

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 253 **An Act Concerning Entry to Investigate Private Property for the Purpose of Forestry Examinations** **PUBLIC 694**

<u>Sponsor(s)</u> SNOWE-MELLO BENNETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-975
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LD 253 proposed 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. In the second session, this bill was rereferred to the Joint Standing Committee on Judiciary. (See bill summaries for that committee).

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

<u>Sponsor(s)</u> DEXTER CASSIDY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 289 proposed establishing the Committee to Study Maine's Forest Practices. This resolve directed 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 968 **An Act to Require Recommended Silvicultural Stocking Standards on Land Ownerships Enrolled under the Tree Growth Tax Laws** **ONTP**

<u>Sponsor(s)</u> VOLENIK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 968 proposed 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 proposed requiring the Commissioner of Conservation to adopt major substantive rules to establish the standards and specifying that the standards use basal area as a measure of stocking. It proposed provisions for the Commissioner of Conservation to grant a variance when compliance with the standards would cause unusual hardship. It proposed subjecting a landowner who failed to comply with stocking standards to fines and penalties and making that landowner's land ineligible for enrollment under Tree Growth.

LD 1200 **An Act to Reform the Maine Tree Growth Tax Law** **ONTP**

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

LD 1200 proposed specific criteria for forest management plans prepared for land qualifying for tree growth classification under the Maine Tree Growth Tax Law. This bill also proposed 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.

Committee Amendment "A" (H-105) was the minority report. It proposed adding an appropriation section and a fiscal note to the bill.

LD 1232 An Act to Provide Relief from Barking Dogs ONTP

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

LD 1232 proposed requiring municipalities to adopt ordinances to address the problem presented by barking dogs.

During the 1st Session, 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 during the 1st session. 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. In the 2nd session, the committee report on LD 1232 was a unanimous "Ought Not to Pass."

LD 1311 An Act to Prohibit Clear-cutting ONTP

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

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

LD 1395 Resolve, to Establish the Maine Council on Sustainable Silviculture ONTP

LD 1395

Resolve, to Establish the Maine Council on Sustainable Silviculture

ONTP

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

LD 1395 proposed 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 would terminate on October 1, 1999.

Committee Amendment "A" (H-100) was the minority report. It would have changed dates for appointments and reports. It also would have added a fiscal note to the resolve.

LD 1405

An Act to Strengthen Laws Regarding Timber Theft and Timber Harvesting

PUBLIC 648

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND	OTP-AM	H-1076 BUNKER H-951 S-571 KIEFFER

LD 1405 proposed requiring timber harvesters to obtain a license from the Department of Conservation, Bureau of Forestry. It proposed provisions for the revocation of a license and making a person ineligible for a license for a period of 3 years if that person unlawfully cuts trees on another person's land.

Committee Amendment "A" (H-951) proposed amending provisions in current law regarding harvesting notification forms and requiring that a trip ticket containing certain specified information accompany all wood hauled for sale. It proposed a study of workers' compensation laws relating to wood harvesting and the development of statewide standards to minimize the impact of wood harvesting on nonpoint source pollution.

House Amendment "A" to Committee Amendment "A" (H-1076) authorizes the joint standing committee of the Legislature having jurisdiction over labor matters to report out legislation regarding workers' compensation coverage in the wood harvesting industry to any session of the 119th Legislature.

Senate Amendment "A" to Committee Amendment "A" (S-571) amends the definition of "hauler" to include a person, company or other entity that owns a trailer on which wood is transported. It also requires any person transporting wood, not just wood for sale, to comply with the provision of the amendment.

Enacted law summary

Public Law 1997, chapter 648 amends provisions in current law regarding harvesting notification forms and requires that a trip ticket containing certain specified information accompany wood being transported. Firewood sales to retail consumers are exempt from the trip ticket requirement. This law requires the Workers' Compensation Board and the Maine Forest Service to study workers' compensation laws relating to wood harvesting and to report

harvesting on nonpoint source pollution and to report to the 119th Legislature on the use of best management practices for wood harvesting operations.

LD 1430 **An Act to Regulate Professional Loggers** **ONTP**

<u>Sponsor(s)</u> KILKELLY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1430 proposed establishing the Maine State Board of Licensure for Professional Loggers as the regulatory body for the profession. The bill proposed 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 was completed prior to committee action on this bill.

A related bill proposing loggers registration was amended to address timber theft and compliance with timber harvesting regulations. (See the bill summary for LD 1405.)

LD 1465 **An Act to Limit Liquidation Harvesting** **ONTP**

<u>Sponsor(s)</u> SHIAH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1465 proposed 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 proposed 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 proposed 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** **ONTP**

<u>Sponsor(s)</u> CASSIDY BARTH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1473 proposed amending 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 proposed to amend the provisions governing the process by which a municipality may propose to adopt or amend a timber harvesting ordinance. The bill proposed 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** **ONTP**

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

LD 1518 proposed 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 would have been directed to issue a report that assesses problems and makes recommendations for changes in the State's forestry policy and to submit its report and necessary implementing legislation to the 119th Legislature by January 1, 2000.

Committee Amendment "A" (H-100) was the minority report. It proposed changing the report date for the Maine Forest Policy Round Table Study Commission and adding an appropriation section and a fiscal note to the resolve.

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

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

LD 1746 proposed 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 proposed 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 proposed 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 could be challenged based on an alleged failure to comply with certain notice requirements.

Committee Amendment "A" (S-527) was the majority report of the committee. This amendment proposed changing the date by which municipal ordinances must comply with a standard for definitions and adding a fiscal note to the bill.

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

Sponsor(s)
SHIAH

Committee Report
ONTP MAJ
OTP-AM MIN

Amendments Adopted

LD 1766 proposed to establish a new forest policy for the State. It proposed 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 proposed 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 proposed changes to the Bureau of Forestry's natural resource education program and directing the bureau's natural resource educator to develop partnerships and funding sources for creating new natural resource education initiatives for the public.

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

Committee Amendment "A" (H-980) was the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. This amendment would have replaced the bill.

The amendment proposes several changes relating to clear-cuts, standards for residual stocking and sustainable harvest levels and certification through a review program.

With respect to clear-cuts and clear-cutting activities, the amendment proposed reducing from 250 acres to 75 acres the maximum size of a clear-cut and reducing the threshold size of a clear-cut from five acres to one acre. It also would have required landowners who hold 100,000 or more acres of forest land to get a permit from the Maine Forest Service before any clear-cutting activity and would have prohibited such landowners from clear-cutting more than 0.25 of their land in any one year. Clear-cuts would have to be separated by a clearly defined separation zone at least equal to 1 1/2 times the area of the associated clear-cut.

With respect to stocking standards and harvest levels, the amendment would have required that all harvests by large landowners leave adequate residual stocking. A permit from the Maine Forest Service would have been required before a large landowner could undertake any harvesting that would result in stocking levels below the applicable United States Forest Service C line standard or below the standards adopted by the commissioner. The amendment would have prohibited large landowners from exceeding sustainable harvesting levels based on growth, yield and other relevant criteria.

With respect to certification requirements, the amendment would have established a 10-member Sustainable Forest Management Program Board to develop benchmarks for a review program required for large landowners after January 1, 2000.

LD 1852

An Act to Reorganize and Clarify the Laws Relating to the Establishment, Powers and Duties of the Bureau of Parks and Lands

PUBLIC 678

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM MAJ	S-501
BUNKER	OTP-AM MIN	S-551 KILKELLY

LD 1852 proposed 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. This bill proposed 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. LD 1852 was submitted as that proposal.

Committee Amendment "A" (S-501) was the majority report. It proposed technical changes to the bill to clarify language and reenacting certain language in current law that was omitted from the bill. In addition, it proposed removing authorization in the bill for the state park campsite reservation system to be administered by a 3rd-party contractor. It proposed authorizing the Director of the Bureau of Parks and Lands to conduct a sunken log salvage program.

Committee Amendment "B" (S-502) was the minority report. It proposed revisions identical to those of the majority report. In addition, it proposed removing language authorizing the Bureau of Parks and Lands to enter lands for the purpose of making surveys and examinations.

Senate Amendment "A" (S-551) proposed amending the right -of -entry provisions for the Bureau of Parks and Lands removing the authority of the bureau to enter upon premises to make surveys and other necessary examinations. Agents of the bureau would be authorized to enter upon lands and waters for these purposes. This amendment also proposed clarifying that written approval is required prior to herbicide application in the Allagash Waterway.

Enacted law summary

Public Law 1997, chapter 678 clarifies the establishment, powers and duties of the new Bureau of Parks and Lands. It does not alter the essential purposes and practices of the bureau's programs. It does make 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. 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.
4. Obsolete language is deleted or amended regarding control of fires, lifeguard training, an official bureau seal and care of certain properties transferred from the Federal Government.

5. A general policy on public access to nonreserved lands is added similar to the one that already exists for public reserved lands.
6. It establishes that the Nonreserved Public Lands Management Fund accrues interest in the same manner as the Public Reserved Lands Management Fund.
7. It requires the director to give notice of proposed sales of nonreserved public lands similar to the notice required for public reserved lands.
8. 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.
9. Permitted use of the ATV Recreational Management Fund is expanded to include land purchases for use as ATV trails.
10. It authorizes a sunken log salvage program.

It also changes references in the Maine Revised Statutes to coincide with the new chapter, updates obsolete language and makes technical corrections.

LD 1874 An Act Regarding Nutrient Management

**PUBLIC 642
EMERGENCY**

<u>Sponsor(s)</u> PARADIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-604
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LD 1874, "An Act to Establish Limitations on Swine-feeding Operations," proposed establishing limits on swine feeding operations located within jurisdiction of the Maine Land Use Regulation Commission. It was based on South Carolina law. It proposed provisions for permitting of animal-feeding operations. It proposed minimum separation distances between waste storage ponds and land owned by another person, drinking water wells, and bodies of water. It would have prohibited locating a new animal feeding operation in the 100-year floodplain unless certain conditions were met and certifications received. It would have required the Maine Land Use Regulation Commission to adopt rules relating to land application rates for animal wastes for animal-feeding operations that exceeded a certain capacity. It proposed directing the commission to require remediation of undesirable levels of odor.

Committee Amendment "A" (S-604) proposed replacing the original bill and changing the title to "An Act Regarding Nutrient Management". It proposed requiring nutrient management plans for certain operations, establishing a nutrient management review board and a requiring a permit for certain livestock operations.

Enacted law summary

Public Law 1997, chapter 642, "An Act Regarding Nutrient Management", does the following:

1. Establishes the Nutrient Management Review Board to review and approve rules and to hear appeals relating to permitting decisions;
2. Requires certain farms to have a nutrient management plan that meets the criteria established in statute and in rules adopted by the Commissioner of Agriculture, Food and Rural Resources. Plans are required beginning December 1, 1998 for new farm operations. Other farms that are operational on the effective date of this legislation are not required to have a nutrient management plan until January 1, 2001 and are not required to implement the plan until October 1, 2005. If an existing operation requires a livestock operations permit from the Department of Agriculture, Food and Rural Resources, a nutrient management plan will be required as part of the permitting criteria;
3. Requires certain farms to obtain livestock operations permits from the Department of Agriculture, Food and Rural Resources. Permit requirements take effect May 1, 1999. The department is directed to adopt rules to establish a process for application review and issuing permits. The department is directed to provisionally adopt these rules and submit them to the Legislature no later than January 1, 1999 for review as major substantive rules.
4. Proposes additional regulation of large concentrated animal feeding operations. The State Planning Office, the Department of Agriculture, Food and Rural Resources, the Department of Environmental Protection and the Maine Land Use Regulation Commission are directed to further study large concentrated animal feeding operations and to recommend a permitting process to regulate such operations. The Director of the State Planning Office is to coordinate and staff this study. The Department of Agriculture, Food and Rural Resources, the Department of Environmental Protection and the Maine Land Use Regulation Commission are authorized to provisionally adopt rules to establish a permitting procedure for new and expanding confined animal feeding operations that have more than 1,000 animal units. They are directed to submit provisional rules and recommendations for any legislation necessary to implement a permitting process for farms meeting the criteria of a large concentrated animal feeding operation. The report and provisional rules must be submitted to the Legislature no later than December 15, 1998;
5. Imposes a moratorium on swine feeding operations. From the effective date of this legislation until 90 days after the adjournment of the First Regular Session of the 119th Legislature, a person may not construct or operate a new swine feeding operation that confines and feeds more than 500 swine. As written, this moratorium does not prohibit a farmer who was raising swine on March 1, 1998 from expanding beyond 500 swine during the moratorium period;
6. Prohibits winter spreading of manure. Beginning on December 1, 1999, the spreading of manure or spraying of liquid manure is prohibited statewide between December 1st and March 15th. The commissioner may grant a variance;
7. Establishes a Nutrient Management Fund to receive funds from any source to be used to implement the nutrient management laws;
8. Authorizes legislation. The joint standing committee having jurisdiction over agricultural matters is authorized to report out legislation during the First Regular Session of the 119th Legislature relating to large concentrated animal feeding operations and to improve the implementation, administration and enforcement of the nutrient management laws; and
9. Directs the Department of Agriculture, Food and Rural Resources to report on the impact of agriculture on nonpoint source pollution to the 120th Legislature.

