	<b>Page 892</b>
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**Not Enacted**

<b>LD 934</b>	<b>An Act to Add One Cent to the Gasoline Tax to Expand the Maine State Ferry Service between Frenchboro and Bass Harbor and Provide Municipalities with Road Maintenance Revenue</b>	<b>ONTP</b>	<b>Page 889</b>
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***Fines/Courts***

**Enacted**

<b>LD 848</b>	<b>An Act to Establish a One-year Moratorium on the Municipal Adoption and Enforcement of Certain Traffic Ordinances</b>	<b>PUBLIC 392 EMERGENCY</b>	<b>Page 886</b>
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**Not Enacted**

<b>LD 637</b>	<b>An Act Concerning Shared Compensation for Traffic Violations for Municipalities</b>	<b>ONTP</b>	<b>Page 880</b>
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<b>LD 1382</b>	<b>An Act to Reimburse Law Enforcement Agencies for Their Costs Related to the Prosecution of Criminal and Traffic Violations</b>	<b>ONTP</b>	<b>Page 901</b>
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<b>LD 1480</b>	<b>An Act to Decriminalize Various Traffic Violations and Enhance Collectibility of Associated Penalties</b>	<b>ONTP</b>	<b>Page 910</b>
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***Highways/Bridges***

**Enacted**

<b>LD 228</b>	<b>An Act to Require the Department of Transportation to Notify Counties of Planned Bridge Projects at the Time of Planning</b>	<b>PUBLIC 13</b>	<b>Page 870</b>
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<b>LD 626</b>	<b>An Act to Provide for Department of Transportation Assistance in the Rehabilitation of Access Roads to Bridges of Historic Significance</b>	<b>PUBLIC 547</b>	<b>Page 879</b>
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<b>LD 679</b>	<b>An Act to Authorize the Department of Transportation to Use Design-build Contracting for Development of a New Bath-Woolwich Bridge</b>	<b>P &amp; S 2 EMERGENCY</b>	<b>Page 882</b>
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<b>LD 813</b>	<b>An Act to Define the Projects That Public Works Departments May Undertake Without Procuring the Services of a Registered Professional Engineer</b>	<b>PUBLIC 304</b>	<b>Page 885</b>
<b>LD 1444</b>	<b>Resolve, to Designate an East-West Highway and Install Signs on that Highway</b>	<b>RESOLVE 46</b>	<b>Page 902</b>
<b>LD 1466</b>	<b>An Act to Provide Flexibility and Costs-savings in Department of Transportation Property Acquisition Procedures</b>	<b>PUBLIC 272</b>	<b>Page 904</b>
<b>LD 1682</b>	<b>Resolve, Directing the Commissioner of Transportation to Propose an Adopt-A-Highway Program</b>	<b>RESOLVE 60</b>	<b>Page 915</b>

**Not Enacted**

<b>LD 243</b>	<b>An Act to Require the Department of Transportation to Include Timber in the Bidding Process for Construction of New Bridges or Bridge Repair</b>	<b>ONTP</b>	<b>Page 870</b>
<b>LD 700</b>	<b>An Act to Authorize the Department of Transportation to Cut Brush and Trees along a Highway at the Request of a Business</b>	<b>ONTP</b>	<b>Page 882</b>
<b>LD 1346</b>	<b>An Act to Prohibit the Department of Transportation from Spraying Herbicides Along Highways</b>	<b>ONTP</b>	<b>Page 899</b>
<b>LD 1838</b>	<b>Resolve, Requiring the Department of Transportation to Study the Method of Posting Roads</b>	<b>ONTP</b>	<b>Page 917</b>
<b>LD 1858</b>	<b>An Act Directing the Department of Transportation to Conduct the Necessary Studies and to Construct an East-west Highway</b>	<b>ONTP</b>	<b>Page 918</b>

***Insurance***

**Enacted**

<b>LD 180</b>	<b>An Act to Amend the Motor Vehicle Laws Regarding Proof of Financial Responsibility and to Increase the Required Minimum Amounts of Liability Insurance Coverage</b>	<b>PUBLIC 176</b>	<b>Page 868</b>
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**LD 1013**                    **An Act to Implement Electronic Monitoring for Compliance with the Motor Vehicle Financial Responsibility Laws by 1999 and Make Other Changes in Those Laws**                    **PUBLIC 165**    **Page 891**

**LD 1097**                    **An Act Regarding the Enforcement of the Motor Vehicle Laws**                    **PUBLIC 178**    **Page 893**

**Not Enacted**

**LD 340**                    **An Act Relating to Consumer Rental Vehicles**                    **ONTP**    **Page 874**

*License Plates - Miscellaneous*

**Enacted**

**LD 27**                    **An Act to Broaden the Requirements for Special Veterans Registration Plates**                    **PUBLIC 31**    **Page 862**

**LD 42**                    **An Act to Allow Veterans to Get Vanity Veteran License Plates**                    **PUBLIC 69**    **Page 863**

**LD 868**                    **An Act Regarding the Form of Motorcycle License Plates**                    **PUBLIC 287**    **Page 886**

**Not Enacted**

**LD 342**                    **An Act to Change the Eligibility Requirements for Free Registration Plates for Certain Veterans**                    **ONTP**    **Page 874**

**LD 649**                    **An Act Regarding Registration Plates for Motorcycle Trailers**                    **ONTP**    **Page 881**

**LD 1086**                    **An Act to Amend the Laws Regarding Motor Vehicle License Plates for Legislators**                    **ONTP**    **Page 893**

*License Plates - New Issues*

**Enacted**

**LD 260**                    **An Act to Implement the Recommendations of the Task Force on Production and Issuance of Registration Plates**                    **PUBLIC 311**    **Page 871**

**Not Enacted**

<b>LD 28</b>	<b>An Act to Create Silver Star and Bronze Star License Plates</b>	<b>ONTP</b>	<b>Page 863</b>
<b>LD 166</b>	<b>An Act to Issue Military Service Award License Plate Decals</b>	<b>ONTP</b>	<b>Page 868</b>
<b>LD 264</b>	<b>An Act to Create a License Plate for Women Veterans</b>	<b>ONTP</b>	<b>Page 873</b>
<b>LD 653</b>	<b>Resolve, Directing the Secretary of State to Consider a Lighthouse Design by Students of Noble Junior High School for the Next General Issue of License Plates</b>	<b>ONTP</b>	<b>Page 881</b>
<b>LD 954</b>	<b>An Act to Establish a Passamaquoddy License Plate</b>	<b>ONTP</b>	<b>Page 889</b>
<b>LD 963</b>	<b>An Act to Establish the Loon Plate as the Official State License Plate and Establish the Committee to Develop a Decal System for License Plates</b>	<b>ONTP</b>	<b>Page 889</b>

***Lights/Sirens/Reflectors***

**Enacted**

<b>LD 116</b>	<b>An Act to Amend the Law Regarding Fog Lights</b>	<b>PUBLIC 115</b>	<b>Page 866</b>
<b>LD 423</b>	<b>An Act to Require That Headlights Be on during Inclement Weather</b>	<b>PUBLIC 249</b>	<b>Page 876</b>

**Not Enacted**

<b>LD 150</b>	<b>An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and Emergency Medical Services Personnel</b>	<b>ONTP</b>	<b>Page 867</b>
<b>LD 451</b>	<b>An Act to Expand the Number of Lights Firefighters May Use on Their Cars</b>	<b>ONTP</b>	<b>Page 877</b>
<b>LD 711</b>	<b>An Act to Require the Use of Headlights by Motor Vehicle Drivers at All Times</b>	<b>ONTP</b>	<b>Page 883</b>
<b>LD 750</b>	<b>An Act to Allow Law Enforcement Agencies to Use Red Flashing Lights on Their Vehicles</b>	<b>ONTP</b>	<b>Page 884</b>

<b>LD 849</b>	<b>An Act to Require Reflectors on Snow Plows</b>	<b>ONTP</b>	<b>Page 886</b>
<b>LD 1331</b>	<b>An Act Regarding Show Lights on Motor Vehicles</b>	<b>ONTP</b>	<b>Page 898</b>

### *Maine Turnpike Authority*

#### Enacted

<b>LD 1008</b>	<b>An Act to Make Allocation for Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1998</b>	<b>P &amp; S 28</b>	<b>Page 891</b>
<b>LD 1883</b>	<b>An Act to Ask Voters in a Referendum Whether One Travel Lane in Each Direction Should be Added to the Maine Turnpike, Paid for by Turnpike Tolls, to Reduce Accidents and Congestion</b>	<b>PUBLIC 493</b>	<b>Page 919</b>

#### Not Enacted

<b>LD 242</b>	<b>An Act Requiring Reimbursement to Municipalities for Fire and Rescue on the Maine Turnpike</b>	<b>ONTP</b>	<b>Page 870</b>
<b>LD 489</b>	<b>An Act Relative to the Improvement of the Maine Turnpike Authority</b>	<b>ONTP</b>	<b>Page 877</b>
<b>LD 726</b>	<b>An Act to Increase the Bonding Limits of the Maine Turnpike Authority</b>	<b>CARRIED OVER</b>	<b>Page 883</b>
<b>LD 774</b>	<b>An Act to Allow Flexible Toll Pricing on the Maine Turnpike</b>	<b>ONTP</b>	<b>Page 884</b>
<b>LD 1145</b>	<b>An Act to Amend the Maine Turnpike Authority Laws to Eliminate Conflicts of Interest</b>	<b>ONTP</b>	<b>Page 895</b>
<b>LD 1319</b>	<b>An Act to Equalize Tolls on the Maine Turnpike</b>	<b>ONTP</b>	<b>Page 897</b>
<b>LD 1422</b>	<b>An Act to Abolish the Maine Turnpike Authority</b>	<b>ONTP</b>	<b>Page 902</b>
<b>LD 1505</b>	<b>An Act to Preserve the Privacy of Commuters</b>	<b>ONTP</b>	<b>Page 911</b>
<b>LD 1641</b>	<b>An Act Regarding the Taking of Tolls on the Maine Turnpike</b>	<b>ONTP</b>	<b>Page 913</b>