Chapter 642 was enacted as an emergency measure effective March 31, 1998.

LD 1907 **An Act Regarding Short-rotation Tree Fiber Farming and Genetically Engineered Trees** **ONTP**

<u>Sponsor(s)</u> FERGUSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1907 proposed definitions of "genetically engineered tree" and "short rotation tree fiber farming" and exempting short rotation tree fiber farming from the rules established by the Commissioner of Conservation to implement forest practices laws under the Maine Revised Statutes, Title 12, chapter 805, subchapter III-A.

LD 1942 **Resolve, Authorizing the Transfer of Certain State Park Property** **RESOLVE 87**

<u>Sponsor(s)</u> WINSOR BENNETT		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1942 proposed transferring certain property from the State to the Town of Norway. The property was purchased by the Bureau of Parks and Recreation in 1973 and has been managed by the Town of Norway as a public park and boat launching area since acquisition by the State.

Enacted law summary

Resolve 1997, chapter 87 transfers 57 acres of land in the Town of Norway from the State to the Town of Norway to be used for a public park and boat launch.

LD 2004 **An Act to Ensure Long-term Funding of the Maine Agricultural Experiment Station Research Farms Connected with Land Grant Colleges** **PUBLIC 711**

<u>Sponsor(s)</u> GREEN TREAT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1029 GREEN H-929 S-605 KILKELLY
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LD 2004 proposed requiring the University of Maine at Orono Land Grant College to establish a line item for the Maine Agricultural Experiment Station research farms, to fund the research farms with funding equal to or exceeding 1995 levels. The bill proposed creating a Board of Agriculture to manage the farms, oversee the development of long-range plans for the agricultural experiment station farms, research programs and Cooperative Extension Service programs and coordinate activities with existing agricultural commodity organizations interested in, or currently supporting, research at the research farms.

Committee Amendment "A" (H-929) proposed language to clarify that final authority for administration of the Maine Agricultural Experiment Station rests with the Director of the Maine Agricultural Experiment Station. It proposed removing the emergency preamble from the bill and placing in unallocated law a directive to the Board of Trustees of the University of Maine System regarding funding for the experimental farms within the Maine Agricultural Experiment Station. It proposed language clarifying those programs on which the Board of Agriculture is to advise the Chancellor of the University of Maine System and the President of the University of Maine. It proposed adding to the Board of Agriculture a member to represent a statewide organic farmers and growers association and the Director of the University of Maine Cooperative Extension Service. It proposed removing the directive that the long-range plan developed by the Board of Agriculture include plans for regionalizing extension facilities.

House Amendment "A" to Committee Amendment "A" (H-1029) proposes that the President of the Senate and the Speaker of the House each appoint one member of the joint standing committee of the Legislature having jurisdiction over agricultural matters to the Board of Agriculture established within the University of Maine. The original bill proposed that the President and the Speaker jointly appoint these members.

Senate Amendment "A" to Committee Amendment "A" (S-605) proposed a correction in the name of an agricultural advisory committee with which the Board of Agriculture is directed to consult.

Enacted law summary

Public Law 1997, chapter 711 establishes the Board of Agriculture within the University of Maine to advise the Chancellor of the University of Maine System and the President of the University on operation and management of agricultural research conducted by the Maine Agricultural Experiment Station. It requires the Board of Agriculture to report annually to the joint standing committee of the Legislature having jurisdiction over agricultural matters. It directs the Board of Trustees of the University of Maine System to strive to increase funds to the experimental farms.

LD 2006 **An Act to Expand the Potato Licensing Laws to Include Rotation Crops** **PUBLIC 606**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND KIEFFER	OTP-AM	H-817

LD 2006 proposed expanding the licensing requirements under the Maine potato laws to include small grains and flax, which are traditionally used as rotation crops for the production of potatoes.

Committee Amendment "A" (H-817) proposed adding soybeans to the definition of rotation crops, raising the maximum bonding level to \$400,000 for dealers involved in buying and selling both potatoes and rotation crops and striking the section of the bill relating to inspections and guarantees of rotation crops.

Enacted law summary

Public Law 1997, chapter 606 requires persons who buy, solicit or negotiate the sale of crops grown in rotation with potatoes to be licensed. It raises the maximum bonding level to \$400,000 for dealers involved in buying and selling both potatoes and rotation crops

LD 2017 An Act to Provide Access to Veterinary Education for Maine Students PUBLIC 765

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY CHICK	OTP-AM	S-725 MICHAUD

LD 2017 proposed amending the laws governing the program under which the Finance Authority of Maine secures access for Maine residents at institutions of allopathic and osteopathic medicine by expanding the program to include access for students of veterinary medicine.

Committee Amendment "A" (S-456) proposed adding an appropriation section and a fiscal note to the bill.

Senate Amendment "A" (S-725) proposed decreasing from 2 to 1, the number of positions secured annually for Maine students of veterinary medicine.

Enacted law summary

Public Law 1997, chapter 765 directs the Finance Authority of Maine to secure one position annually for students at a school of veterinary medicine. It appropriates \$12,500 to secure a position in fiscal year 1998-99.

LD 2020 An Act to Honor Dairy Farmers' Right to Know ONTP

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

LD 2020 proposed requiring a milk dealer to provide certain information to a milk producer when monthly payment for milk is made.

LD 2069 An Act to Improve Public Health Protection Against Rabies Infection PUBLIC 704

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	OTP-AM	S-577

LD 2069 proposed enforcement procedures for rabies prevention. It proposed clarifying the definition of wolf hybrid and the declaration of species at the time of licensure of that animal. It proposed requiring the immediate killing of a wolf hybrid having bitten a person or domestic animal and suspected of having rabies. It also proposed

authorizing animal control officers to enforce rabies protection measures and establishing a penalty for noncomplaint owners.

Committee Amendment "A" (S-577) proposed technical changes to the definition of "wolf hybrid". It proposed amendments to rabies vaccination requirements for cats and a fine for a violation of the mandatory feline vaccination. It proposed clarifications regarding licensing of wolf hybrids. It proposed amending the bill to require a wolf hybrid to be removed immediately and euthanized for testing when the wolf hybrid has bitten a person or domestic animal and is suspected of having rabies. The original bill proposed the animal be killed immediately. The amendment proposed language clarifying the provisions for court orders for removal of animals when an owner does not comply with confinement orders or other actions required by rule to prevent rabies.

Enacted law summary

Public Law 1997, chapter 704 requires a wolf hybrid that has bitten a person or domestic animal and is suspected of having rabies to be removed immediately and euthanized for testing. If the animal control officer, local health officer, game warden or law enforcement officer believes the animal poses an immediate threat, the animal control officer, local health officer, game warden or law enforcement officer may immediately kill the animal. It requires rabies vaccine boosters for cats at intervals specific to the vaccine administered. It allows a medical exemption from the requirement that a cat be vaccinated for rabies. It provides for a fine of not more than \$100 for a violation of the mandatory feline vaccination. It allows a municipal clerk to issue a dog license for a wolf hybrid without proof that the wolf hybrid has been immunized. It requires a license issued for a wolf hybrid or a dog represented as a wolf hybrid to state that the dog is a wolf hybrid.

It enacts a procedure for obtaining a court order to remove an animal when the owner has not complied with requirements established by rule for quarantine or euthanasia of the animal. It allows a municipality to record a lien against the property of an animal's owner if the owner fails to pay the costs of confining an animal.

LD 2172

An Act to Provide for the Licensing, Inspection and Labeling of Farmstead Cheese

PUBLIC 639

Sponsor(s)
GOLDTHWAIT
PIEH

Committee Report
OTP-AM

Amendments Adopted
S-500

LD 2172 proposed requiring the Department of Agriculture, Food and Rural Resources to inspect the processing of farmstead cheese and to establish rules for the labeling and licensing of farmstead cheese. It proposed limiting the sale of the farmstead cheese.

Committee Amendment "A" (S-500) proposed language to clarify the provisions proposed in the original bill.

Enacted law summary

Public Law 1997, chapter 639 requires the Department of Agriculture, Food and Rural Resources to inspect the production of farmstead cheese. It requires the department to establish rules for the labeling of farmstead cheese and the licensing of producers. It restricts sale of farmstead cheese to the farm where it was produced, farmers' markets and farm stands.

LD 2194

An Act to Change the Name of the Knox Agricultural Society

**P & S 66
EMERGENCY**

Sponsor(s)
SAVAGE

Committee Report
OTP

Amendments Adopted

LD 2194 proposed changing the name of the Knox Agricultural Society to the Union Fair Society/State of Maine Wild Blueberry Festival and amending its charter.

Enacted law summary

Private and Special Law 1997, chapter 66 changes the name of the Knox Agricultural Society to the Union Fair Society/State of Maine Wild Blueberry Festival. It also amends the charter so that members may elect any person as a member of the society, not just residents of towns within Knox County. Chapter 66 was enacted as an emergency measure effective March 18, 1998.

LD 2217

An Act to Authorize the Director of the Bureau of Parks and Lands to Grant a License for Groundwater Extraction at Range Ponds State Park

PUBLIC 641

Sponsor(s)
SNOWE-MELLO
CLEVELAND

Committee Report
OTP-AM

Amendments Adopted
H-903

LD 2217 proposed authorizing the Director of the Bureau of Parks and Lands to grant a license to the Poland Spring Water Co. for commercial extraction of groundwater at Range Ponds State Park in Poland, Maine. It proposed requiring that revenues generated by groundwater extraction at Range Ponds State Park be deposited into the Maine State Parks and Recreational Facilities Development Fund. It proposed changing the name of and amending statutory provisions relating to the Maine State Parks Development Fund.

Committee Amendment "A" (H-903) proposed adding a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 641 authorizes the Director of the Bureau of Parks and Lands to grant a license to the Poland Spring Water Co. for commercial extraction of groundwater at Range Ponds State Park in Poland, Maine. It requires that revenues generated by groundwater extraction at Range Ponds State Park be deposited into the Maine State Parks and Recreational Facilities Development Fund. It changes the name of the Maine State Parks Development Fund to the Maine State Parks and Recreational Facilities Development Fund and broadens the allowed uses of the funds. It specifies that interest earned on money in the fund must be credited to the fund.

LD 2236

Resolve, Regarding Legislative Review of Chapter 501: Exemptions to Fire Bans and Permit Requirements for Outdoor Fireplaces and Grills, a Major Substantive Rule of the Department of Conservation

**RESOLVE 101
EMERGENCY**

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

LD 2236 provided for legislative review of Chapter 501: Exemptions to Fire Bans and Permit Requirements for Outdoor Fireplaces and Grills, a major substantive rule of the Department of Conservation.

Enacted law summary

Resolve 1997, chapter 101 gives legislative approval to major substantive rules provisionally adopted by the Department of Conservation regarding exemption to fire bans and permit requirements for outdoor fireplaces and grills. Chapter 101 was enacted as an emergency measure effective March 30, 1998.

LD 2254 Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands RESOLVE 102

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEXTER KILKELLY	OTP-AM	H-969

LD 2254 proposed authorizing 2 land transactions by the Director of the Bureau of Parks and Lands within the Department of Conservation.

Committee Amendment "A" (H-969) proposed adding an allocation section and a fiscal note to the resolve.

Enacted law summary

Resolve 1997, chapter 102 authorizes 2 land transactions by the Director of the Bureau of Parks and Lands within the Department of Conservation. It authorizes the sale of the State's fee interest in land in Cortez, Montezuma County, Colorado conveyed to the State in 1969 through the will of Percival Proctor Baxter. It requires that proceeds from sale of the Colorado property be invested in the Mackworth Island Trust. It authorizes the Bureau of Parks and Lands to use income and principal from the trust to manage property under the bureau's care on Mackworth Island in Falmouth, Maine.

It authorizes an exchange of the State's interest in land and other consideration for lands now owned by Huber Resources Corporation. The exchange allows the Bureau of Parks and Lands to convey common and undivided interest in approximately 3,058 acres in 3 townships in northern Maine and acquire approximately 2,491 acres. Of the 2,491 acres to be acquired by the State, 2,474 acres are adjacent to the Bigelow Preserve, an existing Public Reserved Lands Unit.