## *Miscellaneous*

### Enacted

<b>LD 46</b>	<b>An Act to Amend the Laws Regarding Law Enforcement Officers' Insurance Rates</b>	<b>PUBLIC 114</b>	<b>Page 863</b>
<b>LD 525</b>	<b>An Act to Increase the Availability and Reduce the Cost of Escorts for Over-limit Movements on the State's Roads</b>	<b>PUBLIC 144 EMERGENCY</b>	<b>Page 878</b>
<b>LD 903</b>	<b>An Act to Maintain the Department of Transportation's Current Policy on Reimbursement of Consultant Costs</b>	<b>PUBLIC 52</b>	<b>Page 887</b>
<b>LD 1339</b>	<b>An Act Relating to Municipal Excise Tax Reimbursement</b>	<b>PUBLIC 505 EMERGENCY</b>	<b>Page 899</b>
<b>LD 1377</b>	<b>Resolve, to Establish a Maine Mobility Fund Task Force</b>	<b>RESOLVE 73 EMERGENCY</b>	<b>Page 900</b>
<b>LD 1475</b>	<b>An Act to Amend Certain Motor Vehicle Laws</b>	<b>PUBLIC 437</b>	<b>Page 904</b>
<b>LD 1586</b>	<b>An Act Regarding Reimbursement for Sand and Salt Storage Facility Construction</b>	<b>PUBLIC 551</b>	<b>Page 912</b>
<b>LD 1666</b>	<b>An Act Concerning the Authority of the Secretary of State to Suspend and Revoke Licenses and Privileges to Operate in Maine</b>	<b>PUBLIC 111 EMERGENCY</b>	<b>Page 915</b>

### Not Enacted

<b>LD 48</b>	<b>An Act to Allow Escorts of Certain Motor Vehicles by Any Police Officer</b>	<b>ONTP</b>	<b>Page 864</b>
<b>LD 627</b>	<b>An Act to Reimburse Part-time Police Departments</b>	<b>ONTP</b>	<b>Page 880</b>
<b>LD 1123</b>	<b>An Act to Allow a Left Turn on a Red Light on One-way Streets</b>	<b>ONTP</b>	<b>Page 894</b>
<b>LD 1504</b>	<b>An Act to Amend the Notification Requirements for Insurance Companies and Towing Companies</b>	<b>ONTP</b>	<b>Page 911</b>
<b>LD 1690</b>	<b>An Act to Allow Law Enforcement Agencies Access to Motor Vehicle Insurance Information</b>	<b>ONTP</b>	<b>Page 916</b>



**LD 1767**                      **Resolve, Directing the Department of Transportation to Construct an Adequate Railing on the Donald V. Carter Bridge**                      **ONTP**    **Page 917**

*Municipalities/Roads*

Enacted

**LD 1227**                      **An Act to Require the Department of Transportation to Improve the Conditions of Any Road That May be Turned Over to a Municipality**                      **PUBLIC 539**    **Page 896**  
**EMERGENCY**

Not Enacted

**LD 154**                      **An Act to Increase the Population Threshold at Which a Town is Responsible for Maintaining Highways**                      **ONTP**    **Page 867**

**LD 279**                      **An Act to Require the Department of Transportation to Include Additional Criteria When Determining Whether to Take Over a Road**                      **ONTP**    **Page 873**

**LD 299**                      **An Act to Prohibit the Department of Transportation from Classifying a Road as a Town Way if 4,000 or More Vehicles Travel the Road Daily**                      **ONTP**    **Page 873**

**LD 772**                      **Resolve, Directing the Department of Transportation to Develop Guidelines for Municipal Public Works Departments**                      **ONTP**    **Page 884**

**LD 838**                      **An Act to Permit Towns the Option of Winter Maintenance for Roads That are Turned Over to the Town for That Purpose**                      **ONTP**    **Page 885**

**LD 1280**                      **Resolve, to Provide Funds to Municipalities for Road Upkeep Based on Need**                      **ONTP**    **Page 896**

**LD 1485**                      **Resolve, to Require the Department of Transportation to Study the Use of Culverts**                      **ONTP**    **Page 911**

## *Motor Vehicle Records*

### Enacted

None

### Not Enacted

<b>LD 1659</b>	<b>An Act Concerning the Disclosure of Motor Vehicle Records</b>	<b>ONTP</b>	<b>Page 914</b>
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## *Naming Roads and Bridges*

### Enacted

<b>LD 51</b>	<b>Resolve, to Name the South Warren Bridge in Memory of James Andrew "Drew" Griffith</b>	<b>RESOLVE 3</b>	<b>Page 864</b>
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<b>LD 119</b>	<b>Resolve, to Name a Section of Route 26 in Bethel in Oxford County in Memory of Captain Carl R. Churchill, United States Air Force, Killed in Action in Laos, May 3, 1970</b>	<b>RESOLVE 5</b>	<b>Page 866</b>
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<b>LD 984</b>	<b>Resolve, to Name the New Bridge over the Fore River in Portland</b>	<b>RESOLVE 7</b>	<b>Page 890</b>
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<b>LD 1143</b>	<b>Resolve, to Name the New Topsham-Brunswick Bridge across the Androscoggin</b>	<b>RESOLVE 39</b>	<b>Page 894</b>
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<b>LD 1607</b>	<b>Resolve, to Name the New Bangor-Brewer Replacement Bridge</b>	<b>RESOLVE 22</b>	<b>Page 913</b>
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<b>LD 1749</b>	<b>Resolve, Designating a World War II Monument in Bangor an Official State Memorial and Authorizing the Department of Transportation to Erect Signs Identifying That Memorial</b>	<b>RESOLVE 37</b>	<b>Page 917</b>
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### Not Enacted

<b>LD 385</b>	<b>Resolve, to Name the Portland-South Portland Bridge the "George Cleeve Memorial Bridge"</b>	<b>ONTP</b>	<b>Page 876</b>
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<b>LD 448</b>	<b>Resolve, to Name the Entrances to the Donald V. Carter Bridge Connecting Winslow and Waterville the "Purple Heart Highway"</b>	<b>ONTP</b>	<b>Page 877</b>
<b>LD 747</b>	<b>Resolve, to Name a Portion of Route 26 from Newry to Upton</b>	<b>ONTP</b>	<b>Page 883</b>
<b>LD 1307</b>	<b>Resolve, to Name the New Connector of Route 196 and Route 1 in Topsham</b>	<b>ONTP</b>	<b>Page 897</b>
<b>LD 1401</b>	<b>An Act to Impose Penalties on Adult Passengers in Motor Vehicles Who Fail to Use Seat Belts</b>	<b>ONTP</b>	<b>Page 901</b>

### *Outdoor Advertising*

**Enacted**

None

**Not Enacted**

<b>LD 124</b>	<b>An Act to Repeal the Rental Fees for Road Signs</b>	<b>ONTP</b>	<b>Page 867</b>
<b>LD 703</b>	<b>An Act to Allow Signs to Change an Unlimited Number of Times per Day</b>	<b>ONTP</b>	<b>Page 882</b>

### *Rail*

**Enacted**

None

**Not Enacted**

<b>LD 431</b>	<b>An Act to Improve the Rail Lines in Washington County and Establish an Intermodal Railroad Facility</b>	<b>ONTP</b>	<b>Page 876</b>
<b>LD 595</b>	<b>An Act to Clarify the State's Authority to Acquire and Preserve Rail Corridors for Use as Transportation Corridors</b>	<b>ONTP</b>	<b>Page 878</b>
<b>LD 1039</b>	<b>An Act Relating to the Use of Railbeds as Recreational Trails</b>	<b>ONTP</b>	<b>Page 892</b>

**LD 1594**                    **An Act to Transfer State Ownership of Certain Railroad Rights-of-way, Create the Calais to Eastport Rail Authority and Authorize a General Fund Bond Issue in the Amount of \$4,500,000 to Fund Establishment of Freight Rail Service between Calais and Eastport**                    **CARRIED OVER**    **Page 912**

*Registration/Title*

Enacted

**LD 110**                    **An Act to Exempt Certain Loaned Federal Vehicles from Certificates of Title**                    **PUBLIC 100**    **Page 865**  
**EMERGENCY**

**LD 1347**                    **An Act Regarding Residency and Motor Vehicle Registration**                    **PUBLIC 252**    **Page 899**

Not Enacted

**LD 3**                        **An Act to Amend the Laws Regarding the Registration of Pickup Trucks**                    **ONTP**    **Page 862**

**LD 55**                        **An Act to Require Disclosure of Insurer on Motor Vehicle Registrations**                    **ONTP**    **Page 864**

**LD 927**                        **An Act to Eliminate the Requirement for a Motor Vehicle Title upon Registration if the Motor Vehicle Is More than 10 Years Old**                    **ONTP**    **Page 888**

*School Bus*

Enacted

None

Not Enacted

**LD 446**                        **An Act to Make the Use of Stop Arm Warning Devices Mandatory on School Buses**                    **ONTP**    **Page 877**

**LD 544**                        **An Act Regarding the Penalty for Passing a Stopped School Bus**                    **ONTP**    **Page 878**

*Seat Belts*

**Enacted**

**LD 367**                    **An Act to Provide That the Operator of a Motor Vehicle Is Not Responsible for Securing in a Seat Belt a Passenger 18 Years of Age or Older**                    **PUBLIC 450**    **Page 875**

**Not Enacted**

**LD 1401**                    **An Act to Impose Penalties on Adult Passengers in Motor Vehicles Who Fail to Use Seat Belts**                    **ONTP**    **Page 901**

*Speed*

**Enacted**

None

**Not Enacted**

**LD 1461**                    **Resolve, Requiring the Department of Transportation to Investigate Increasing the Speed Limit on Certain Portions of the Interstate Highway System in Portland and Bangor**                    **ONTP**    **Page 904**

**LD 1507**                    **An Act to Change the Fine for Speeding in a School Zone**                    **ONTP**    **Page 911**

**LD 1534**                    **An Act to Increase the Speed Limit and Amend the Penalty Point System**                    **ONTP**    **Page 912**

*Transportation Policy*

**Enacted**

None

Not Enacted

**LD 1617**      **An Act to Amend the Sensible Transportation Policy Act**      **ONTP**    **Page 913**

*Trucks - General*

Enacted

**LD 640**      **An Act Requiring Qualified Investigation of Certain Truck-related and Bus-related Fatalities**      **PUBLIC 172**    **Page 880**

Not Enacted

**LD 50**      **An Act to Clarify the Authority of the Department of Transportation to Designate Truck Routes**      **ONTP**    **Page 864**

**LD 161**      **An Act to Require that Cargo Being Hauled by Trucks Be Covered**      **ONTP**    **Page 867**

**LD 1298**      **An Act Regarding Restrictions Placed on Certain Motor Vehicles That Travel on a Public Way**      **ONTP**    **Page 897**

**LD 1333**      **Resolve, Regarding the Posting of Certain Roads by the Department of Transportation**      **DIED BETWEEN BODIES**    **Page 898**

**LD 1687**      **An Act to Regulate the Use of Tow Trucks**      **ONTP**    **Page 916**

*Trucks - Weight*

Enacted

**LD 109**      **An Act to Eliminate the Fine for Exceeding the Axle Weight Limit**      **ONTP**    **Page 865**

Not Enacted

**LD 1320**      **Resolve, to Direct the Department of Transportation to Create a Weighing Point on Route 202 between Alfred and Lebanon**      **ONTP**    **Page 897**

**LD 1418**                    **An Act to Allow Certain Overweight Trucks to Proceed without Being Off-loaded**                    **ONTP**    **Page 902**

*Vehicle Inspection/Equipment*

**Enacted**

**LD 1084**                    **An Act to Allow After-market Window Tinting of Multi-purpose Vehicles**                    **PUBLIC 129**    **Page 893**

**Not Enacted**

**LD 78**                    **An Act to Increase the Fee for Car Inspections**                    **ONTP**    **Page 865**

**LD 1660**                    **An Act to Amend the Motor Vehicle Laws Concerning Inspection Stations**                    **ONTP**    **Page 914**

## Joint Standing Committee on Utilities and Energy

**LD 221**

**An Act to Amend the Charter of the Madison Water District**

**P & S 8**

<u>Sponsor(s)</u> RICHARD		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-19
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LD 221 proposed to amend the charter of the Madison Water District to correct an error and to clarify the process for filling a vacancy on the board of trustees.

**Committee Amendment "A" (H-19)** proposed to remove an ambiguity that might have been created by an amendment to the charter that was made in 1994.

### *Enacted law summary*

Private and Special Law 1997, chapter 8 amends the charter of the Madison Water District to correct certain errors and ambiguities and to clarify the process for filling a vacancy on the board of trustees.

**LD 224**

**An Act Regarding Charges Assessed against Owners of Sprinkler Systems**      **CARRIED OVER**

<u>Sponsor(s)</u> CAMPBELL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 224 proposes to prohibit a water utility from charging customers with private fire protection systems, such as sprinklers, rates to recover the utility's backup capacity costs. The bill proposed to require the rates to be based on water usage. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 233**

**An Act to Regulate Telephone Directory Entries**

**ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 233 proposed to require telephone utilities to include in directories the address of a customer who has an "800" or "888" number.



**LD 262**

**An Act to Permit the Public Utilities Commission to Exempt Certain Telephone Utilities from Obtaining Approval to Serve**

**PUBLIC 118**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY JONES K	OTP-AM	S-84

LD 262 proposed to permit the Public Utilities Commission to exempt certain telephone utilities from the statutory requirement to obtain approval before commencing service if the commission finds that unjust or unreasonable rates will not result from granting the exemption.

**Committee Amendment "A" (S-84)** proposed the following substantive changes to the bill:

1. To require that any exemption to be established by major substantive rule; and
2. To make explicit the commission's ability to revoke an exemption in whole or in part and to revoke an exemption for a single telephone utility.

***Enacted law summary***

Public Law 1997, chapter 118 permits the Public Utilities Commission by rule to exempt certain telephone utilities from the statutory requirement to obtain approval before commencing service. An exemption may be granted only when the commission finds that unjust or unreasonable rates will not result from granting the exemption. The commission is authorized to revoke an exemption in whole or in part.

**LD 366**

**An Act to Require Regular Disclosure of Low-cost Telephone Calling Plans to Telephone Customers**

**ONTP**

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

LD 366 proposed to require telephone utilities to provide every 6 months a notice to customers describing optional low-cost calling plans. The bill also proposed to require telephone utilities, once every 24 months, to provide a statement to each customer of any potential savings for that customer if the customer had subscribed to an optional calling plan.

LD 371

**An Act to Clarify the Definition of Qualified School for Telecommunications Network Purposes**

PUBLIC 169

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

LD 371 proposed to expand the definition of "qualified school" for purposes of access to information services under the Maine Revised Statutes, Title 35-A, section 7104-A. The expanded definition would include private schools approved by the Department of Education under Title 20-A, section 2901, but would not include schools approved by the department for attendance purposes only.

*Enacted law summary*  
Public Law 1997, chapter 169 expands the definition of "qualified school" for purposes of access to information services under the Maine Revised Statutes, Title 35-A, section 7104-A.

LD 372

**An Act to Require Employees of Public Utilities to Be Licensed When Providing Services Outside the Regulated Activities of the Utility**

PUBLIC 119

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR	OTP-AM	H-132

LD 372 proposed to modify laws regulating skilled labor that exempt employees of public utilities or other corporations regulated by the Public Utilities Commission, the Federal Communications Commission or the Interstate Commerce Commission from licensing requirements otherwise applicable to electricians, plumbers and oil burner technicians. The bill proposed to make the exemptions apply only to the extent the employee or the corporation is providing a service that is regulated by those agencies. The bill proposed that, when doing work that is not part of the regulated service, the corporation and its employees would not be exempt from the licensing requirements.

**Committee Amendment "A" (H-132)** proposed to replace the entire bill but to preserve the substance of that portion of the bill that modified the exemption public utilities are currently granted from the licensing requirements for making electrical installations. The amendment proposed to clarify the language of the exemption and remove an obsolete reference to the Interstate Commerce Commission.

*Enacted law summary*  
Public Law 1997, chapter 119 modifies the exemption public utilities and their employees are currently granted from licensing requirements for making electrical installations. It provides that the exemptions apply only to the extent the employee or the utility is providing a regulated service.

**LD 382**                      **An Act to Prohibit the Public Utilities Commission from Directing Utility Overcharges to Any Program Other Than Repayment to Ratepayers**                      **ONTP**

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 382 proposed to prohibit the Public Utilities Commission from directing utility customer overcharges to be used in any manner other than the reduction of the rates charged to those customers who have been overcharged or direct rebates to those customers.

**LD 483**                      **An Act to Create Industrial Enterprise Districts to Promote Economic Development and to Retain and Increase Good Quality Jobs by Providing More Competitive Electric Rates within the Districts**                      **ONTP**

<u>Sponsor(s)</u> O'GARA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 483 proposed to allow a municipality to establish within the municipality an industrial enterprise district in which electric rates would be reduced for eligible businesses.

**LD 499**                      **An Act to Amend the Charter of the Canton Water District**                      **ONTP**

<u>Sponsor(s)</u> FERGUSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 499 proposed to require the trustees of the Canton Water District to hold the district's annual meeting within the first two weeks of June.

**LD 502**                      **An Act to Require Fair Compensation for Ratepayer Assets Used by a Subsidiary or an Affiliate of a Utility**                      **PUBLIC 237**

<u>Sponsor(s)</u> CLEVELAND KONTOS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-161
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LD 502 proposed to require the Public Utilities Commission to quantify the value of facilities, services and intangibles used by affiliated interests of utilities and to compensate ratepayers for their contributions to that value. The bill also proposed to require the commission to adjudicate complaints by competitors of a

utility or utility affiliate alleging the utility or its affiliate possess an unfair competitive advantage in an unregulated market.

**Committee Amendment "A" (S-161)** proposed to modify the provisions of the bill dealing with the Public Utilities Commission adjudication of complaints by persons competing with a utility or an affiliate of a utility in an unregulated market. This amendment provides that the commission may dismiss without hearing any complaint that, after summary investigation, it concludes is clearly intended to harass or delay, is frivolous or is clearly without merit.

This amendment also proposed to impose certain time limits on commission determinations under the bill.

***Enacted law summary***

Public Law 1997, chapter 237 requires the Public Utilities Commission to quantify the value of facilities, services and intangibles used by affiliated interests of utilities and to compensate ratepayers for their contributions to that value. It also requires that the commission adjudicate reasonable complaints by competitors of a utility or utility affiliate alleging the utility or its affiliate possess an unfair competitive advantage in an unregulated market.

**LD 529**

**An Act to Conform the Lien Procedures Within the Charter of Boothbay Harbor Sewer District to Statutory Lien Procedures**

**P & S 14**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY KILKELLY	OTP-AM	H-133

LD 529 proposed to grant to the Boothbay Harbor Sewer District the same lien notice and collection rights available to sanitary districts under the Maine Revised Statutes, Title 38.

**Committee Amendment "A" (H-133)** proposed a technical change to the bill.

***Enacted law summary***

Private and Special Law 1997, chapter 14 grants to the Boothbay Harbor Sewer District the same lien notice and collection rights available to sanitary districts under the Maine Revised Statutes, Title 38.

**LD 565**

**An Act to Require Approval of Municipalities for Construction of Natural Gas Pipelines**

**ONTP**

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

LD 565 proposed to require natural gas utilities to comply with municipal land use ordinances and zoning ordinances prior to constructing any natural gas pipeline.

**LD 578**

**An Act to Prohibit Retrofits of Nuclear Power Plants without  
Permission of the Public Utilities Commission**

**ONTP**

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

LD 578 proposed to require any licensee of the United States Nuclear Regulatory Commission who proposes to invest in a major retrofit of a nuclear power plant to first obtain a certificate of public convenience and necessity from the Public Utilities Commission. The certificate would have established the need for the retrofit and the prudence of the investment, considering the potential impact on ratepayers in this State.

**LD 601**

**An Act to Provide Municipal Notification of Utility Services**

**PUBLIC 199**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-146

LD 601 was referred jointly to the Utilities and Energy Committee and the State and Local Government Committee. It proposed to repeal the law prohibiting utilities from installing service to a lot or dwelling unit until municipal officers have certified that the lot or dwelling unit is in compliance with shoreland zoning and subdivision laws. It proposed instead to require a utility to notify the municipal officers before installing services, unless it has received prior authorization from the municipal inspector.

**Committee Amendment "A" (S-146)** replaced the bill. It proposed to maintain the current law requiring utilities to obtain written certification that lots or units comply with municipal ordinances before installing utility services, but to add a provision allowing each municipality to establish alternate procedures with utilities if it so chooses. The municipality and the utility must agree to the alternate procedures before they supersede existing requirements.

***Enacted law summary***

Public Law 1997, chapter 199 allows municipalities to agree to an alternate procedure for utility companies to notify the municipality before installing utility services to a lot or dwelling unit, in order to give the municipality a chance to ensure that the lot or dwelling unit complies with municipal ordinances.

**LD 667**

**An Act to Create and Incorporate the Jackman Utility District by  
Merger of the Jackman Water District and the Jackman Sewer  
District**

**P & S 30  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-165

LD 667 proposed to combine the Jackman Water District and the Jackman Sewer District under the new name of the Jackman Utility District.