LD 2264 An Act to Promote and Encourage the Cultivation of Cranberries in the State P & S 93

<u>Sponsor(s)</u> BUNKER KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1006
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LD 2264 proposed to promote the cultivation of cranberries in the State specifically authorizing an integrated pest management program for cranberries. The bill proposed an appropriation of \$80,000 to the Integrated Pest Management Fund for a University of Maine Cooperative Extension integrated pest management program.

Committee Amendment "A" (H-1006) proposed appropriating \$50,000 directly to the University of Maine Cooperative Extension Service for an integrated pest management program for cranberries.

Enacted law summary

Private & Special Law 1997, chapter 93 appropriates \$50,000 directly to the University of Maine Cooperative Extension Service for an integrated pest management program for cranberries.

LD 2273 An Act to Amend the Animal Welfare Laws PUBLIC 690

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u> S-567 KILKELLY
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LD 2273 proposed clarifications and technical changes and corrects cross-references in the animal welfare laws. In addition, it proposed several substantive changes in the animal welfare laws. This bill was reported by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Public Law 1997, chapter 456, section 21.

Senate Amendment "A" (S-567) proposed reinstating language that gives a veterinarian the ability to authorize immediate euthanasia if there is no possibility of recovery for a severely sick or injured animal and language granting a veterinarian immunity from civil liability for performing an immediate euthanasia under those circumstances.

Enacted law summary

Public Law 1997, chapter 690 makes technical changes and corrects cross references in the animal welfare laws. It addition it makes the several substantive changes to the animal welfare laws. It amends the definition of breeding kennel to include cats. It allows an animal control officer to take a dog running-at-large to an animal shelter when the owner is known if the dog has been found running-at-large 3 or more times in a 6-month period. The animal control officer is required to notify the owner within 24 hours of taking the dog to an animal shelter. It amends certain provisions pertaining to euthanasia. It increases fines for violations pertaining to controlling dogs. It removes the requirement that a dog wear a rabies tag. It clarifies the provisions for inspecting facilities. It allows an animal shelter to charge a fee of \$1 for issuing a temporary license. It removes the requirement that notices of violations of licensing provisions be sent by certified mail, return receipt requested. It includes an assault against a domesticated animal as well as an assault against a person in the provisions pertaining to dangerous dogs. It repeals provisions in the statutes regarding ferrets. It increases from 6 hours to 12 hours the time a person has to remove an animal in violation of the trespass law. It allows a court to order restitution to a person whose property is damaged by a trespassing animal. It amends the definition of "pet dealer" and certain provisions relating to the sale of dogs and cats.

It makes revisions to the provisions of the Forest Resource Assessment Program. It directs the Bureau of Forestry to establish a process to assess forest sustainability including the development of standards in 7 areas and a monitoring system. It provides for annual collection of inventory data and for an inventory cycle of not more than 5 years. It provides for the use of remote sensing technology and modeling to assess timber supply. It repeals the current provisions for reports and recommendations from the Forest Resources Assessment Program. It requires the Director of the Bureau of Forestry to prepare and publish an annual report summarizing clearcutting activities and a biennial report on the State's forests.

It allows alternate forms for reporting harvesting information. It requires a landowner to state the purpose of a clear-cut on the landowner harvest report. It requires a person filing a notification of intent to harvest to complete and submit the harvest report whether or not timber was harvested during the year. It changes from semiannually to annually the required report on stumpage prices published by the Bureau of Forestry.

Note: Additional funding for the Bureau of Forestry was included in the supplemental budget upon recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry. (See Public Law 1997, chapter 643) Section S-5 appropriates \$405,886 to the Department of Conservation for additional positions and resources for enforcement of forest practices laws and establishing an annual forest inventory program.

LD 2287

**An Act to Implement the Recommendations of a Minority of the
Joint Standing Committee on Agriculture, Conservation and
Forestry Regarding Enhancing Forest Resource Assessment**

**DIED IN
CONCURRENCE**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2287 was a minority of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed an annual collection of inventory data and for an inventory cycle of not more than 5 years. It proposed provisions for the use of remote sensing technology and modeling to assess timber supply. It proposed requiring the Bureau of Forestry to collect additional information and submit additional reports. It proposed amending provisions for landowner reports. For the Majority Report, see the bill summary for LD 2286.

Note: Additional funding for the Bureau of Forestry was included in the supplemental budget upon recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry. (See Public Law 1997, chapter 643) Section S-5 appropriates \$405,886 to the Department of Conservation for additional positions and resources for enforcement of forest practices laws and establishing an annual forest inventory program.

Joint Standing Committee on Banking and Insurance

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

<u>Sponsor(s)</u> VIGUE DAGGETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 307 was carried over from the First Regular Session and First Special Session and proposed to require all group managed care plans of nonprofit hospital and medical service organizations, insurers 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.

The bill would have applied to all policies, contracts and certificates in effect on or after January 1, 1998.

LD 889 **An Act to Ensure Fair Claims Settlement Practices** **PUBLIC 621**

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-482
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LD 889 was carried over from the First Regular Session and First Special Session and proposed to expand the list of the types of unfair claims settlement practices by an insurer for which recovery may be made.

Committee Amendment “A” (S-482) replaced the bill. It proposed to expand the list of unfair claims practices to include the failure of an insurer without just cause to make prompt, fair and equitable settlement of claims for which liability has become reasonably clear. The amendment defines "without just cause" as refusing to settle claims without a reasonable basis to contest liability, the amount of any damages or the extent of any injuries claimed.

The amendment clarifies that the Maine Revised Statutes, Title 24-A, section 2436-A does not prohibit any other claim or cause of action available under law against an insurer. The amendment excepts workers' compensation claims from coverage under this provision.

The amendment also adds a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 621 expands the list of actions considered to be unfair claims settlement practices by insurers to include the failure of an insurer without just cause to make prompt, fair and equitable settlement of claims for which liability has become reasonably clear. An insurer acts “without just cause” if it refuses to settle claims without a reasonable basis to contest the liability of the insurer, the amount of any damages or the extent of any injuries claimed.

Public Law 1997, chapter 621 clarifies that Maine Revised Statutes, Title 24-A, section 2436-A does not prohibit any other claim or cause of action a person has against an insurer. It also exempts workers' compensation insurance claims from the application of Title 24-A, section 2436-A.

LD 1060 **An Act to Provide Health Insurance Coverage for Prostate Cancer Screening** **PUBLIC 754**

<u>Sponsor(s)</u> ABROMSON MAYO	<u>Committee Report</u>	<u>Amendments Adopted</u> S-452 ABROMSON
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LD 1060 was originally considered by the Joint Standing Committee on Banking and Insurance during the First Regular and First Special Session, but the bill died between bodies when the House and Senate failed to agree on the legislation. LD 1060 was recalled from the Legislature's dead file in the Second Regular Session. The bill 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; 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 proposed to apply to all policies, contracts and certificates in effect on or after January 1, 1998.

Senate Amendment "A" (S-452) was proposed and adopted during the Second Regular Session after LD 1060 was recalled from the Legislature's dead file. Senate Amendment "A" 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 proposed to exempt accidental injury, specified disease, hospital indemnity, Medicare supplement, long-term care and other limited benefit health insurance policies and contracts from the requirement that health insurance contracts provide coverage for prostate cancer screening.

The amendment makes the changes made by the bill and this amendment applicable to all policies and contracts and certificates in effect on or after September 1, 1998.

The amendment also adds a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 754 requires 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, including a prostate-specific antigen (PSA) test and digital rectal examination, must be provided annually to men age 50 or older until a man reaches age 72 if the procedures are recommended by a physician.

The requirements of chapter 754 apply to all policies, contracts and certificates in effect on or after

LD 1243**An Act to Protect the Privacy of Genetic Information****PUBLIC 677**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND	OTP-AM	S-584 S-594 LAFOUNTAIN

LD 1243 was carried over from the First Regular and First Special Session and proposed to provide measures for the protection of the privacy of genetic information. It proposed to prohibit 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 proposed to provide 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 proposed to prohibit discrimination in employment on the basis of genetic information.

Committee Amendment “A” (S-584) replaced the bill. It proposed to prohibit discrimination in employment on the basis of genetic information, on the basis that an employee or applicant received genetic testing or genetic counseling, or because an employee or applicant refused to submit to genetic testing or make available genetic test results.

The amendment proposed to prohibit discrimination in health insurance against individuals or eligible dependents on the basis of genetic information, on the basis that an individual received genetic testing or genetic counseling, or because an individual refused to submit to genetic testing or make available genetic test results.

The amendment proposed to prohibit unfair discrimination in the application of genetic information or genetic test results in life, disability, long-term care insurance and other limited health benefit policies regulated by the Bureau of Insurance.

The amendment also proposed to enact the provisions of the National Association of Insurance Commissioner's "Insurance Information and Privacy Protection Model Act" governing the collection, use and disclosure of personal information about insurance consumers gathered in connection with insurance transactions by regulated insurance entities and insurance support organizations. It exempts workers' compensation, property, casualty, medical malpractice, fidelity, suretyship, boiler and machinery and title insurance from the application of these provisions.

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

Senate Amendment “A” to Committee Amendment “A” (S-594) proposed to clarify the definition of health care.

Enacted law summary

Public Law 1997, chapter 677 prohibits discrimination in employment on the basis of genetic information, on the basis that an employee or applicant received genetic testing or genetic counseling, or because an employee or applicant refused to submit to genetic testing or make available genetic test results. The Maine Human Rights Commission is assigned responsibility for enforcement of this provision.

Public Law 1997, chapter 677 prohibits discrimination in health insurance against individuals or eligible dependents on the basis of genetic information, on the basis that an individual received genetic testing or genetic

counseling, or because an individual refused to submit to genetic testing or make available genetic test results. The law prohibits the use of genetic information and genetic testing in the issuance, withholding, extension or renewal of health insurance policies and in the fixing of rates, terms or conditions for health insurance.

The law prohibits unfair discrimination in the application of genetic information or genetic test results in life, disability, long-term care insurance and other limited health benefit policies regulated by the Bureau of Insurance. “Unfair discrimination” is defined to include the application of the results of a genetic test in a manner that is not reasonably related to anticipated claims experience. The Bureau of Insurance has authority to investigate and enforce practices or acts of insurers that permit unfair discrimination. Insurers that use genetic tests in a manner that does not unfairly discriminate must notify individuals that genetic tests are required and obtain the individual’s authorization in accordance with the provisions of the Insurance Information and Privacy Protection Act, Maine Revised Statutes, Title 24-A, chapter 24. Insurers must also ensure that individuals state in writing whether or not the individual wants to be informed of the results and provide a copy of the test results to the individual or a designated health care practitioner.

Public Law 1997, chapter 677 also enacts core provisions of the National Association of Insurance Commissioner’s “Insurance Information and Privacy Protection Model Act” governing the collection, use and disclosure of personal information about insurance consumers gathered in connection with insurance transactions by regulated insurance entities and insurance support organizations. Personal information is defined to include health information about an insurance consumer. The law exempts workers’ compensation, property, casualty, medical malpractice, fidelity, suretyship, boiler and machinery and title insurance from the application of these provisions.

The law requires regulated insurance entities to provide written notice of information practices to applicants, policyholders and claimants in connection with consumer insurance transactions. The notice must state whether or not personal information may be collected from persons other than the consumer; what types of information may be collected and the sources and investigative techniques used to collect that information; what types of disclosures about the consumer that may be made without prior authorization, and the rights of consumers to access personal information recorded by regulated insurance entities and to correct, amend or delete that recorded personal information.

The law establishes requirements for disclosure authorization forms used by regulated insurance entities and insurance support organizations. Disclosure authorization forms must include the signature or other authorization of the consumer; specify the nature of the information to be disclosed; indicate the types of persons authorized to disclose information; and specify the time period of the authorization. In the case of life, disability and long-term care insurance, disclosure authorizations may not remain valid for more than 30 months for the purpose of collecting information in connection with a policy application, policy reinstatement or request for a change in policy benefits. The authorization may remain valid for the duration of a claim if the information is being collected in connection with a claim for benefits. In the case of health and medical insurance, the authorization remains valid for the term of coverage of the policy and any renewals of that policy.

The law prohibits regulated insurance entities and insurance support organizations from disclosing personal information about a consumer collected or received in connection with a consumer insurance transaction unless the disclosure is made with due consideration for the safety and reputation of all persons who may be affected by the disclosure, is limited to the minimum amount necessary to accomplish a lawful purpose and is disclosed with the consumer’s written authorization or within a specific exception that authorizes disclosure without prior authorization. Disclosures that may be made without prior authorization include disclosures reasonably necessary to accomplish a business, professional or insurance function of the regulated insurance entity; disclosures to health care providers to verify benefits, inform consumers of a medical problem or to conduct an operations or services audit of the provider; disclosures to insurance regulatory authorities or law enforcement agencies; disclosures for

the purpose of conducting actuarial and research studies that do not identify insurance consumers; and disclosures in connection with the marketing of a product or service if health information is not disclosed.