**Committee Amendment "A" (S-165)** proposed technical corrections to the bill. The amendment also proposed to clarify that the Jackman Utility District is comprised only of the Town of Jackman but that the district is required to serve the Town of Moose River, Dennistown Plantation and Attean Township. The amendment also proposed to create a transition board to serve until the board of the new district is in place.

*Enacted law summary*

Private and Special Law 1997, chapter 30 combines the Jackman Water District and the Jackman Sewer District under the new name of the Jackman Utility District and creates a transition board to serve until the board of the new district is in place. The law is effective on May 20, 1997 for the purposes of allowing it to be put out for local referendum approval.

**LD 707**                      **An Act to Require a Percentage of Natural Gas Flowing through the State to Be Reserved for Maine Users**                      **ONTP**

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

LD 707 proposed to prohibit an interstate natural gas pipeline from being constructed or operated in this State after January 1, 1998 unless at least 5% of the annual amount of natural gas flowing through the pipeline is offered for sale for resale to Maine consumers.

**LD 724**                      **An Act to Amend the Charter of the Portland Water District**                      **P & S 15  
EMERGENCY**

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

LD 724 proposed to modify the charter of the Portland Water District to allow the district to contract with firms and municipalities to provide storm drain services and permit the trustee election dates in the Town of Gorham, the Town of Cape Elizabeth, the Town of Scarborough, the City of South Portland and the City of Westbrook to coincide with regular municipal elections.

**Committee Amendment "A" (H-134)** proposed to add a transition clause to clarify that terms of certain trustees of the Portland Water District are extended to coincide with the dates established by the bill for the election of their successors.

*Enacted law summary*

Private and Special Law 1997, chapter 15 modifies the current charter of the Portland Water District to allow it to contract with firms and municipalities to provide storm drain services and to permit the trustee

election dates in the Town of Gorham, the Town of Cape Elizabeth, the Town of Scarborough, the City of South Portland and the City of Westbrook to coincide with regular municipal elections. The law is effective on April 25, 1997.

**LD 735**

**An Act to Permit the Public Utilities Commission to Suspend Rate Regulation of Certain Telephone Utilities**

**PUBLIC 276**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES K	OTP-AM MAJ	H-291
CAREY	OTP-AM MIN	

LD 735 proposed to allow the Public Utilities Commission to suspend rate regulation of telephone utilities that have insignificant market control if that action would not result in unjust or unreasonable rates for customers. Any such telephone utility would still be required to file its rates with the Public Utilities Commission, but those rates would not be subject to prior commission approval.

**Committee Amendment "A" (H-291)**, the majority report of the committee, proposed to replace the bill. This amendment proposed to permit the Public Utilities Commission to adopt rules under which it could exempt a telephone utility or group of telephone utilities from the provisions of the Maine Revised Statutes, Title 35-A, chapters 9 and 11 and sections 307 and 310. These provisions relate to regulation of telephone utility rates, issuance of long-term debt, the selling of property useful in the performance of public duties, mergers with other utilities, acquisition of stock of other utilities and abandonment of service. The amendment proposed to provide that the commission could grant exemptions only to the extent that they are in the public interest.

This amendment also proposed:

1. To require the Public Utilities Commission, by December 1, 1997, to issue a report to the Joint Standing Committee on Utilities and Energy concerning deregulation of telecommunications services;
2. To prohibit the Public Utilities Commission from granting any exemptions pursuant to Title 35-A, section 307-A, 912 or 1105 until February 1, 1998; and
3. To authorize the Joint Standing Committee on Utilities and Energy to report out legislation concerning regulation or deregulation of telecommunications services to the Second Regular Session of the 118th Legislature.

**Committee Amendment "B" (H-292)**, the minority report of the committee, proposed to replace the bill. This amendment proposed to permit the Public Utilities Commission to adopt rules under which it could exempt a telephone utility or group of telephone utilities from the provisions of the Maine Revised Statutes, Title 35-A, chapters 9 and 11 and sections 307 and 310. The amendment also proposed to provide that the commission could grant exemptions only to the extent that they are in the public interest.

***Enacted law summary***

Public Law 1997, chapter 276 permits the Public Utilities Commission to adopt rules under which it may exempt a telephone utility or group of telephone utilities from the provisions of the Maine Revised Statutes,





LD 805 proposed to create the Oquossoc Standard Water District.

**Committee Amendment "A" (S-112)** proposed to add a mandate preamble; to clarify the area outside the territory of the proposed Oquossoc Standard District in which the district is authorized to take water; to clarify that only voters within the district are authorized to vote for district trustees; to make a reference to election procedures for elections of trustees of standard water districts; and to modify the referendum clause to provide that only voters within the proposed district are eligible to vote on the creation of the district.

*Enacted law summary*

Private and Special Law 1997, chapter 21 creates the Oquossoc Standard Water District. The law is effective on May 13, 1997 for the purposes of allowing it to be put out for local referendum approval.

**LD 807**

**An Act to Amend the Charter of the Winthrop Utilities District**

**P & S 16**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT MCKEE	OTP-AM	S-85

LD 807 proposed to replace the charter for the Winthrop Water District.

**Committee Amendment "A" (S-85)** proposed to replace the bill. It proposed to repeal and replace most of the charter of the Winthrop Utilities District in order to update the charter language, to remove obsolete references and to preserve the district's tax-exempt status.

*Enacted law summary*

Private and Special Law 1997, chapter 16 repeals and replaces most of the charter of the Winthrop Utilities District in order to update the charter language, to remove obsolete references and to preserve the district's tax-exempt status.

**LD 810**

**An Act to Clarify the Duties of the Office of the Public Advocate**

**PUBLIC 166**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	OTP-AM	S-109

LD 810 proposed to limit the duties of the office of the Public Advocate to representation of residential and commercial users and consumers whose views are not being represented before the Public Utilities Commission.

**Committee Amendment "A" (S-109)** proposed to replace the bill. It proposed to require the Public Advocate to give priority to representing low-income, residential, small business and other consumers who are not represented or inadequately represented in matters within the jurisdiction of the Public Utilities Commission.

***Enacted law summary***

Public Law 1997, chapter 166 requires the Public Advocate to give priority to representing low-income, residential, small business and other consumers who are not represented or inadequately represented in matters within the jurisdiction of the Public Utilities Commission.

**LD 812**

**An Act to Require the Public Utilities Commission to Align Telecommunications Carrier Access Rates with Costs to Foster Economic Development and Competition throughout the State**

**PUBLIC 259**

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-162
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LD 812 proposed to require the Public Utilities Commission, by December 31, 1997, to establish interexchange access rates that are based on the forward looking economic cost of providing the service.

**Committee Amendment "A" (S-162)** proposed to replace the bill. The amendment proposed (1) to require the Public Utilities Commission, by May 30, 1999, to set intrastate access rates at or below interstate access rates; (2) to require the commission to order interexchange providers to lower intrastate toll rates to reflect net reductions in intrastate access rates if the commission finds that effective competition does not exist in the intrastate long-distance market; (3) to require the commission, by January 1, 1998, to issue a report on access rates to the Joint Standing Committee on Utilities and Energy; and (4) to authorize the Joint Standing Committee on Utilities and Energy to report out legislation on intrastate access rates to the Second Regular Session of the 118th Legislature.

***Enacted law summary***

Public Law 1997, chapter 259:

1. Requires the Public Utilities Commission, by May 30, 1999, to set intrastate access rates at or below interstate access rates;
2. Requires the commission to order interexchange providers to lower intrastate toll rates to reflect net reductions in intrastate access rates if the commission finds that effective competition does not exist in the intrastate long-distance market;
3. Requires the commission, by January 1, 1998, to issue a report on access rates to the Joint Standing Committee on Utilities and Energy; and
4. Authorizes the Joint Standing Committee on Utilities and Energy to report out legislation on intrastate access rates to the Second Regular Session of the 118th Legislature.

**LD 820**

**An Act to Repeal the Maine Surplus Energy Auction Program**

**PUBLIC 56**

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

LD 820 proposed to repeal the Maine Surplus Energy Auction Program. Only one utility qualified for surplus sales under the Maine Surplus Energy Auction Program and no bids were received in that instance.

*Enacted law summary*

Public Law 1997, chapter 56 repeals the Maine Surplus Energy Auction Program.

**LD 858**

**An Act to Expand Basic Service Calling Areas to Include All Municipalities within a School Administrative Unit**

**ONTP**

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

LD 858 proposed to require the Public Utilities Commission to adopt rules allowing customers with a school administrative unit to make unlimited calls within the unit for a flat monthly rate.

**LD 894**

**An Act to Guarantee Wider Local Calling Access to Every Telephone Exchange in the State**

**ONTP**

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

LD 894 proposed to require the Public Utilities Commission to adopt major substantive rules establishing basic-service calling areas that include at least five contiguous exchanges.

**LD 919**

**Resolve, to Review and Reform the Public Utilities Commission Order Related to School Access to Electronically Transmitted Information**

**ONTP**

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

LD 919 proposed to require the Public Utilities Commission to revise the NYNEX Schools and Libraries Project to permit any school participating in the project to choose the nature of the equipment and services that it receives and to choose to convert any portion of cost of equipment or services that it is eligible to receive under the project into a reduced telephone rate.

**LD 928**                      **An Act to Deregulate Intrastate Long-distance Calling**                      **ONTP**

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

LD 928 proposed to require the Public Utilities Commission to adopt rules deregulating intrastate interexchange telecommunications service.

**LD 935**                      **An Act to Increase the Debt Limit of the Waldoboro Utility District**                      **P & S 18  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR KILKELLY	OTP-AM	H-178

LD 935 proposed to raise the debt limit of the Waldoboro Utility District from \$1,000,000 to \$2,000,000 and to remove obsolete language from the charter.

**Committee Amendment "A" (H-178)** proposed to add a mandate preamble and to modify the question to more accurately reflect the changes to the Waldoboro Utility District charter that are made by the bill.

**Enacted law summary**

Private and Special Law 1997, chapter 18 raises the debt limit of the Waldoboro Utility District from \$1,000,000 to \$2,000,000. The bill also removes obsolete language from the charter. The law is effective on May 12, 1997 for the purposes of allowing it to be put out for local referendum approval.

**LD 976**                      **An Act to Amend the Enhanced 9-1-1 Laws**                      **PUBLIC 291**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	OTP-AM    MAJ OTP-AM    MIN	H-355 S-224    CAREY

LD 976 proposed to amend the laws governing the E-9-1-1 system as follows:

1. Increase the membership of the E-9-1-1 Council from 15 to 17 members by adding a county official and a representative of the cellular or wireless service providers;

2. Define the confidentiality of E-9-1-1 databases and information received from callers by public safety answering points;
3. Provide immunity to entities and personnel within the E-9-1-1 system; and
4. Create a prohibition against repeated dialing of the emergency 9-1-1 number for nonemergency matters.

**Committee Amendment "A" (H-355)**, the majority report of the committee, proposed the following:

1. To cross-reference the immunity provided under the Maine Tort Claims Act that is available to government entities and to remove the provisions of the bill proposing to grant immunity to any other person or entity associated with the E-9-1-1 system;
2. To change the confidentiality provisions of the bill to provide that the following information contained in any database, report, audio recording or other record of the Emergency Services Communication Bureau or a public safety answering point is confidential and is subject to limited disclosure:
  - A. The names, addresses and telephone numbers of persons listed in E-9-1-1 databases;
  - B. Customer information, described in the Maine Revised Statutes, Title 35-A, section 7501, subsection 1, that is omitted from a telephone utility directory list at the request of a customer;
  - C. The name, address and telephone number of a caller to a public safety answering point; and
  - D. The name, address, telephone number and any medical information about a person receiving emergency services through the E-9-1-1 system.
3. To provide that audio recordings of emergency calls to the E-9-1-1 system are confidential and subject to limited disclosure, including pursuant to a court order on a finding of good cause. Nonconfidential information contained in those audio recordings would be disclosed in transcript form.

**Committee Amendment "B" (H-356)**, the minority report of the committee proposed the same changes to the bill that the majority report proposed, except that it did not propose to make the audio recordings of E-9-1-1 calls confidential.

**Senate Amendment "A" to Committee Amendment "A" (S-205)** proposed to limit liability for cellular and wireless telecommunications service providers.

**Senate Amendment "B" to Committee Amendment "A" (S-224)** proposed to limit the liability of a cellular or wireless telecommunications provider to the same extent that a local exchange carrier's liability is deemed to be limited pursuant to the provisions of a tariff or schedule agreement.

#### *Enacted law summary*

Public Law 1997, chapter 291:

1. Cross-references the immunity provided under the Maine Tort Claims Act that is available to government entities. Immunity is not granted to any other person or entity associated with the E-9-1-1 system.
2. Provides that the following information contained in any database, report, audio recording or other record of the Emergency Services Communication Bureau or a public safety answering point is confidential and is subject to limited disclosure:
  - A. The names, addresses and telephone numbers of persons listed in E-9-1-1 databases;
  - B. Customer information, described in the Maine Revised Statutes, Title 35-A, section 7501, subsection 1, that is omitted from a telephone utility directory list at the request of a customer;
  - C. The name, address and telephone number of a caller to a public safety answering point; and
  - D. The name, address, telephone number and any medical information about a person receiving emergency services through the E-9-1-1 system.
3. Provides that audio recordings of emergency calls to the E-9-1-1 system are confidential and subject to limited disclosure, including pursuant to a court order on a finding of good cause. Nonconfidential information contained in those audio recordings must be disclosed in transcript form.
4. Increases the membership of the E-9-1-1 Council from 15 to 17 members by adding a county official and a representative of the cellular or wireless service providers;
5. Creates a prohibition against repeated dialing of the emergency 9-1-1 number for nonemergency matters.
6. Limits the liability of a cellular or wireless telecommunications provider to the same extent that the liability of a local exchange carrier that processes the transmission of the E-9-1-1 service is limited pursuant to the provisions of a standard tariff or schedule agreement.

**LD 1037**

**An Act to Modify the Prohibition against Bathing in Sebago Lake within 2 Miles of the Intakes of the Portland Water District**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACK	ONTP MAJ	
O'GARA	OTP MIN	

Current law prohibits bathing in Sebago Lake within 2 miles of the intakes of the Portland Water District. LD 1037 proposed to provide an exception for certain persons whose properties abut the lake within two miles of the intakes.

**LD 1043**                      **An Act to Expand Local Calling Areas**                      **ONTP**

<u>Sponsor(s)</u> LANE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1043 was a concept draft. The concept proposed was that each telephone local calling area include unlimited toll-free calling to contiguous local calling areas.

**LD 1073**                      **An Act to Create the Tenants Harbor Standard Water District**                      **P & S 17  
EMERGENCY**

<u>Sponsor(s)</u> SKOGLUND PINGREE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-131
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LD 1073 proposed to create the Tenants Harbor Standard Water District.

**Committee Amendment "A" (H-131)** This amendment proposed technical corrections to the bill.

*Enacted law summary*

Private and Special Law 1997, chapter 17 creates the Tenants Harbor Standard Water District. The law is effective on April 25, 1997 for the purposes of allowing it to be put out for local referendum approval.

**LD 1093**                      **An Act to Provide the Entire State with Integrated Services Digital  
Network Telecommunication**                      **ONTP**

<u>Sponsor(s)</u> LEMONT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1093 proposed to establish as telecommunications policy that the State consider methods of regulation that encourage the development and deployment of the Integrated Services Digital Network throughout the State.

**LD 1215**                      **An Act to Restrict Telephone Solicitation**                      **ONTP**

<u>Sponsor(s)</u> AHEARNE PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1215, modeled on legislation enacted in Florida, proposed to amend the law governing telephone solicitation as follows:

1. Require a telephone solicitor to state his or her name and the business on whose behalf he or she is soliciting;
2. Permit telephone customers to be placed on a list indicating that the customer does not wish to receive unsolicited sales calls;
3. Prohibit telephone solicitors from making unsolicited sales calls to any telephone customers on the list;
4. Provide that contracts made pursuant to a telephone sales call are not enforceable unless certain conditions are met; and
5. Authorize the Attorney General to investigate complaints and bring actions for violations.

**LD 1253**

**An Act to Amend the Charter of the Winterport Sewerage District**

**P & S 32  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS LONGLEY	OTP-AM	H-280 H-361 DAVIDSON

LD 1253 proposed to transfer title to public drains, storm water drains and catch basins within the Winterport Sewerage District to the Town of Winterport. The bill also proposed to grant to the Winterport Sewer District the same lien notice or collection rights available to sanitary districts under the Maine Revised Statutes, Title 38, section 1208.

**Committee Amendment "A" (H-280)** makes technical corrections.

**House Amendment "A" (H-361)**, presented on behalf of the Committee on Engrossed Bills, corrects a reference to the Winterport Sewerage District.

***Enacted law summary***

Private and Special Law 1997, chapter 32 transfers title to public drains, storm water drains and catch basins within the Winterport Sewerage District to the Town of Winterport. The bill also grants to the Winterport Sewer District the same lien notice or collection rights available to sanitary districts under the Maine Revised Statutes, Title 38, section 1208. The law is effective on May 22, 1997 for the purposes of allowing it to be put out for local referendum approval.



**LD 1294**

**An Act to Clarify the Jurisdiction of the Public Utilities Commission  
over Telecommunication Utilities' Special Rate Contracts**

**PUBLIC 275**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY JONES K	OTP-AM	S-130

LD 1294 proposed to modify the Public Utilities Commission’s regulation of telephone utilities. The Maine Revised Statutes, Title 35-A, section 9102 permits the Public Utilities Commission discretion in applying those provisions of Title 35-A, chapter 3 that govern the establishment and modification of telephone utilities' rate schedules. Telephone utilities also establish rates by contracts with customers. This bill proposed to grant the Public Utilities Commission similar discretion to modify the application of requirements regarding approval of those contracts.

**Committee Amendment "A" (S-130)** makes a technical correction to the bill.

*Enacted law summary*

Public Law 1997, chapter 275 grants the Public Utilities Commission discretion to modify the application of requirements regarding approval of telecommunications rate contracts.

**LD 1344**

**An Act to Create the Mt. Blue Standard Water District**

**P & S 31  
EMERGENCY**

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

LD 1344 proposed to create the Mt. Blue Standard Water District.

**Committee Amendment "A" (S-164)** proposed to make technical corrections to the bill; clarify that the district is required to supply water to all existing customers of the Phillips Water Company; and modify the eligibility requirements for trustees of the new district.

*Enacted law summary*

Private and Special Law 1997, chapter 31 creates the Mt. Blue Standard Water District. The law is effective on May 20, 1997 for the purposes of allowing it to be put out for local referendum approval.

**LD 1357**

**An Act to Enhance Public Knowledge of Nuclear Power**

**ONTP**

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

LD 1357 proposed the following:

1. Require the Attorney General to establish a Maine Yankee Atomic Power Plant working group to monitor and respond to events involving or related to the plant that may impact the health, safety and welfare of the people of the State.
2. Require the seller of real estate located within the emergency planning area around a nuclear power plant to notify all prospective buyers of the proximity of the power plant to the real estate; and
3. Require the Radiological Emergency Preparedness Committee to include in its Emergency Radiological Response Plan the following: the marking of evacuation routes; the placement of emergency response placards in rental units located in the emergency response area around a nuclear power plant; the development of emergency preparedness programs for schools located in the emergency response area and quarterly broadcasts on television and radio providing emergency response instructions.

**LD 1423**

**An Act Regarding Sewer District Upgrades**

**ONTP**

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

LD 1423 proposed to change the formula governing utility eligibility for reimbursement from the Department of Transportation for the cost of utility relocation caused by highway and bridge projects.

**LD 1539**

**Resolve, to Ensure a Reduction in Electric Power Rates in the Event of Electric Power Industry Restructuring**

**ONTP**

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

LD 1539 proposed to require a reduction of electric rates for residential and industrial customers in the event of electric industry restructuring. (See LD 1804.)

<u>Sponsor(s)</u> PENDLETON P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-163
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LD 1598 proposed to authorize the Department of Public Safety to enforce the laws regarding the protection of underground utility facilities, commonly referred to as the "dig safe laws."

**Committee Amendment "A" (S-163)** proposed the following.

1. To change the standard for the imposition of civil penalties under the so-called "dig safe law;"
2. To authorize the underground facility damage prevention system to contract with county sheriffs or appropriate municipal law enforcement entities to issue civil summonses for violations of the "dig safe law;"
3. To authorize the owner of an underground facility to seek a temporary restraining order or an injunction to stop an excavation that is causing or is likely to cause damage to the owner's facilities.

***Enacted law summary***

Public Law 1997, chapter 229 does the following.