The law also governs the use and disclosure of adverse underwriting decisions, investigative consumer reports and pretext interviews by regulated insurance entities and insurance support organizations. It sets standards and procedures for insurance consumers to have access to recorded personal information held by insurance entities or support organizations and to correct, amend or delete that information.

Public Law 1997, chapter 677 takes effect June 30, 1998, except that the provisions concerning the use of personal information about insurance consumers apply to consumer insurance transactions that take place on or after January 1, 1999.

LD 1540

An Act to Establish a State Disaster Relief Trust Fund

**DIED
BETWEEN
BODIES**

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

LD 1540 was carried over from the First Regular and First Special Session and proposed to establish a disaster relief trust fund to be administered by the Maine Emergency Management Agency to match federal disaster assistance funds and provide other local disaster assistance. The trust fund is funded by a surcharge on homeowners' and business property insurance policies. The bill was originally referred to the Joint Standing Committee on Banking and Insurance, but was rereferred to the Joint Standing Committee on Appropriations and Financial Affairs in the Second Regular Session.

Committee Amendment “A” (H-846) is the minority report of the Joint Standing Committee on Appropriations and Financial Affairs. The amendment proposed to strike those provisions of the original bill that would have capitalized the Disaster Relief Trust Fund by imposing a surcharge on homeowners' and business property insurance policies. In its place, the amendment proposed to allow the fund to receive General Fund appropriations, transfers from the General Fund at the end of a fiscal year in an amount not to exceed \$2,000,000 in any fiscal year, any federal money deposited in the fund and all interest earned on the fund's balance.

The amendment proposed to authorize the Disaster Relief Trust Fund to be the first resource utilized when the Maine Revised Statutes, Title 37-B, section 742, regarding emergency proclamation or Title 37-B, section 744, regarding disaster relief, is invoked by the Governor.

The amendment also adds a fiscal note to the bill. Committee Amendment “A” was adopted in the House, but was not adopted in the Senate.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VIGUE JENKINS	OTP-AM	H-873

LD 1783 was carried over from the First Regular and First Special Session.

Part A of the bill proposed to set 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. Penalties, notice and hearing provisions of current law remain in effect.

Part B proposed to authorize 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 B of the bill was enacted in the First Special Session in Public Law 1997, chapter 314.

Part C proposed to clarify the jurisdictional and penalty provisions of the enforcement section of the Maine Insurance Code and give 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.

Committee Amendment “A” (H-873) proposed to clarify language related to “unfair claims practices” and remove language making it an unfair claims practice for insurers to settle or attempt to settle claims for less than represented to an insured in advertising material.

The amendment also removes Part B and adds a fiscal note to the bill. The amendment removes language giving the superintendent concurrent disciplinary jurisdiction over violations of laws outside the Maine Insurance Code by persons and entities licensed by the Bureau of Insurance.

The amendment allows an exception for the failure of insurers to provide forms necessary to present claims within 15 days of a request when there is an extraordinary loss or series of losses as determined by the Superintendent of Insurance. It makes it an unfair claims practice for insurers to fail to deal with insureds in good faith to resolve claims. It requires the Superintendent of Insurance to ensure that the unfair claims practices provisions are enforced consistent with the Maine Revised Statutes, Title 24-A, chapter 56-A. It removes from unfair claims practices the exemption for life and health insurers.

Enacted law summary

Public Law 1997, chapter 634 provides a more expansive regulatory framework for the Bureau of Insurance to address unfair claims settlement practices by insurers and licensed insurance professionals. The law gives the Bureau recourse in instances where first-party insureds are subjected to unfair claims practices and also in certain specified instances where third-party claimants are subjected to unfair claims practices.

The law prohibits “unfair claims practices” by insurers and others engaged in the business of insurance when the acts are committed in conscious disregard of the law’s provisions or are committed with such frequency as to indicate a general business practice. Unfair claims practices against insureds and claimants include: knowingly misrepresenting to claimants and insureds relevant facts or policy provisions related to coverages at issue; failing to acknowledge with reasonable promptness pertinent written communications with respect to claims arising under its policies; failing to adopt and implement reasonable standards for the prompt investigation and settlement of claims arising under its policies; failing to develop and maintain documented claim files supporting decisions made regarding liability; refusing to pay claims without conducting a reasonable investigation; failing to affirm coverage or deny coverage, reserving any appropriate defenses, within a reasonable time after having completed its investigation related to a claim; and failing in the case of claims denials or offers of compromise settlement to promptly provide an accurate written explanation of the basis for those actions.

Public Law 1997, chapter 634 also makes it an unfair claims practices for insurers to compel insureds to institute suits to recover amounts due under its policies by offering substantially less than the amounts ultimately recovered in suits brought by them with such frequency as to constitute a general business practice, except that it is not an unfair practice when the insurer has a reasonable basis to contest the insurer’s liability, the amount of any damages or the extent of any injuries claimed.

The law makes it an unfair claims practice for an insurer to fail to deal with insureds in good faith to resolve claims made against policies of insureds without just cause and with such frequency as to indicate a general business practice.

The law removes the exemption for life and health insurers and requires the Superintendent of Insurance to ensure that the unfair claims practices provisions are enforced consistent with Maine Revised Statutes, Title 24-A, chapter 56-A.

Public Law 1997, chapter 634 also clarifies the jurisdictional and penalty provisions of the enforcement section of the Maine Insurance Code.

LD 1848

An Act to Create the Consumer Health Care Division within the Bureau of Insurance

PUBLIC 792

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J	OTP-AM MAJ ONTP MIN	H-820 H-886 SAXL J

LD 1848, originally titled “An Act to Create the Managed Care Ombudsman Program,” was carried over from the First Regular and First Special Session and proposed to create the Managed Care Ombudsman Program within the Office of the Public Advocate. The program proposed 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 nonprofit hospital and medical service organizations, insurers and health maintenance organizations.

Committee Amendment “A” (H-820) retitled and replaced the bill. It proposed to establish the Consumer Health Care Division within the Bureau of Insurance for the purpose of providing education to consumers regarding health care plans and assistance to consumers in understanding their rights and responsibilities under health care plans. It creates the position of Director of the Consumer Health Care Division to head the division.

The amendment also proposed to establish the Consumer Health Care Division Advisory Council to advise the division in the exercise of the division's duties concerning the rights of consumers of health care services.

The amendment also removed the emergency preamble and emergency clause and added an allocation section and fiscal note to the bill.

House Amendment “A” to Committee Amendment “A” (H-874) proposed to require that the President of the Senate and the Speaker of the House each appoint one member of the joint standing committee having jurisdiction over insurance matters to the Consumer Health Care Division Advisory Council, instead of requiring joint appointment of one member of the joint standing committee having jurisdiction over insurance matters, as was required in Committee Amendment “A”.

The amendment also proposed to give those members of the council who are Legislators legislative per diem. House Amendment “A” was not adopted.

House Amendment “B” to Committee Amendment “A” (H-886) proposed to require that the President of the Senate and the Speaker of the House each appoint one member of the joint standing committee of the Legislature having jurisdiction over insurance matters to the Consumer Health Care Division Advisory Council, instead of requiring joint appointment of one member of the joint standing committee having jurisdiction over insurance matters, as was required in Committee Amendment "A."

The amendment also proposed to give those members of the council who are Legislators legislative per diem and to specify that the per diem would be paid by the Legislature.

Enacted law summary

Public Law 1997, chapter 792 establishes the Consumer Health Care Division within the Bureau of Insurance. The Division, headed by a director, will provide education and assistance to consumers regarding health care plans. The law also creates the Consumer Health Care Division Advisory Council to advise the division in the exercise of the division’s duties concerning the rights of consumers of health care services.

LD 1857

An Act to Protect Patients of Managed Care Plans

ONTP

Sponsor(s)
BROOKS

Committee Report
ONTP

Amendments Adopted

LD 1857 was carried over from the First Regular Session and First Special Session and proposed to establish a duty and standard of ordinary care that must be provided by an insurance company, health maintenance organization, preferred provider organization or a nonprofit hospital and medical service organization under a managed health care plan. It also proposed to authorize a person enrolled in a managed health care plan to bring a legal action for damages against a carrier if the person is harmed by a carrier's failure to exercise ordinary care.

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-453
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LD 1928 proposed to make the following changes to the laws governing reciprocal insurers and captive insurance companies.

1. It lowers the number of incorporators required to form a domestic reciprocal insurer in this State from 25 to three.
2. It raises the amount of the bond required for reciprocal insurers from \$25,000 to \$250,000.
3. It permits nonprofit corporations to be subscribers of reciprocal insurers.
4. It amends the requirement that a captive insurance company hold at least one meeting each year in Maine to allow teleconferenced and videoconferenced meetings if one board member participates in the meeting from this State.
5. It expands the lines of insurance that a captive insurance company may engage in to include life, health and other medical expense coverages.
6. It allows a captive insurance company to be organized as a reciprocal insurer as well as a domestic mutual insurer.
7. It corrects a cross-reference.
8. It lowers the rate of taxation for captive insurance companies.
9. It repeals the requirement that Maine-domiciled corporations that form captive insurance companies must pay two percent tax on direct premiums.

Committee Amendment “A” (S-453) proposed to remove the provisions of the bill relating to reciprocal insurers. It proposed to clarify that a captive insurer may reinsure annuities and life and health insurance written in connection with employee benefit plans of a captive insurer's single parent corporation or association parent. It also proposed to allow a captive insurer to reinsure credit health insurance and credit life insurance and to write financial guaranty insurance.

The amendment proposed to remove the proposed changes in the tax rate for captive insurers but to retain the correction of decimal point errors. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 583 makes changes to the laws governing captive insurance companies. It amends the requirement that a captive insurance company hold at least one meeting each year in the State to allow teleconferenced and videoconferenced meetings if one board member participates in the meeting from this State. It expands the lines of insurance that a captive insurer may engage in to include financial guaranty insurance,

reinsurance of credit health and credit life insurance and the reinsurance of annuities and life and health insurance written in connection with employee benefit plans of a captive insurer's single parent or association parent.

LD 1929

An Act Concerning Notices Given in Connection with Mortgage Foreclosures

PUBLIC 579

Sponsor(s)
SAXL J

Committee Report
OTP-AM

Amendments Adopted
H-787

The 1995 amendments to the Maine Revised Statutes, Title 14, section 6111 are inconsistent with the provisions of Title 9-A, section 5-110, applicable to consumer credit transactions, and the provisions of the standard so-called Fannie Mae/Freddie Mac uniform mortgages that are utilized by supervised lenders so that these mortgages are marketable on the secondary market. These amendments may cause title problems and do cause confusion to consumers in that, under current law, consumers must receive up to three different notices, all with different deadlines and requirements.

LD 1929 proposed to eliminate the possibility of inconsistencies and confusion by clarifying that consumers' rights to cure defaults with respect to mortgages that are consumer credit transactions are governed by the Maine Consumer Credit Code and that, with respect to mortgages made by supervised lenders that are not consumer credit transactions, consumer's rights to cure defaults are governed by the provisions of the Fannie Mae/Freddie Mac uniform mortgage instruments.

Committee Amendment "A" (H-787) replaced and clarified the bill. The amendment proposed to require that at least 30 days' notice of right to cure be given by mortgagees to any cosigners against whom the mortgagee seeks to enforce the loan or obligation securing the mortgage. It allows notice of right to cure to mortgagors and cosigners to be provided by either certified mail or ordinary mail consistent with the notice of right to cure provisions for consumer credit transactions under the Maine Consumer Credit Code.

The amendment proposed to exempt from the requirements of the Maine Revised Statutes, Title 14, section 6111 mortgages subject to the notice of right to cure provisions of the Maine Consumer Credit Code; mortgages other than first mortgages made subject to the Code by agreement of the parties; and mortgages containing a 30-day notice of right to cure provision when notice is given to the mortgagor and to any cosigner against whom the mortgagee seeks to enforce the mortgage. The amendment makes the exemptions from the Title 14, section 6111 notice requirements applicable to mortgages enforced on or after July 4, 1996.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 579 makes changes to Maine Revised Statutes, Title 14, section 1611 governing the notice requirements of right to cure defaults to mortgagors and cosigners before enforcement of a loan or obligation securing a mortgage. It requires that at least 30 days' notice of right to cure be given by mortgagees to any cosigners against whom the mortgagee seeks to enforce the loan or obligation securing the mortgage. It allows notice of right to cure to mortgagors and cosigners to be provided by either certified mail or ordinary mail consistent with the notice of right to cure provisions for consumer credit transactions under the Maine Consumer Credit Code.