1. It changes the standard for the imposition of civil penalties under the so-called "dig safe law." Under current law, an excavator is subject to the penalty if the excavator fails to notify owners of underground facilities located in the area of a proposed excavation and in fact damages the underground facility. Under this amendment, the excavator is subject to the penalty if the excavator fails to provide the required notice, regardless of whether actual damages to the facility occur, or if the excavator undertakes an excavation in a reckless or negligent manner that poses a threat to underground facilities.
2. It authorizes the underground facility damage prevention system to contract with county sheriffs or appropriate municipal law enforcement entities to issue civil summonses for violations of the "dig safe law."
3. It authorizes the owner of an underground facility to seek a temporary restraining order or an injunction to stop an excavation that is causing or is likely to cause damage to the owner's facilities. If the owner or operator prevails in the action, the owner or operator is entitled to recovery of the costs of bringing the action.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	OTP-AM MAJ OTP-AM MIN	H-666

LD 1649 proposed to add cellular and wireless communications subscribers to the potential users who must pay the monthly surcharge that funds the E-9-1-1 system. The bill also proposed to raise the monthly surcharge from 20¢ to 32¢ beginning August 1, 1998. The Emergency Services Communication Bureau would be required to report recommended surcharge adjustments and necessary legislative changes annually to the Joint Standing Committee on Utilities and Energy.

**Committee Amendment "A" (H-666)** This amendment, the majority report of the committee, proposed to make technical changes to the bill.

The amendment proposed to preserve the increase in the E-9-1-1 surcharge from 20¢ to 32¢ beginning August 1, 1998 but to repeal the E-9-1-1 surcharge 90 days after the adjournment of the First Regular Session of the 119th Legislature.

The amendment proposed to allow plantations to adopt ordinances to establish E-9-1-1 addressing standards.

**Committee Amendment "B" (H-667)** This amendment, the minority report of the committee, proposed to make technical changes to the bill.

The amendment proposed to keep the E-9-1-1 surcharge at 20¢ per line or number.

The amendment proposed to repeal the surcharge 90 days after the adjournment of the First Regular Session of the 119th Legislature.

The amendment proposed to allow plantations to adopt ordinances to establish E-9-1-1 addressing standards.

***Enacted law summary***

Public Law 1997, chapter 409 adds cellular and wireless communications subscribers to the potential users who must pay the monthly surcharge that funds the E-9-1-1 system. The bill also raises the monthly surcharge from 20¢ to 32¢ beginning August 1, 1998 but repeals the surcharge 90 days after the adjournment of the First Regular Session of the 119th Legislature. The Emergency Services Communication Bureau is required to report recommended surcharge adjustments and necessary legislative changes annually to the Joint Standing Committee on Utilities and Energy. The bill allow plantations to adopt ordinances to establish E-9-1-1 addressing standards.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT GAGNE	OTP-AM	S-239

LD 1665 proposed to allow the Hebron Water Company to convert to a nonprofit water company. The bill also proposed to prohibit the district from holding more than \$1,000,000 in property.

**Committee Amendment "A" (S-239)** proposed to remove the section of the bill that limited the Hebron Water Company's authority to hold property and to make a technical correction to the bill.

*Enacted law summary*

Private and Special Law 1997, chapter 36 allows the Hebron Water Company to convert to a nonprofit water company.

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

LD 1732 proposes:

1. To introduce retail competition in the electric supply industry on January 1, 2000;
2. To provide for a standard service offer for consumers who do not opt to choose or are unable to choose their own provider;
3. To continue regulation of transmission and distribution companies;
4. To provide certain consumer protections in dealings with both regulated and unregulated electric companies;
5. To provide full recovery of utility stranded costs;
6. To require utilities to separate their generation facilities from their transmission and distribution facilities but to permit utilities to market and sell electric power;
7. To provide assistance to low-income customers;
8. To continue electricity conservation programs;
9. To require all energy providers to have renewable energy sources or buy renewable energy credits; and

10. To provide for securitization of stranded costs.

The bill was carried over to the Second Regular Session of the 118th Legislature.

See LD 1804.

**LD 1770                      An Act to Create the Pleasant River Standard Water District**

**P & S 35  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER CASSIDY	OTP-AM	H-360

LD 1770 proposed to authorize the creation of the Pleasant River Standard Water District. The bill also proposed to repeal the authority for the creation of the Columbia Falls Water District, which was never created.

**Committee Amendment "A" (H-360)** proposed to make technical corrections to the bill.

***Enacted law summary***

Private and Special Law 1997, chapter 35 authorizes the creation of the Pleasant River Standard Water District and repeals the authority for the creation of Columbia Falls Water District. The law is effective on May 27, 1997 for the purposes of allowing it to be put out for local referendum approval.

**LD 1771                      An Act to Extend the Electric Rate Stabilization Program**

**PUBLIC 492  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS CAREY	OTP-AM    MAJ ONTP        MIN	H-354

LD 1771 proposed to increase the amount of the moral obligation of the State that may be pledged to support electric rate stabilization projects from \$264,000,000 to \$330,000,000.

The bill proposed to expand the group of eligible borrowers to include qualifying facilities that are municipal solid waste facilities financed by industrial development or exempt facility bonds.

The bill proposed to extend from February 1, 1997 to February 1, 1998 the period during which certificates of approval may be issued.

**Committee Amendment "A" (H-354)**, the majority report of the committee, proposed to specify that any amendments to rules required to implement the bill are routine technical rules.

***Enacted law summary***

Public Law 1997, chapter 492 increases the amount of the moral obligation of the State that may be pledged to support electric rate stabilization projects from \$264,000,000 to \$330,000,000; expands the group of eligible borrowers to include qualifying facilities that are municipal solid waste facilities financed by industrial development or exempt facility bonds; and extends from February 1, 1997 to February 1, 1998, the period during which certificates of approval may be issued. The law is effective on June 11, 1997, retroactive to February 1, 1997.

**LD 1785**

**An Act to Provide for a Simplified Restructuring of the Electric Industry**

**ONTP**

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

LD 1785 proposed to permit retail competition in the electric industry beginning January 1, 2000 unless the Public Utilities Commission determined that the New England electric transmission system is not managed by an independent system operator or that a competitive energy market does not exist in the New England region.

The bill also proposed to require electric utilities to divest all their generation assets, other than interests in generation assets located outside the United States, qualifying facilities and interests in the Maine Yankee Atomic Power Company, by auction, on or before the effective date of retail competition. Beginning on the effective date of retail competition, electric utilities would have been limited to and regulated by the Public Utilities Commission as "transmission and distribution utilities" except that the electric utilities would be permitted to continue to market and sell at wholesale electric energy to which they are entitled under contracts with qualifying facilities and nuclear power plants. The Public Utilities Commission would have regulated those sales. The Public Utilities Commission would have been required to ensure that a transmission and distribution utility has a similar opportunity to recover uneconomic costs on or after the effective date of retail competition as it did before that date. Rates for transmission and distribution services would be fully unbundled from rates for other services and regulated by the commission.

It also proposed to create a mechanism for the creation of standard service offers for customers that do not wish to shop for power in the competitive market and impose on transmission and distribution utilities an obligation to connect to their systems, on request, any customer in their services territories.

It also proposed to prohibit entrance and exit fees.

It also proposed to permit the Public Utilities Commission to impose licensing conditions on competitive energy providers and to establish standards of conduct designed to protect consumers. Competitive energy providers would be otherwise exempt from regulation by the Public Utilities Commission. This bill proposed to permit the Public Utilities Commission to enforce antitrust and unfair trade practices laws as those laws may apply to competitive energy providers and transmission and distribution utilities and related entities.

See LD 1804.

**LD 1788**                      **An Act to Require Notice to Telephone Subscribers of the Sale or Transfer of an Interexchange Carrier or a Change in Rates**                      **CARRIED OVER**

<u>Sponsor(s)</u> BUNKER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1788 proposes to require a provider of interexchange telephone services to notify customers 30 days before selling or transferring ownership or changing rates. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1794**                      **An Act to Create a Competitive Market for Electricity While Protecting Consumers and the Environment**                      **ONTP**

<u>Sponsor(s)</u> KONTOS BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1794 proposed to introduce by January 2000 competition in the supply of electricity to retail customers in Maine while preserving specific protections for customers in rural areas and for low-income customers, preserving policy goals of energy efficiency and reliance on renewable resources and protecting Maine's environment. The bill proposed to create a so-called standard offer service for customers who prefer not to pick an electricity supplier or are unable to do so.

The bill proposed to require Maine's electric utilities to sell off all generation assets, except ownership interests in the Maine Yankee Atomic Power Company and independent power contracts.

The bill also proposed a series of changes to the Maine Revised Statutes, Title 35-A.

See LD 1804.

**LD 1798**                      **An Act to Permit Electric Utilities to Restructure in Ways That Improve the Economy of the State**                      **ONTP**

<u>Sponsor(s)</u> DEXTER RAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1798 proposed to restructure the electric industry. The major provisions of the bill are these:

1. Proposed to establish a competitive market for purchases and sales of electricity beginning no later than January 1, 2000;
2. Proposed to establish mechanisms to ensure universal service and to protect low-income customers;



3. Proposed to require the Public Utilities Commission to provide incentives for energy conservation;
4. Proposed to permit electric utilities an opportunity to recover stranded costs; and
5. Proposed to establish an oversight committee to oversee the implementation of restructuring and to develop proposals to conform other provisions of law to the restructuring principles established by this bill.

See LD 1804.

**LD 1804**

**An Act to Restructure the State's Electric Industry**

**PUBLIC 316**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES K CAREY	OTP-AM MAJ ONTP MIN	H-568

LD 1804 proposed to restructure the electric industry in the manner proposed by the Public Utilities Commission in its report to the Legislature of December 31, 1996. The bill proposed to establish retail competition for the purchase and sale of electricity beginning January 1, 2000; to require investor-owned electric utilities by

January 1, 2000 to transfer all generation-related assets and business functions, other than contracts with qualifying facilities, to distinct corporate entities; to require Central Maine Power Company and Bangor Hydro-Electric Company by January 1, 2000 to sell all their rights to capacity and energy under contracts with qualifying facilities; to require Central Maine Power Company and Bangor Hydro-Electric Company by January 1, 2006 to divest all generation-related assets and business functions, except ownership interests in the Maine Yankee Atomic Power Company and contracts with qualifying facilities; to require Central Maine Power Company and Bangor Hydro-Electric Company by January 1, 2006 to sell all rights to energy and capacity under any contracts with the Maine Yankee Atomic Power Company; to permit the Public Utilities Commission to require Maine Public Service Company to divest all generation-related assets and functions, except ownership interests in Maine Yankee Atomic Power Company and contracts with qualifying facilities; to preserve Public Utilities Commission regulation of transmission and distribution services; to permit electric utilities to recover legitimate, verifiable and unmitigable costs that are otherwise unrecoverable as a result of retail competition in the electric industry; to establish a standard-offer service to ensure access for all customers to reasonably priced electric power; to require the Public Utilities Commission to establish rules to protect consumers in the competitive market; to require the Public Utilities Commission to establish registration requirements and minimum business practice standards for competitive generation providers; to permit the Public Utilities Commission to enforce the Maine Unfair Trade Practices Act with respect to electric retail sales activities; to require the Public Utilities Commission to adopt rules that promote renewable resources and energy conservation; and to preserve low-income assistance programs funded through transmission and distribution rates but to direct that alternative funding mechanisms be proposed.

**Committee Amendment "A" (H-568)**, which was the majority report of the committee, completely replaces the bill. The amendment proposed the following:

1. To establish retail competition for the purchase and sale of electricity beginning March 1, 2000;

2. To require Central Maine Power Company, Bangor Hydro-Electric Company and Maine Public Service Company by March 1, 2000 to divest all generation-related assets and business functions other than contracts with qualifying facilities and conservation providers, nuclear assets, facilities located outside the United States and assets the Public Utilities Commission determines necessary for the utility to provide efficient transmission and distribution services;
3. To allow the Public Utilities Commission to grant an extension to the divestiture deadline if the extension will likely improve the sale value of the assets;
4. To require utilities to sell the rights to the energy and capacity from the assets that are not divested;
5. To permit the Public Utilities Commission to require Central Maine Power Company, Bangor Hydro-Electric Company and Maine Public Service Company to divest their ownership interests in Maine Yankee Atomic Power Company on or after January 1, 2009;
6. To allow Central Maine Power Company and Bangor Hydro-Electric Company to market and sell electric power through separate but affiliated corporate entities, provided certain standards of conduct are met;
7. To cap the permissible market share acquired by marketing affiliates of Central Maine Power Company and Bangor Hydro-Electric Company within their respective transmission and distribution service territories at 33%;
8. To prohibit any entity or affiliate of an entity that purchases more than 10% of the stock of Central Maine Power Company or Bangor Hydro-Electric Company from providing competitive electric power service and provides that if the Public Utilities Commission determines the purchase results in a utility affiliate gaining unfair market advantage, the utility is required to divest its marketing affiliate;
9. To allow Maine Public Service Company to market and sell electricity through a separate, affiliated corporate entity in accordance with standards of conduct established by the Public Utilities Commission;
10. To require the Public Utilities Commission to determine the most efficient means of ensuring that all portions of the State are connected to the New England grid so that all portions of the State can take full advantage of competition;
11. To allow consumer-owned utilities to market and sell power only within their service territories and requires the Public Utilities Commission to limit or prohibit sales by competitors in consumer-owned-utilities' service territories if allowing such sales would cause these utilities to lose their tax-exempt status;
12. To cause billing and metering services to be subject to competition beginning March 1, 2002 and permits the Public Utilities Commission to establish an earlier beginning date for competition for billing or metering provided that the beginning date is no earlier than March 1, 2000;
13. To preserve Public Utilities Commission regulation of transmission and distribution services;

14. To permit electric utilities a reasonable opportunity to recover legitimate, verifiable and unmitigable costs that are otherwise unrecoverable as a result of retail competition in the electric industry;
15. To prohibit entry and exit fees;
16. To establish a standard-offer service to ensure access for all customers to reasonably priced electric power and prohibits affiliates of Central Maine Power Company and Bangor Hydro-Electric Company from providing standard offer service for more than 20% of the load within their respective service territories;
17. To establish consumer protection standards and requires the Public Utilities Commission to establish by rule further standards to protect consumers in the competitive market;
18. To establish licensing requirements for all competitive electricity providers;
19. To grant the Public Utilities Commission new enforcement authority to protect consumers;
20. To prohibit disconnection of service to consumers who fail to pay generation charges but permits disconnection of customers who fail to pay the standard-offer service charge;
21. To establish a 30% renewable resource portfolio requirement for competitive electricity providers;
22. To establish a program funded through voluntary contributions for renewable resource research and development;
23. To require the commission to establish a wires charge for funding conservation programs at a level comparable to the funding level in place in 1999;
24. To preserve low-income assistance programs funded through transmission and distribution rates but directs that alternative funding mechanisms be proposed;
25. To require electric bill charges to be unbundled beginning in 1999;
26. To require the Public Utilities Commission to adopt rules establishing a consumer education program and requires the commission to organize an advisory board to guide the development of the education program;
27. To require the Public Utilities Commission to monitor the development and conduct of the regional independent system operator and to advocate for Maine rate-payer interests at the Federal Energy Regulatory Commission with regard to issues concerning the independent system operator;
28. To require Central Maine Power Company, Bangor Hydro-Electric Company and Maine Public Service Company to offer certain transition services and benefits to employees displaced by electric industry competition and funds the costs of these services and benefits through a wires charge;
29. To require the Public Utilities Commission to annually report to the legislature on the implementation of retail access; and
30. To establish mechanisms to address contractual difficulties created by the restructuring of the electric industry.

***Enacted law summary***

Public Law 1997, chapter 316 restructures the electric industry and opens the retail purchase and sale of electricity to competition beginning March 1, 2000. It restructures the industry in the manner described above in the summary of the committee amendment.

**LD 1871**                      **An Act to Authorize the Public Utilities Commission to Establish Reasonable Registration and Reporting Requirements and to Study Market Power Issues Associated with Electric Industry Restructuring**                      **PUBLIC 447  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY JONES K	OTP-AM	S-327

LD 1871 proposed that any contract made after the effective date of the bill with an unregistered provider is void.

Part A of the bill proposed to require any entity that contracts or attempts to contract with any consumer for the provision of electric generation service in anticipation of electric industry restructuring to be registered with the Public Utilities Commission.

Part B of the bill proposed to require the Public Utilities Commission and the Department of the Attorney General to conduct a study of market power issues related to electric industry restructuring.

**Committee Amendment "A" (S-327)** proposed technical corrections to the bill to make it clear that the registration requirements apply to prospective providers of retail electric service.

***Enacted law summary***

Public Law 1997, chapter 447 requires any entity that contracts or attempts to contract with any consumer for the provision of retail electric service in anticipation of electric industry restructuring to be registered with the Public Utilities Commission. A contract made with an unregistered provider is void.

It also requires the Public Utilities Commission and the Department of the Attorney General to conduct a study of market power issues related to electric industry restructuring. The law is effective on June 10, 1997.

**LD 1873**                      **An Act to Increase the Debt Limit of the Vinalhaven Water District**                      **P & S 42  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	S-316

LD 1873 proposed to increase the debt limit of the Vinalhaven Water District from \$400,000 to \$1,500,000.

**Committee Amendment "A" (S-316)** proposed to make a technical change and to allow the Vinalhaven Water District to increase its debt limit by referendum vote without further Legislative authorization in the same manner that standard water districts are authorized to increase their debt limits.

***Enacted law summary***

Private and Special Law 1997, chapter 42 increases the debt limit of the Vinalhaven Water District from \$400,000 to \$1,500,000 and allows the Vinalhaven Water District to further increase its debt limit by referendum vote without further Legislative authorization in the same manner that standard water districts are authorized to increase their debt limits. The law is effective on June 10, 1997 for the purposes of allowing it to be put out for local referendum approval.

**LD 1875                      An Act to Permit the Public Utilities Commission to Grant an                      ONTP**  
**Emergency Rate Increase**

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

LD 1875 proposed to permit the Public Utilities Commission to grant a utility an emergency rate increase subject to refund if the commission later determines that all or a portion of the emergency increase was unwarranted. The bill proposed that this provision would apply to proceedings pending before the commission at the time of enactment.

**LD 1899                      An Act Regarding the Restructuring of Contracts between Public                      PUBLIC 558**  
**Utilities and Qualifying Facilities**

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

LD 1899 proposed to amend the electric industry restructuring legislation (see LD 1804) by adding an exception to the requirement that each investor-owned electric utility divest all generation assets and generation-related business activities on or before March 1, 2000. The exception is for a contract with a party other than a qualifying facility or affiliated interest entered into solely for the purpose of restructuring a contract with a qualifying facility

***Enacted law summary***

Public Law 1997, chapter 558 amends the electric restructuring legislation (see LD 1804) to expand the exceptions to the divestiture requirement to include contracts with parties other than qualified facilities that are entered into solely for the purpose of restructuring a contract with a qualifying facility.

## Joint Standing Committee on Utilities and Energy

### SUBJECT INDEX

#### *Electricity (non-restructuring)*

##### Enacted

LD 502	An Act to Require Fair Compensation for Ratepayer Assets Used by a Subsidiary or an Affiliate of a Utility	PUBLIC 237	Page 4
LD 820	An Act to Repeal the Maine Surplus Energy Auction Program	PUBLIC 56	Page 11
LD 1771	An Act to Extend the Electric Rate Stabilization Program	PUBLIC 492 EMERGENCY	Page 22
LD 1871	An Act to Authorize the Public Utilities Commission to Establish Reasonable Registration and Reporting Requirements and to Study Market Power Issues Associated with Electric Industry Restructuring	PUBLIC 447 EMERGENCY	Page 28

##### Not Enacted

LD 483	An Act to Create Industrial Enterprise Districts to Promote Economic Development and to Retain and Increase Good Quality Jobs by Providing More Competitive Electric Rates within the Districts	ONTP	Page 4
LD 783	An Act to Allow Certain Public Utilities to Extend Their Service into Areas Serviced by Other Public Utilities	ONTP	Page 9
LD 1875	An Act to Permit the Public Utilities Commission to Grant an Emergency Rate Increase	ONTP	Page 29

#### *Electricity Restructuring*

##### Enacted

LD 1804	An Act to Restructure the State's Electric Industry	PUBLIC 316	Page 25
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<b>LD 1871</b>	<b>An Act to Authorize the Public Utilities Commission to Establish Reasonable Registration and Reporting Requirements and to Study Market Power Issues Associated with Electric Industry Restructuring</b>	<b>PUBLIC 447 EMERGENCY</b>	<b>Page 28</b>
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<b>LD 1899</b>	<b>An Act Regarding the Restructuring of Contracts between Public Utilities and Qualifying Facilities</b>	<b>PUBLIC 558</b>	<b>Page 29</b>
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**Not Enacted**