Public Law 1997, chapter 579 also exempts from the requirements of Title 14, section 1611 mortgages subject to the notice of right to cure provisions of the Maine Consumer Credit Code; mortgages other than first mortgages made subject to the Code by agreement of the parties; and mortgages containing a 30-day notice of right to cure provision when notice is given to the mortgagor and any cosigner against whom the mortgagee seeks to enforce the loan or obligation securing the mortgage. The exemptions apply to mortgages enforced on or after July 4, 1996.

LD 1943 **An Act to Repeal the Residency Requirement for Credit Union Directors** **PUBLIC 566**

<u>Sponsor(s)</u> SAXL J LAFOUNTAIN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1943 proposed to remove the requirement that directors of state-chartered credit unions be residents of the State. The bill also makes state law consistent with federal law applicable to directors of federally chartered credit unions.

Enacted law summary

Public Law 1997, chapter 566 removes the requirement that directors of state-chartered credit unions be residents of the State and makes state law consistent with federal law requirements for directors of federally chartered credit unions.

LD 2034 **An Act to Correct Errors and Inconsistencies in Licensing Requirements for Licensed Insurance Professionals and Insurers** **PUBLIC 592**

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-462
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LD 2034 proposed to correct errors and inconsistencies and clarify language in the licensing laws for insurance licensees in the areas of service of process, fees, agency licensing, examinations, surplus lines licensing and viatical settlements providers. The Maine Revised Statutes, Title 24-A, section 1431 has been repealed and similar language has been enacted as section 1441-A and section 1432 has been repealed and similar language has been enacted as section 1441-B. This bill also proposed to clarify that a home service contract sold by a licensed real estate broker is not insurance.

Committee Amendment “A” (S-462) proposed to add an exemption to the examination requirements for insurance producer licenses for applicants selling mechanical breakdown insurance only.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 592 corrects errors and inconsistencies and clarifies language in the licensing laws for insurance licensees as a result of the recodification of that chapter of the Maine Insurance Code.

Public Law 1997, chapter 592 also clarifies that a home service contract sold by a licensed real estate broker is not insurance and adds an exemption to the examination requirements for insurance producer licenses for applicants selling mechanical break down insurance only.

LD 2049

An Act to Restore the Managing General Agents Act

**PUBLIC 573
EMERGENCY**

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

During the last legislative session the Managing General Agents Act was repealed from the Maine Insurance Code. LD 2049 proposed to enact the Managing General Agents Act in the Maine Revised Statutes, Title 24-A, chapter 16, subchapter VIII. The language is similar to the previous law except for the change of the term "agent" to "producer" and internal cross-reference changes.

Enacted law summary

Public Law 1997, chapter 573 enacts the Managing General Agents Act in Maine Revised Statutes, Title 24-A, chapter 16. The Managing General Agents Act was inadvertently repealed in the last legislative session and not reenacted as part of Title 24-A, chapter 16. Public Law 1997, chapter 573 corrects that error.

Public Law 1997, chapter 573 was enacted as an emergency measure effective February 25, 1998; the law applies retroactively to October 1, 1997 to match the effective date of Maine Revised Statutes, Title 24-A, chapter 16.

LD 2050

An Act to Amend the Laws Concerning Life and Health Insurance

PUBLIC 604

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J DAVIDSON	OTP-AM	H-819

LD 2050 proposed to make the following changes to the laws concerning life and health insurance.

In Part A clarify the applicability to multiple-employer welfare arrangements of the consumer protections provided in the Maine Revised Statutes, Title 24-A, chapter 56-A.

In Part B require a notice to terminating employees of their right to purchase an individual medical policy.

In Part C clarify requirements for coverage of newborn children and extends this requirement to health maintenance organizations.

In Part D clarify the law with respect to home health care insurance policies.

In Part E require assignment of benefits if requested by the insured.

Policyholders sometimes request termination of a life or health insurance policy prior to the end of the period for which premiums have been paid, not realizing that there will be no refund premium. Part F proposed to require disclosure in these circumstances and requires coverage for the full period for which premium has been paid unless the policyholder requests otherwise.

In Part G prohibit coordination with Medicare coverage for which the insured is eligible but not enrolled except under specified conditions.

Committee Amendment “A” (H-819) proposed to do the following.

1. Rewrite awkward language in Part B.
2. Make the language regarding requirements for newborn coverage consistent with other provisions.
3. Clarify that the amount payable upon assignment of benefits under a health insurance policy is the amount that would otherwise be payable under the policy or contract.
4. Require that insurers include a statement in the contract regarding whether or not a refund of premium is available when a policyholder requests termination of a policy prior to the end of the period for which premiums have been paid.
5. Clarify the coordination of Medicare benefits provisions.
6. Require that if a totally disabled person obtains replacement coverage the replacement plan is primary coverage during the extension of benefits period.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 604 makes several changes to the laws governing life and health insurance. It makes the provisions of Maine Revised Statutes, Title 24-A, chapter 56-A applicable to multiple-employer welfare arrangements. It requires nonprofit hospital and medical service organizations, insurers and health maintenance organizations to provide notice to group members terminating coverage under the group policy of their rights to purchase an individual insurance policy. It extends the requirements for coverage of newborn children to health maintenance organizations. And it clarifies the law with respect to home health care insurance policies.

Public Law 1997, chapter 604 also requires assignment of benefits under a health insurance policy if requested by an insured and clarifies that the amount payable upon assignment of benefits is the amount that would otherwise be payable under a policy or contract. It requires that life and health insurance contracts that do not provide for any refund of premium when a policyholder requests cancellation prior to the period for which premiums have been paid must include a statement in the contract to that effect and also requires insurers to provide similar written notice to a policyholder that no refund is payable but that coverage will be provided until the end of the period for which premiums have been paid.

Except under certain conditions, the law prohibits coordination of benefits with Medicare coverage for which the insured is eligible but not enrolled. And it requires that if a totally disabled person obtains replacement coverage the replacement plan is primary coverage during the extension of benefits period.

LD 2068

**An Act to Permit Off-label Use of Prescription Drugs for Cancer,
HIV or AIDS**

PUBLIC 701

<u>Sponsor(s)</u> LAWRENCE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-580
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LD 2068 proposed to require health insurance policies to provide coverage for off-label use of prescription drugs for the treatment of cancer, HIV or AIDS when such use is recognized in standard medical compendia or peer-reviewed professional journals.

This bill applies to all policies, contracts and certificates in effect on or after January 1, 1999 that provide coverage for prescription drugs.

Committee Amendment “A” (S-580) replaced the bill. The amendment proposed to add a definition of "medically accepted indication" and require that carriers determine whether or not use of a drug for the treatment of cancer is a medically accepted indication based upon guidance provided by the federal Department of Health and Human Services. The amendment retained the language in the original bill regarding coverage of off-label prescription drugs for the treatment of HIV or AIDS.

This amendment also proposed to amend the definition of "peer-reviewed medical literature" and clarify that coverage provisions for maximum benefits, coinsurance and deductibles apply to coverage for off-label prescription drugs to the same extent that the provisions are applicable to coverage of all prescription drugs.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 701 requires that nonprofit hospital and medical service organizations, insurers and health maintenance organizations provide coverage for off-label use of prescription drugs for the treatment of cancer when the use of the drug is a medically accepted indication demonstrated by recognition of the use in standard medical compendia or the insurance carrier’s determination that the use is medically accepted based upon guidance provided by the federal Department of Health and Human Services.

Public Law 1997, chapter 701 also mandates insurance coverage for off-label use of prescription drugs for the treatment of HIV or AIDS when such use is recognized in standard medical compendia or peer-reviewed medical literature.

The requirements of chapter 701 apply to all individual and group policies, contracts and certificates in effect on or after January 1, 1999 that provide coverage for prescription drugs.

LD 2130 **An Act Relating to Unfair Practices in the Provision of Goods and Services Paid for by Insurance Claims** **ONTP**

<u>Sponsor(s)</u> DAVIDSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2130 proposed to prohibit the giving of inducements or discounting an amount equal to some or all of an insurance deductible in the provision of goods or services paid for in whole or in part by insurance claims.

LD 2166 **An Act to Require Health Insurance Coverage for In Vitro Fertilization Procedures** **ONTP**

<u>Sponsor(s)</u> SAXL J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2166 proposed to require that health insurance policies include coverage for three cycles of in vitro fertilization procedures. Under the bill, a contract that provides such coverage may require a 20 percent copayment by the insured.

This bill would have applied to all policies, contracts and certificates in effect on or after January 1, 1999.

LD 2174 **An Act to Implement the Recommendations of the Commission to Study Insurance Fraud** **PUBLIC 675**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-914
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LD 2174 proposed to implement recommendations of the Commission to Study Insurance Fraud.

1. It prohibits fraudulent insurance acts and makes violations subject to civil penalties.
2. It requires insurers to include warnings on all claim forms and insurance applications.
3. It clarifies the immunity provisions to allow sharing of information related to fraudulent insurance acts between law enforcement agencies and insurers.
4. It requires insurers to report fraudulent insurance acts on an annual basis to the Superintendent of Insurance.
5. It requires insurers to develop antifraud plans.

Committee Amendment “A” (H-914) proposed to clarify that information reported to the Bureau of Insurance related to suspected, anticipated or completed fraudulent insurance acts may not identify any individuals or entities. The amendment requires the Superintendent of Insurance to adopt rules defining the information to be reported by January 1, 1999 but designates the rules as routine technical rather than major substantive.

The amendment proposed to exempt reinsurers, agencies and producers from the requirement to prepare and implement an antifraud plan and clarify that the immunity provision applies to any person furnishing information to an authorized agency.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 675 strengthens the laws concerning fraudulent insurance acts in the Maine Insurance Code. It prohibits fraudulent insurance acts and makes violations subject to civil penalties. It requires insurers to include warnings to insurance consumers on all claim forms and insurance applications that fraudulent insurance acts are subject to civil and criminal penalty. It requires that insurers report fraudulent insurance acts annually to the Superintendent of Insurance. The law requires insurers, except for reinsurers and insurance producers and agencies, to develop internal antifraud plans. And it clarifies the immunity provisions to allow sharing of information related to fraudulent insurance acts between law enforcement agencies and insurers.

LD 2190 An Act to Implement the Recommendations of the Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine PUBLIC 616

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-489
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LD 2190 proposed to implement the recommendations of the Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine.

Committee Amendment “A” (S-489) proposed to remove that section of the bill that prohibited the introduction of a mandated health benefit proposal in a second regular session or a special session of the Legislature. The amendment also proposed to clarify that a majority of committee members must support a proposed mandate before referring the mandate for review and evaluation by the Bureau of Insurance.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 616 allows a private purchasing alliance to be organized as a for-profit corporation; removes the prohibition on insurance producers from being a board member, officer or employee of an alliance; and prohibits a private purchasing alliance from purchasing health care services, assuming risk for the cost or provision of health care services or otherwise contracting with health care providers for the provision of health care services without the prior approval of the Superintendent of Insurance.

Public Law 1997, chapter 616 also makes changes to the process for review of proposed mandated health insurance benefits legislation. It requires that a majority of the members of the legislative committee reviewing the proposed mandate must support the mandate before requesting review and evaluation by the Bureau of Insurance. It requires that the committee review the findings of the Bureau of Insurance. The law expands the statutory criteria for reviewing the mandated benefit proposal to include the impact of the mandate on the state employee health

insurance program; the extent to which the mandated benefit is being offered under collectively bargained health plans and under self-insured plans; the extent to which the mandated benefit is consistent with the concept of managed care; and the cumulative impact of mandating the proposed benefit in combination with existing mandates on the costs and availability of coverage.

LD 2197 **An Act to Implement Recommendations of the Joint Standing Committee on Banking and Insurance Relating to the Review of the Bureau of Insurance, the Bureau of Banking and the Securities Division within the Department of Professional and Financial Regulation under the State Government Evaluation Act** **PUBLIC 660**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-884 H-894 CAMERON

LD 2197 proposed to implement the recommendations of the Joint Standing Committee on Banking and Insurance's review of the Bureau of Insurance, Bureau of Banking and Securities Division pursuant to the committee's review under the Government Evaluation Act.

Part A proposed to implement the recommendations relating to the Bureau of Banking and by doing the following.

1. Authorize the Bureau of Banking to bar an officer or director removed from a financial institution or holding company from working for special purpose financial institutions, i.e. merchant banks, nondepository trust companies and uninsured banks.
2. Make technical corrections and changes to the statutory provisions authorizing the establishment of a merchant bank.

Part B proposed to implement the recommendations relating to the Bureau of Insurance and by doing the following.

1. Transfer legal responsibility for the collection of insurance premium taxes on surplus lines insurers from the Bureau of Insurance to the Department of Administration and Financial Services, Bureau of Revenue Services, formerly the Bureau of Taxation.
2. Clarify the requirement that Maine domestic insurance companies pay an assessment to the Bureau of Insurance to reimburse the bureau for the costs associated with financial examination.

Part C proposed to implement the recommendations relating to the Department of Professional and Financial Regulation, Bureau of Banking, Securities Division and by doing the following.

1. Update the criminal penalty provisions of the Revised Maine Securities Act and bring them in line with the current class system for criminal conduct under the Maine Criminal Code.
2. Provide authority to the Securities Division to bring an action involving multiple violations in any county in which any violation occurs.

Committee Amendment “A” (H-884) proposed to clarify the manner in which surplus lines insurers pay premium taxes.

The amendment also proposed to clarify that the name of a Maine financial institution may appear on a credit card issued on its behalf by another financial institution if the name and state of the issuing financial institution also appear on the card. It also proposed to remove the requirement that the name of the financial institution appear in at least 10 point type.

The amendment also added a fiscal note to the bill.

House Amendment “A” to Committee Amendment “A” (H-894) was presented on behalf of the Committee on Bills in the Second Reading to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 24-A, section 2016, subsection 1 in Public Law 1997, chapter 592.

Enacted law summary

Public Law 1997, chapter 660 makes changes to the laws relating to the Bureau of Banking, the Securities Division of the Bureau of Banking and the Bureau of Insurance. The law implements the recommendations of the Joint Standing Committee on Banking and Insurance pursuant to the committee’s review of these agencies under the Government Evaluation Act.

The changes that relate to the Bureau of Banking include authorizing the Bureau of Banking to bar an officer or director removed from a financial institution or holding company from working for special purpose financial institutions, i.e., merchant banks, nondepository trust companies and uninsured banks, and clarifying that the name of a Maine financed institution may appear on a credit card issued on its behalf by another financial institution if the name and state of the issuing financial institution also appear on the card.

In relation to the Securities Division, the law updates the criminal penalties of the Revised Maine Securities Act and brings them in line with the current class system for criminal conduct under the Maine Criminal Code. And it gives authority to the Securities Division to bring a court action involving multiple violations in any county in which any violation occurs.

The law’s changes relating to the Bureau of Insurance include transferring legal responsibility for the collection of insurance premium taxes on surplus lines insurers from the Bureau of Insurance to the Department of Administration and Financial Services, Bureau of Revenue Services and clarifying the requirement that Maine domestic insurance companies pay an assessment to the Bureau of Insurance to reimburse the bureau for the costs associated with financial examination of the companies.

LD 2210 **Resolve, Regarding Legislative Review of Chapter 890: Consumer Complaint Ratios, a Major Substantive Rule of the Department of Professional and Financial Regulation** **RESOLVE 96 EMERGENCY**

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

LD 2210 proposed to provide for legislative review of Chapter 890: Consumer Complaint Ratios, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance.

Enacted law summary

Resolve 1997, chapter 96 authorizes final adoption of major substantive rule Chapter 890: Consumer Complaint Ratios of the Bureau of Insurance.

Resolve 1997, chapter 96 was enacted as an emergency measure effective March 23, 1998.

LD 2222 An Act to Revise and Update the Charter of the Maine Employers' Mutual Insurance Company in Furtherance of its Mission PUBLIC 661

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARLETON	OTP-AM MAJ	H-905
LAFOUNTAIN	ONTP MIN	

LD 2222 proposed to update the statutory charter of Maine Employers' Mutual Insurance Company, or MEMIC. The bill proposed to expand the purpose of MEMIC to include being responsive to the advice of its advisory divisions. It proposed to allow MEMIC to reinsure workers' compensation and employers' liability insurance for Maine-based employers that MEMIC insures doing business in other states and provide MEMIC the authority to create or buy subsidiary companies in other jurisdictions in order to write workers' compensation in those jurisdictions. It also removed historical language dealing with MEMIC's incorporation.

The bill proposed to reduce the size of the board of MEMIC from 13 to 9 members. It also proposed to clarify the terms of board members and to remove historical sections governing initial funding and operation. The bill proposed to update and revise the role and responsibilities of the divisions and their relationship to the board. The board's charge is adjusted to maintain divisions consisting of general industry groupings, which can parallel national classifications. The management responsibilities reserved for the divisions are shifted to the board. The divisions become responsible for advising the board on issues of importance to the divisions. Restrictions regarding surplus and funding are removed. Historical references to the initial divisions are removed. The board's authority to adjust the makeup of divisions, with approval by the Superintendent of Insurance, continues. The bill proposed to adjust the size of the advisory division boards to provide for up to 9 members and to add language to provide greater latitude regarding MEMIC's responsibility for financial accounting and rating for each division.

The bill also proposed to grant MEMIC the ability to file and use rates, the same practice allowed for other insurance companies, if it files within the established rate band. Rates that are higher or lower than the rate band must receive prior approval by the Superintendent of Insurance.

Committee Amendment "A" (H-905) proposed to clarify that subsidiary insurers formed or acquired by the Maine Employers' Mutual Insurance Company may not be authorized to write any line of insurance in this State. The amendment clarified that the reduction in the size of the board of directors must be done through attrition. The amendment retained the authority of the company to contract with licensed producers.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 661 updates the statutory charter of Maine Employers' Mutual Insurance Company. The law expands the purpose of the company to include responding to the advice of its advisory divisions; removes

historical, outdated language relating to the initial incorporation, funding and operation of the company; and reduces the size of the company board from 13 to 9 members.

Public Law 1997, chapter 661 also authorizes MEMIC to create or buy subsidiary companies in other jurisdictions in order to write workers' compensation insurance in those jurisdictions and to reinsure workers' compensation and employers' liability insurance for Maine-based employers that MEMIC insures that do business in other states.

And the law grants MEMIC the ability to file and use rates for workers' compensation insurance if the rates are within the established rate bands. Rates that are higher or lower than the established rate band must receive prior approval of the Superintendent of Insurance.

Joint Standing Committee on Business and Economic Development

LD 597

An Act to Amend the Statutes Pertaining to Emergency Medical Services

PUBLIC 644

Sponsor(s)
VIGUE
CAREY

Committee Report
OTP-AM

Amendments Adopted
H-879

LD 597, which was carried over from the First Session, proposed to amend the 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. Adding three persons to the Emergency Medical Services Board; and
5. Listing the criminal convictions that result in denial, suspension or revocation of an emergency medical services license.

Committee Amendment "A" (H-879) proposed to amend the bill by:

1. Striking the expanded definition of "emergency medical services' person" and the provision expanding the monitoring power of the Emergency Medical Services' Board.
2. Striking the sections dealing with denial and suspension of licenses for criminal convictions.
3. Clarifying that the physician and nurse board member are representing the emergency medical field.
4. Striking the fire chief board member position and replacing it with a fire services representative position.
5. Clarifying that one of the nonpublic board members must also be a volunteer emergency medical services provider.

Enacted law summary

Public Law 1997, chapter 644 requires that the basic emergency medical technician must complete a course defined by Maine Emergency Medical Services. The enacted law also modifies the composition of the EMS Board by specifying that the physician and nurse board members must work in the emergency

medical field, that the fire chief board member position is replaced by a fire services representative position, and that one of the nonpublic board members must also be a volunteer emergency medical services provider.

LD 1483

An Act to Register Interpreters for the Deaf and Hard-of-Hearing

PUBLIC 749

<u>Sponsor(s)</u> TREAT	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-589
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LD 1483, which was carried over from the First Session, proposed to require licensure of interpreters for the deaf and hard-of-hearing.

Committee Amendment "A" (S-589) This amendment proposed to replace the bill by establishing a system of registration of interpreters for the deaf and hard-of-hearing to be carried out by the Department of Professional and Financial Regulation.

The amendment also proposed to:

1. Create a technical review committee to study the issue of how interpreters should be further regulated.
2. Require the Department of Education to report back to the joint standing committee of the Legislature having jurisdiction over business and economic development matters and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs with respect to interpreter issues within the school system, as well as interpreter training programs.
3. Require the Division of Deafness to notify the public and state agencies with regard to the regulatory changes encompassed by this amendment.

Enacted law summary

Public Law 1997, chapter 749 establishes a system of registration of interpreters for the deaf and hard-of-hearing to be carried out by the Department of Professional and Financial Regulation. After January 1, 1999, a person may not provide interpreting services for compensation unless registered according to the terms of this chapter.

The enacted law also:

1. Creates a technical review committee to study the issue of how interpreters should be further regulated.
2. Requires the Department of Education to report back to the joint standing committee of the Legislature having jurisdiction over business and economic development matters and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs with respect to interpreter issues within the school system, as well as interpreter training programs.
3. Requires the Division of Deafness to notify the public and state agencies with regard to the regulatory changes encompassed by this amendment.

LD 1525

An Act to License Massage Therapists

PUBLIC 681

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY WATSON	OTP-AM	S-561 H-1049 VIGUE

LD 1525, which was carried over from the First Session, proposed to repeal the two-tier certification or registration structure for massage therapists and proposed to require that all persons who profess to be a massage therapist or massage practitioner be licensed. The bill proposed that the licensure of massage therapists be under the authority of the Board of Complementary Health Care Providers. Provisions are outlined for licensure of new and existing massage practitioners.

Committee Amendment "A" (S-561) proposed to modify the licensure of massage therapists by removing oversight and involvement with the Board of Complementary Health Care Providers and by providing for license administration by the Commissioner of Professional and Financial Regulation. This amendment further proposed that after December 31, 2001 only licensed massage therapists may use the title "massage therapist" or the term "massage therapy" to identify the nature of their services. The amendment extends to December 31, 2001 the time during which currently registered massage practitioners may use the title "registered massage therapist" or demonstrate that they have the necessary experience or education to become licensed massage therapists.

House Amendment "A" to Committee Amendment "A" (H-1049) proposed to allocate to the Maine Revised Statutes a unallocated provision of Committee Amendment "A" regarding the application of disciplinary measures to registered massage practitioners.

Enacted law summary

Public Law 1997, chapter 681 provides that after December 31, 2001, only licensed massage therapists may use the title "massage therapist" or the term "massage therapy" to identify the nature of their services. Massage practitioners who are presently registered may use the title of "registered massage practitioner" until December 31, 2001. The law also sets out guidelines for registered massage practitioners to obtain licensure after December 31, 2001. Finally, the law provides that the Office of Licensing and Registration shall administer licensure, with assistance from an advisory council.

LD 1580

An Act to Improve Allopathic and Osteopathic Physician Oversight

PUBLIC 680

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUCK RAND	OTP-AM	H-958

LD 1580, which was carried over from the First Session, proposed to increase oversight of osteopathic and allopathic doctors licensed to practice in Maine. 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 proposed to create a position of ombudsman to serve as an advocate for consumers of medical care who have filed complaints against physicians.

Committee Amendment "A" (H-958) proposed to replace the bill and to implement the recommendations of a study group formed under the direction of the Committee.

Part A proposed to amend the laws relating to the powers of any bureau, office, board or commission within or affiliated with the Department of Professional and Financial Regulation giving those entities the authority to issue letters of guidance or concern and to keep the letters on file for a specified amount of time, not to exceed 10 years.

Part B proposed to require the Board of Osteopathic Licensure to utilize and fund a consumer assistant position in conjunction with the Board of Licensure in Medicine. It further proposed a system of greater involvement on the part of complainants, and proposed to allow the board more flexibility in working with other states regarding complaints and professional records.

Part C proposed to reduce the size of the Board of Licensure in Medicine through attrition from seven physicians and three public members to six physicians and three public members. It proposed to further require the board to report on the effectiveness of the consumer assistant position shared with the Board of Osteopathic Licensure and on the effectiveness of alternative dispute resolution processes. It further proposed a system of greater involvement on the part of complainants, and allowed the boards more flexibility in working with other states regarding complaints and professional records. Finally, Part C proposed to increase the ceiling for the license renewal application fee from \$265 to not more than \$310.

Part D proposed to amend certain provisions of the Maine Health Security Act by clarifying that reports placed on file for a specified amount of time may be removed and destroyed only after the expiration of that specified time. The amendment also clarifies that letters of guidance or concern are not confidential.

Enacted law summary

Public Law 1997, chapter 680 amends the laws relating to allopathic and osteopathic oversight as follows:

Part A amends the laws relating to the powers of any bureau, office, board or commission within or affiliated with the Department of Professional and Financial Regulation giving those entities the authority to issue letters of guidance or concern that do not constitute adverse disciplinary action and giving those entities the power to place letters of concern or guidance, together with any underlying complaint, report or investigation materials, on file for a specified amount of time, not to exceed 10 years.

Part B requires the Board of Osteopathic Licensure to utilize and fund a consumer assistant position in conjunction with the Board of Licensure in Medicine. It further provides for a system of greater involvement on the part of complainants, and allows the boards more flexibility in working with other states regarding complaints and professional records.