<b>LD 1539</b>	<b>Resolve, to Ensure a Reduction in Electric Power Rates in the Event of Electric Power Industry Restructuring</b>	<b>ONTP</b>	<b>Page 19</b>
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<b>LD 1732</b>	<b>An Act to Provide Choice to Maine's Electricity Customers</b>	<b>CARRIED OVER</b>	<b>Page 21</b>
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<b>LD 1785</b>	<b>An Act to Provide for a Simplified Restructuring of the Electric Industry</b>	<b>ONTP</b>	<b>Page 23</b>
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<b>LD 1794</b>	<b>An Act to Create a Competitive Market for Electricity While Protecting Consumers and the Environment</b>	<b>ONTP</b>	<b>Page 24</b>
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<b>LD 1798</b>	<b>An Act to Permit Electric Utilities to Restructure in Ways That Improve the Economy of the State</b>	<b>ONTP</b>	<b>Page 24</b>
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***E-9-1-1***

**Enacted**

<b>LD 976</b>	<b>An Act to Amend the Enhanced 9-1-1 Laws</b>	<b>PUBLIC 291</b>	<b>Page 13</b>
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<b>LD 1649</b>	<b>An Act to Provide a Funding Mechanism for the E-9-1-1 System</b>	<b>PUBLIC 409</b>	<b>Page 20</b>
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**Not Enacted**

**None**

## *General Utility/Miscellaneous*

### Enacted

<b>LD 372</b>	<b>An Act to Require Employees of Public Utilities to Be Licensed When Providing Services Outside the Regulated Activities of the Utility</b>	<b>PUBLIC 119</b>	<b>Page 3</b>
<b>LD 502</b>	<b>An Act to Require Fair Compensation for Ratepayer Assets Used by a Subsidiary or an Affiliate of a Utility</b>	<b>PUBLIC 237</b>	<b>Page 4</b>
<b>LD 601</b>	<b>An Act to Provide Municipal Notification of Utility Services</b>	<b>PUBLIC 199</b>	<b>Page 6</b>
<b>LD 1598</b>	<b>An Act to Provide for Enforcement of the Laws Regarding the Protection of Underground Utility Facilities</b>	<b>PUBLIC 229</b>	<b>Page 19</b>

### Not Enacted

<b>LD 783</b>	<b>An Act to Allow Certain Public Utilities to Extend Their Service into Areas Serviced by Other Public Utilities</b>	<b>ONTP</b>	<b>Page 9</b>
<b>LD 1875</b>	<b>An Act to Permit the Public Utilities Commission to Grant an Emergency Rate Increase</b>	<b>ONTP</b>	<b>Page 29</b>

## *Natural Gas*

### Enacted

None

### Not Enacted

<b>LD 565</b>	<b>An Act to Require Approval of Municipalities for Construction of Natural Gas Pipelines</b>	<b>ONTP</b>	<b>Page 5</b>
<b>LD 707</b>	<b>An Act to Require a Percentage of Natural Gas Flowing through the State to Be Reserved for Maine Users</b>	<b>ONTP</b>	<b>Page 7</b>



## *Nuclear*

### Enacted

None

### Not Enacted

<b>LD 578</b>	<b>An Act to Prohibit Retrofits of Nuclear Power Plants without Permission of the Public Utilities Commission</b>	<b>ONTP</b>	<b>Page 6</b>
<b>LD 1357</b>	<b>An Act to Enhance Public Knowledge of Nuclear Power</b>	<b>ONTP</b>	<b>Page 18</b>

## *PUC/Public Advocate*

### Enacted

<b>LD 502</b>	<b>An Act to Require Fair Compensation for Ratepayer Assets Used by a Subsidiary or an Affiliate of a Utility</b>	<b>PUBLIC 237</b>	<b>Page 4</b>
<b>LD 810</b>	<b>An Act to Clarify the Duties of the Office of the Public Advocate</b>	<b>PUBLIC 166</b>	<b>Page 10</b>

### Not Enacted

<b>LD 783</b>	<b>An Act to Allow Certain Public Utilities to Extend Their Service into Areas Serviced by Other Public Utilities</b>	<b>ONTP</b>	<b>Page 9</b>
<b>LD 1875</b>	<b>An Act to Permit the Public Utilities Commission to Grant an Emergency Rate Increase</b>	<b>ONTP</b>	<b>Page 29</b>

## *Telecommunications*

### Enacted

<b>LD 262</b>	<b>An Act to Permit the Public Utilities Commission to Exempt Certain Telephone Utilities from Obtaining Approval to Serve</b>	<b>PUBLIC 118</b>	<b>Page 2</b>
<b>LD 371</b>	<b>An Act to Clarify the Definition of Qualified School for Telecommunications Network Purposes</b>	<b>PUBLIC 169</b>	<b>Page 3</b>

<b>LD 735</b>	<b>An Act to Permit the Public Utilities Commission to Suspend Rate Regulation of Certain Telephone Utilities</b>	<b>PUBLIC 276</b>	<b>Page 8</b>
<b>LD 812</b>	<b>An Act to Require the Public Utilities Commission to Align Telecommunications Carrier Access Rates with Costs to Foster Economic Development and Competition throughout the State</b>	<b>PUBLIC 259</b>	<b>Page 11</b>
<b>LD 1294</b>	<b>An Act to Clarify the Jurisdiction of the Public Utilities Commission over Telecommunication Utilities' Special Rate Contracts</b>	<b>PUBLIC 275</b>	<b>Page 17</b>
 <b><u>Not Enacted</u></b>			
<b>LD 233</b>	<b>An Act to Regulate Telephone Directory Entries</b>	<b>ONTP</b>	<b>Page 1</b>
<b>LD 366</b>	<b>An Act to Require Regular Disclosure of Low-cost Telephone Calling Plans to Telephone Customers</b>	<b>ONTP</b>	<b>Page 2</b>
<b>LD 382</b>	<b>An Act to Prohibit the Public Utilities Commission from Directing Utility Overcharges to Any Program Other Than Repayment to Ratepayers</b>	<b>ONTP</b>	<b>Page 4</b>
<b>LD 858</b>	<b>An Act to Expand Basic Service Calling Areas to Include All Municipalities within a School Administrative Unit</b>	<b>ONTP</b>	<b>Page 12</b>
<b>LD 894</b>	<b>An Act to Guarantee Wider Local Calling Access to Every Telephone Exchange in the State</b>	<b>ONTP</b>	<b>Page 12</b>
<b>LD 919</b>	<b>Resolve, to Review and Reform the Public Utilities Commission Order Related to School Access to Electronically Transmitted Information</b>	<b>ONTP</b>	<b>Page 12</b>
<b>LD 928</b>	<b>An Act to Deregulate Intrastate Long-distance Calling</b>	<b>ONTP</b>	<b>Page 13</b>
<b>LD 1043</b>	<b>An Act to Expand Local Calling Areas</b>	<b>ONTP</b>	<b>Page 15</b>
<b>LD 1093</b>	<b>An Act to Provide the Entire State with Integrated Services Digital Network Telecommunication</b>	<b>ONTP</b>	<b>Page 16</b>
<b>LD 1215</b>	<b>An Act to Restrict Telephone Solicitation</b>	<b>ONTP</b>	<b>Page 16</b>

<b>LD 1788</b>	<b>An Act to Require Notice to Telephone Subscribers of the Sale or Transfer of an Interexchange Carrier or a Change in Rates</b>	<b>CARRIED OVER</b>	<b>Page 24</b>
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*Water and Sewer Charter Changes*

**Enacted**

<b>LD 221</b>	<b>An Act to Amend the Charter of the Madison Water District</b>	<b>P &amp; S 8</b>	<b>Page 1</b>
<b>LD 529</b>	<b>An Act to Conform the Lien Procedures Within the Charter of Boothbay Harbor Sewer District to Statutory Lien Procedures</b>	<b>P &amp; S 14</b>	<b>Page 5</b>
<b>LD 667</b>	<b>An Act to Create and Incorporate the Jackman Utility District by Merger of the Jackman Water District and the Jackman Sewer District</b>	<b>P &amp; S 30 EMERGENCY</b>	<b>Page 6</b>
<b>LD 724</b>	<b>An Act to Amend the Charter of the Portland Water District</b>	<b>P &amp; S 15 EMERGENCY</b>	<b>Page 7</b>
<b>LD 805</b>	<b>An Act to Create the Oquossoc Standard Water District</b>	<b>P &amp; S 21 EMERGENCY</b>	<b>Page 9</b>
<b>LD 807</b>	<b>An Act to Amend the Charter of the Winthrop Utilities District</b>	<b>P &amp; S 16</b>	<b>Page 10</b>
<b>LD 935</b>	<b>An Act to Increase the Debt Limit of the Waldoboro Utility District</b>	<b>P &amp; S 18 EMERGENCY</b>	<b>Page 13</b>
<b>LD 1073</b>	<b>An Act to Create the Tenants Harbor Standard Water District</b>	<b>P &amp; S 17 EMERGENCY</b>	<b>Page 16</b>
<b>LD 1253</b>	<b>An Act to Amend the Charter of the Winterport Sewerage District</b>	<b>P &amp; S 32 EMERGENCY</b>	<b>Page 17</b>
<b>LD 1344</b>	<b>An Act to Create the Mt. Blue Standard Water District</b>	<b>P &amp; S 31 EMERGENCY</b>	<b>Page 18</b>
<b>LD 1665</b>	<b>An Act to Amend the Charter of the Hebron Water Company</b>	<b>P &amp; S 36</b>	<b>Page 21</b>
<b>LD 1770</b>	<b>An Act to Create the Pleasant River Standard Water District</b>	<b>P &amp; S 35 EMERGENCY</b>	<b>Page 22</b>

<b>LD 1873</b>	<b>An Act to Increase the Debt Limit of the Vinalhaven Water District</b>	<b>P &amp; S 42 EMERGENCY</b>	<b>Page 28</b>
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**Not Enacted**

<b>LD 499</b>	<b>An Act to Amend the Charter of the Canton Water District</b>	<b>ONTP</b>	<b>Page 4</b>
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<b>LD 1037</b>	<b>An Act to Modify the Prohibition against Bathing in Sebago Lake within 2 Miles of the Intakes of the Portland Water District</b>	<b>ONTP</b>	<b>Page 15</b>
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***Water and Sewer (other than charter changes)***

**Enacted**

**None**

**Not Enacted**

<b>LD 224</b>	<b>An Act Regarding Charges Assessed against Owners of Sprinkler Systems</b>	<b>CARRIED OVER</b>	<b>Page 1</b>
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<b>LD 767</b>	<b>An Act to Clarify Sanitary District and Sewer District Authority to Adopt Impact Fees</b>	<b>ONTP</b>	<b>Page 9</b>
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<b>LD 1423</b>	<b>An Act Regarding Sewer District Upgrades</b>	<b>ONTP</b>	<b>Page 19</b>
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