Part C reduces the size of the Board of Licensure in Medicine through attrition from seven physicians and three public members to six physicians and three public members. It requires the board to report on the effectiveness of the consumer assistant position shared with the Board of Osteopathic Licensure and on the effectiveness of alternative dispute resolution processes. It requires a system of greater involvement on the part of complainants, and allows the boards more flexibility in working with other states regarding complaints and professional records. Finally, Part C increases the ceiling for the license renewal application fee from \$265 to not more than \$310.

Part D amends certain provisions of the Maine Health Security Act. It clarifies that reports placed on file for a specified amount of time may be removed and destroyed only after the expiration of that specified time. The amendment also clarifies that letters of guidance or concern are not confidential.

LD 1920

**An Act to Promote Competitiveness Regarding the Sale of
Recreational Vehicles by Allowing Better Discounts**

PUBLIC 640

Sponsor(s)
CAMPBELL

Committee Report
OTP-AM

Amendments Adopted
H-853
S-509 MACKINNON

LD 1920 allows recreational vehicle dealers to receive better discounts when they purchase recreational vehicles in a specified quantity and when the offer is made available to all dealers.

Committee Amendment "A" (H-853) proposed to expand the available unit discounts to include discounts based on the number of recreational vehicle parts and accessories sold, provided that the discount is available to all dealers.

Senate Amendment "A" (S-509) proposed to limit the obligation of the manufacturer of recreational vehicles to repurchase inventory of a terminated dealer to the current model year and the model year immediately preceding the current year.

Enacted law summary

Public Law 1997, chapter 640 allows vehicle dealers to receive discounts on recreational vehicles, including vehicle parts and accessories, provided the same discount is made available to all dealers. This law also set limits on the obligation of the manufacturer of recreational vehicles to repurchase inventory of a terminated dealer to the current model year and the model year immediately preceding the current year.

LD 1922

An Act to Expand the Uses of the Economic Opportunity Fund

**PUBLIC 590
EMERGENCY**

Sponsor(s)
VIGUE

Committee Report
OTP-AM

Amendments Adopted
H-795

LD 1922 proposed to expand the authority of the Department of Economic and Community Development to use approximately \$100,000 from the Economic Opportunity Program fund to allow the Department to use the funds as the required "matching funds" in order to take advantage of a \$250,000.00 Federal grant from the Economic Development Administration. In order to meet the matching fund requirement, the bill proposed to expand the Economic Opportunity Program fund to include grants to local and regional nonprofit organizations to foster economic growth activities, including economic conversion, which is coordinated at the regional and state levels. Current law limits the granting of these funds to municipalities. This expanded authority was requested for years 97-98 and 98-99 only.

Committee Amendment "A" (H-795) proposed to clarify that the expansion of the use of the Economic Opportunity Fund does not include the use of the fund for loans to private businesses.

Enacted law summary

Public Law 1997, chapter 590 allows the Department of Economic and Community Development to use approximately \$100,000 of from the Economic Opportunity Program fund as the required "matching funds" in order to take advantage of a \$250,000 Federal grant from the Economic Development Administration. In order to meet the matching fund requirement, the law expands the use of the Economic Opportunity Program fund to include grants to local and regional nonprofit organizations to foster economic growth activities, including economic conversion, which is coordinated at the regional and state levels. This expanded authority does not include the use of the fund for loans to private businesses, and applies for years 97-98 and 98-99 only. Chapter 590 was enacted as an emergency measure effective March 12, 1998.

LD 1946 **An Act to Simplify the Process of Transferring Ownership of a Business Licensed by the Board of Barbering and Cosmetology in Cases of Death or Divorce** **PUBLIC 622
EMERGENCY**

<u>Sponsor(s)</u> AMERO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-491
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LD 1946 proposed to allow the Board of Barbering and Cosmetology to reissue a license for a barber or cosmetology shop when the shop ownership changes but at least one of the owners retains ownership.

Committee Amendment "A" (S-491) proposed to limit the ability of the Board of Barbering and Cosmetology to reissue a license for a shop to situations when the ownership changes as a result of the death or divorce of an owner, and at least one of the owners retains ownership of the shop.

Enacted law summary

Public Law 1997, chapter 622 requires the Board of Barbering and Cosmetology to reissue a license for a barber or cosmetology shop when the ownership changes as a result of the death or divorce of an owner but at least one of the owners retains ownership. Chapter 622 was enacted as an emergency measure effective March 25, 1998.

LD 2062 **An Act to Provide for the 1998 and 1999 Allocations of the State Ceiling on Private Activity Bonds** **P & S 65
EMERGENCY**

<u>Sponsor(s)</u> MITCHELL E		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2062 proposed to establish the allocations of the state ceiling on the issuance of tax-exempt bonds for calendar years 1998 and 1999. This bill allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Enacted law summary

Private and Special Law 1997, chapter 65 allocates the state ceiling among the state-level issuers of tax-exempt bonds for calendar years 1998 and 1999. Chapter 65 was enacted as an emergency measure effective March 7, 1998.

LD 2088 An Act to Amend the Laws Concerning Access to Capital for Maine Businesses PUBLIC 774

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	OTP-AM	H-880 H-931 VIGUE

LD 2088 proposed to amend the Maine Seed Capital Tax Credit Program by allowing the investment of private venture capital funds in businesses that would not qualify for a credit, so long as credits are not issued for more than 30 percent of the amount of investments made by the fund in businesses that would qualify for the credit. In addition, the limits on qualifying investments in private venture capital funds were proposed to be increased to \$200,000 per investor per three-year period and to \$1,000,000 per fund.

Committee Amendment "A" (H-880) proposed to expand businesses that are eligible to participate in the private venture capital fund by including advanced technology businesses.

Committee Amendment "A" to House Amendment "A" (H-931) proposed to expand the definition of "eligible business" for purposes of determining businesses that are eligible to participate in the private venture capital fund by making a business eligible if it meets at least one of four enumerated criteria.

Enacted law summary

Public Law 1997, chapter 774 amends the Maine Seed Capital Tax Credit Program by allowing the investment of private venture capital funds in businesses that would not qualify for a credit, so long as credits are not issued for more than 30 percent of the amount of investments made by the fund in businesses that would qualify for the credit. In addition, the limit on qualifying investments in private venture capital funds is increased to \$200,000 per investor per three-year period and to \$1,000,000 per fund. The law also expands businesses that are eligible to participate in the private venture capital fund by expanding the definition of "eligible business" to include "advanced technology businesses".

LD 2099 An Act to Prohibit Discrimination against Osteopathic Physicians and Provide Patient Choice ONTP

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

LD 2099 proposed to require hospitals, health maintenance organizations, insurance companies and all health care entities that require a physician to be residency trained, board certified or eligible for certification in a medical specialty to accept residency training or certification approved by the American Osteopathic Association, the

Accreditation Council for Graduate Medical Specialties or the American Board of Medical Specialties as satisfaction of the requirement.

LD 2128 **An Act Regulating the Practices of Feature Motion Picture Exhibitors and Distributors or Licensors and Providing Remedies for Violations** **ONTP**

<u>Sponsor(s)</u> SAXL M		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2128 proposed to regulate the practices of feature motion picture exhibitors and distributors in order to allow independently owned movie theaters to compete with larger theaters in the State.

LD 2167 **Resolve, to Encourage High-performance Work Organizations and Quality Jobs in Rural Maine** **ONTP**

<u>Sponsor(s)</u> ROWE NUTTING		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2167, which was referred to the Appropriations Committee, proposed to require state agencies providing business assistance to inform and encourage applicants for assistance to participate in voluntary workplace evaluation programs conducted by nonprofit organizations such as the Maine Quality Center. It also proposed funds for the expansion in rural areas with high unemployment and underemployment of workplace evaluation programs and for assistance in implementing high-performance workplace organizational practices.

At the invitation of the AFA, the Business & Economic Development Committee held a work session on this bill on Tuesday, February 24, 1998. The committee recommended that LD 2167 be amended to incorporate the following:

- Funding appropriated through DECD rather than the Department of Labor.
- Establish a revolving fund with respect to the business assistance allocation
- Transfer the rural workplace conversion assistance funding to LD 2249 "An Act to Promote Sustained Economic Growth and to Implement Recommendations Regarding the Department of Economic And Community Development".

An Act to Implement the Recommendations Relating to the Review of the Department of Professional and Financial Regulation's Office of the Commissioner, Office of Consumer Credit Regulation and Office of Licensing and Registration under the State Government Evaluation Act

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-952
	OTP-AM MIN	S-683 LAFOUNTAIN

LD 2198 proposed to implement the recommendations made by the Joint Standing Committee on Business and Economic Development as a result of the committee's review of the Department of Professional and Financial Regulation under the State Government Evaluation Act.

Part A implements the recommendations relating to the Commissioner of Professional and Financial Regulation and proposed to do the following:

1. It proposed to amend the State Government Evaluation Act to provide for joint review of the Department of Professional and Financial Regulation by the Joint Standing Committee on Banking and Insurance and the Joint Standing Committee on Business and Economic Development.
2. It proposed to provide for confirmation of the appointment of the Commissioner of Professional and Financial Regulation by five members from the joint standing committee of the Legislature having jurisdiction over banking and insurance matters and five members from the joint standing committee of the Legislature having jurisdiction over business and economic development matters.
3. It proposed to clarify the authority of the Commissioner of Professional and Financial Regulation to coordinate all administrative processes related to licensing functions of boards and agencies, including, but not limited to, frequency and form of applications and licenses.

Part B implements the recommendations relating to the Office of Consumer Credit Regulation and proposed to do the following:

1. It proposed to authorize the Office of Consumer Credit Regulation to employ more flexibility in how examination costs are allocated within and among the regulated parties.
2. It proposed to expand the authority of the Office of Consumer Credit Regulation to regulate automobile credit sale documents.
3. It proposed to simplify the method whereby dollar amounts are determined by creditors.
4. It proposed to amend the bond requirements so that bond terms run concurrent with licensing terms, simplifying the process for lenders and debt collectors, as well as for the Office of Consumer Credit Regulation licensing personnel.
5. It proposed to allow different types of financial statements to be provided to prove net worth requirements under the appropriate statutes.

Part C implements the recommendations relating to the Office of Licensing and Registration and proposed to do the following:

1. It proposed to eliminate unduly restrictive qualifications on "public member" board positions;
2. It proposed to eliminate the "mortgage lender" position from the Board of Real Estate Appraisers;
3. It proposed to eliminate the requirement that gubernatorial appointments to the Real Estate Commission be confirmed by the Senate;
4. It proposed to transfer the administration and interpretation of the state plumbing code from the Department of Human Services, Division of Health Engineering to the Plumbers' Examining Board;
5. It proposed to transfer permitting authority for aboveground flammable liquid storage facilities from the Office of the State Fire Marshal to the Propane and Natural Gas Board;
6. It proposed to amend the general provisions governing occupational and professional licensing to provide for a choice of civil or criminal prosecution for unlicensed practice;
7. It proposed to transfer the administrative responsibility for the Maine State Pilotage Commission from the Office of Licensing and Registration to the Department of Transportation;

Committee Amendment "A" (H-952), which was the majority report, proposed to establish modified consumer loan finance charges at levels consistent with other New England states. It also proposed to apply the Maine Consumer Credit Code protections to loans up to \$35,000 when made by supervised lenders other than supervised financial organizations. The amendment proposed to clarify that the boards listed under the Maine Revised Statutes, Title 10, section 8001-A are included in the complaint procedure of Title 32, section 60-G. The amendment proposed to clarify that the plumbing code applies to internal plumbers and not external or subsurface sewage disposal rules. The amendment proposed to clarify that the enforcement of the plumbing code is the joint responsibility of municipalities and the Plumbers' Examining Board. The amendment proposed to clarify the referenced inspections with respect to propane and natural gas.

Senate Amendment "A" (S-683) proposed to require the appointment of the Commissioner of Professional and Financial Regulation to be subject to review by the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, instead of by the joint standing committee on business and economic development.

Enacted law summary

Public Law 1997, chapter 727 implements the recommendations made by the Joint Standing Committee on Business and Economic Development as a result of the committee's review of the Department of Professional and Financial Regulation under the State Government Evaluation Act and makes other changes in the law governing the department.

Part A makes changes relating to the Commissioner of Professional and Financial Regulation and does the following.

1. It amends the State Government Evaluation Act to provide for joint review of the Department of Professional and Financial Regulation by the Joint Standing Committee on Banking and Insurance and the Joint Standing Committee on Business and Economic Development.
2. It clarifies the authority of the Commissioner of Professional and Financial Regulation to coordinate all administrative processes related to licensing functions of boards and agencies, including, but not limited to, frequency and form of applications and licenses.
3. It requires the appointment of the Commissioner of Professional and Financial Regulation to be subject to review by the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, instead of by the joint standing committee on business and economic development.

Part B makes changes relating to the Office of Consumer Credit Regulation and does the following:

1. It authorizes the Office of Consumer Credit Regulation to employ more flexibility in how examination costs are allocated within and among the regulated parties.
2. It expands the authority of the Office of Consumer Credit Regulation to regulate automobile credit sale documents.
3. It simplifies the method whereby dollar amounts are determined by creditors.
4. It amends the bond requirements so that bond terms run concurrent with licensing terms.
5. It allows different types of financial statements to be provided to prove net worth requirements under the appropriate statutes.
6. It establishes modified consumer loan finance charges at levels consistent with other New England states.
7. It applies the Maine Consumer Credit Code protections to loans up to \$35,000 when made by supervised lenders other than supervised financial organizations.

Part C makes changes relating to the Office of Licensing and Registration and does the following.

1. It eliminates certain restrictive qualifications on "public member" board positions.
2. It eliminates the "mortgage lender" position from the Board of Real Estate Appraisers.
3. It eliminates the requirement that gubernatorial appointments to the Real Estate Commission be confirmed by the Senate.
4. It transfers the administration and interpretation of the state plumbing code from the Department of Human Services, Division of Health Engineering to the Plumbers' Examining Board.

5. It transfers permitting authority for aboveground flammable liquid storage facilities from the Office of the State Fire Marshal to the Propane and Natural Gas Board.
6. It amends the general provisions governing occupational and professional licensing to provide for a choice of civil or criminal prosecution for unlicensed practice.
7. It transfers the administrative responsibility for the Maine State Pilotage Commission from the Office of Licensing and Registration to the Department of Transportation.
8. It clarifies that the boards listed under the Maine Revised Statutes, Title 10, section 8001-A are included in the complaint procedure of Title 32, section 60-G.
9. It clarifies that the plumbing code applies to internal plumbers and not external or subsurface sewage disposal rules.
10. It clarifies that the enforcement of the plumbing code is the joint responsibility of municipalities and the Plumbers' Examining Board.
11. It clarifies the referenced inspections with respect to propane and natural gas.

LD 2203 **An Act to Create the Maine Economic Opportunity Advisory Committee** **INDEF PP**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 2203 proposed to create the Maine Economic Opportunity Advisory Committee to continue the work of the Task Force to Study Equal Economic Opportunity for All Regions of the State. The purpose of the committee was to advise the Legislature on ways to improve economic development opportunities for all regions of the State.

LD 2229 **An Act to Implement Recommendations of the Joint Standing Committee on Business and Economic Development Relating to the Review of the Maine Development Foundation under the State Government Evaluation Act** **PUBLIC 662**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2229 proposes to implement the recommendations of the Joint Standing Committee on Business and Economic Development relating to its review of the Maine Development Foundation under the State Government Evaluation Act.

This bill proposed that for the Board of Directors of the Maine Development Foundation determine annual support levels for private and public corporators. It also proposed to set the minimum number of directors at 15

and to allow the board to determine the exact number. It proposed to clarify that, except for the president of the foundation, a person may not serve as a director for more than five consecutive years.

Enacted law summary

Public Law 1997, chapter 662 implements the recommendations of the Joint Standing Committee on Business and Economic Development relating to its review of the Maine Development Foundation under the State Government Evaluation Act. Specifically, the law does the following:

1. Allows the Board of Directors of the Maine Development Foundation to determine annual support levels for private and public corporators;
2. Sets the minimum number of directors at 15 and allows the board to determine the exact number; and,
3. Clarifies that, except for the president of the foundation, a person may not serve as a director for more than five consecutive years.

LD 2238

An Act to Create the Kennebec Regional Development Authority

**P & S 79
EMERGENCY**

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

LD 2238 proposed to create the Kennebec Regional Development Authority, and authorizes as its participating members all cities, towns and plantations presently located within the Kennebec Valley Economic Development District, which is composed of all of Kennebec County and Somerset County and six municipalities along the western border of Waldo County.

Enacted law summary

Private and Special Law 1997, chapter 79 creates the Kennebec Regional Development Authority and authorizes as its participating members all cities, towns and plantations presently located within the Kennebec Valley Economic Development District, which is composed of all of Kennebec County and Somerset County and six municipalities along the western border of Waldo County. Cities, towns and plantations eligible for membership must decide whether to join at a referendum held before June 30, 1999. The act empowers the Authority, upon a majority vote of its member municipalities, to issue bonds and to finance the public improvements in support of economic development. Chapter 79 was enacted as an emergency measure effective April 3, 1998 for purposes of submission to the voters. The other provision of the law became effective when approved at referendum by cities, towns or plantations with a combined state property valuation of \$3 billion, provided the number of votes in each municipality equals or exceeds 10 percent of the votes cast in the last gubernatorial election.

LD 2249

An Act to Promote Sustained Economic Growth and to Implement Recommendations Regarding the Department of Economic and Community Development

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2249 proposed to implement the combined recommended General Fund appropriation for the state and regional economic development organizations, including the Maine Science and Technology Foundation. In addition, this bill proposed to implement the recommendations regarding the Department of Economic and Community Development under the State Government Evaluation Act and make appropriations to the Department of Economic and Community Development to provide enhanced services to businesses to promote the marketing of Maine-made consumer goods. This bill requires the Department of Economic and Community Development to report back to the legislative committee of jurisdiction with an assessment of the benefits attributable to the additional funding.

Finally, this bill proposed to repeal the statutory requirements that the Director of the Office of Business Development collect and distribute to the appropriate permitting agency permit applications and application fees for retail businesses and that the director establish a municipal centralized permitting program for retail businesses.

Enacted Law Summary

Portions of this bill were included in Part CC of the supplemental budget, PL 1997, chapter 643 to appropriate funds for economic development initiatives.

LD 2275

An Act to Modify the Law Pertaining to Personal Sports Mobile Franchises

PUBLIC 717

Sponsor(s)
SHANNON
MACKINNON

Committee Report
OTP-AM

Amendments Adopted
H-999

LD 2275 proposed to clarify that the term "coercion" does not include good faith attempts by the manufacturer to enforce the terms of the franchise or contractual agreement.

The bill proposed to change the notice of violation and cure periods from 180 days to 120 days.

The bill proposed to clarify that, in the event of termination, cancellation, nonrenewal or noncontinuance of a franchise by the manufacturer, the manufacturer must provide reasonable and fair compensation to the dealer for the inventory of the current and previous two model years purchased from the manufacturer.

The bill proposed to specify the conditions and procedures for the repurchase of unused supplies and parts by the manufacturer in the event of termination, cancellation, nonrenewal or noncontinuance of the franchise.

The bill proposed to provide that, in the event that the manufacturer is requested to reimburse the dealer for facility rental costs, the reimbursement is limited to the pro rata portion of the rent that is attributable to the aggregate

percentage of sales and service dollar volume derived from the sale and service of products that are manufactured by the manufacturer that is providing the reimbursement.

The bill proposed to make a technical correction to the law and provides that reimbursement for parts remaining in inventory upon the termination, cancellation, nonrenewal or noncontinuance of a franchise is to be made within 90 days of the return of those parts to the manufacturer.

The bill proposed to change the reimbursement rate at which a manufacturer must compensate the dealer in warranted parts to the published manufacturer's suggested retail price at the time of retail sale.

The bill proposed to remove the state criminal penalties associated with violations of the franchise law. Civil remedies are available under the franchise law and civil and criminal remedies are available under other legal authorities.

Committee Amendment "A" (H-999) proposed to correct two errors in the text of the legislative document and makes an additional technical correction to the existing Personal Sports Mobile Business Practices Act.

Enacted law summary

Public Law 1997, chapter 717 makes the following modifications to the personal sports mobile franchise law:

1. Clarifies that the term "coercion" does not include good faith attempts by the manufacturer to enforce the terms of the franchise or contractual agreement.
2. The notice of violation and cure periods is changed from 180 days to 120 days.
3. In the event of termination, cancellation, nonrenewal or noncontinuance of a franchise by the manufacturer, the manufacturer must provide reasonable and fair compensation to the dealer for the inventory of the current and previous two model years purchased from the manufacturer.
4. The conditions and procedures are specified for the repurchase of unused supplies and parts by the manufacturer in the event of termination, cancellation, nonrenewal or noncontinuance of the franchise.
5. In the event that the manufacturer is requested to reimburse the dealer for facility rental costs, the reimbursement is limited to the pro rata portion of the rent that is attributable to the aggregate percentage of sales and service dollar volume derived from the sale and service of products that are manufactured by the manufacturer that is providing the reimbursement.
6. Provides for dealer reimbursement for parts remaining in inventory upon the termination, cancellation, nonrenewal or noncontinuance of a franchise within 90 days of the return of those parts to the manufacturer.
7. Changes the reimbursement rate at which a manufacturer must compensate the dealer in warranted parts to the published manufacturer's suggested retail price at the time of retail sale.
8. Removes the state criminal penalties associated with violations of the franchise law. Civil remedies are available under the franchise law and civil and criminal remedies are available under other legal authorities.

Joint Standing Committee on Criminal Justice

LD 65

**An Act to Amend the Laws Regarding Reimbursement to the
Counties for Community Corrections**

**PUBLIC 753
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY LAFOUNTAIN	OTP-AM	H-1022 POVICH H-919 S-713 MICHAUD

LD 65 proposed to prohibit the Department of Corrections from subtracting jail revenues raised by counties 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 counties for housing state prisoners.

Committee Amendment "A" (H-919) replaced the bill and proposed to do the following:

1. Add a mandate preamble, an emergency preamble and an emergency clause;
2. Establish the County Jail Prisoner Support and Community Corrections Fund for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners and for establishing and maintaining community corrections;
3. Add an appropriation section that transfers 85% percent of the funds appropriated to the Department of Corrections in fiscal year 1998-99 for Community Based Corrections into the County Jail Prisoner Support and Community Corrections Fund. Beginning July 1, 1999 and annually thereafter, the amount transferred would have been equal to the appropriation of the previous year adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics Consumer Price Index. It further proposed to direct that 15% of the funds appropriated to the Department of Corrections in fiscal year 1998-99 for Community Based Corrections be transferred to the Department of Corrections General Fund, Correctional Services Account for the purpose of maintaining or developing juvenile community corrections. Beginning July 1, 1999 and annually thereafter, the Department of Corrections would have budgeted an amount equal to the appropriation of the previous year adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics Consumer Price Index;
4. Direct the Department of Corrections, beginning July 1, 1998 and annually thereafter, to distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to former Maine Revised Statutes, Title 34-A, section 1210 in fiscal year 1996-97;
5. Permit counties that experience a 10% increase in their total annual jail operating budget or who issue bonds for new jail construction or jail renovation to request additional funds for the support of prisoners;
6. Require each county treasurer to place 20% of its distribution from the County Jail Prisoner Support and Community Corrections Fund into a separate community corrections program account. Counties would have been able to use these funds only for adult or juvenile community corrections;

7. Require the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters to review the County Jail Prisoner Support and Community Corrections Fund and its purpose and functions no later than July 1, 2001;

8. Require the counties to submit an annual report to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters. Reports would have included descriptions of each county's community corrections programs and an accounting of expenditures for community corrections;

9. Direct the Department of Corrections to make a one-time distribution to each county of that county's unexpended and uncommitted adult community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to former Maine Revised Statutes, Title 34-A, section 1210, subsection 6 at the end of fiscal year 1997-98. Funds released under this one-time distribution would have been placed in a community corrections program account and would have been used only for adult or juvenile community corrections;

10. Require that on July 1, 1998, any unexpended or uncommitted juvenile community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to former Maine Revised Statutes, Title 34-A, section 1210, subsection 6 at the end of fiscal year 1997-98 must be transferred to the department's General Fund, Correctional Services Account. The department would have used these funds for the purpose of maintaining or developing juvenile community corrections;

11. Permit the Department of Corrections to contract with counties in order to maintain current or develop new juvenile community corrections;

12. Add an effective date of July 1, 1998; and

13. Add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-1022) proposed to change the date by which counties are required to submit reports regarding each county's community corrections programs.

Senate Amendment "A" to Committee Amendment "A" (S-713) proposed to replace the appropriation section to reflect the actual amount available for transfer out of the Community Based Corrections program.

Enacted law summary

Public Law 1997, chapter 753 establishes the County Jail Prisoner Support and Community Corrections Fund for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners and for establishing and maintaining community corrections.

Public Law 1997, chapter 753 adds an appropriation section that transfers 85% percent of the funds appropriated to the Department of Corrections in fiscal year 1998-99 for Community Based Corrections into the County Jail Prisoner Support and Community Corrections Fund. Beginning July 1, 1999 and annually thereafter, the amount transferred must equal the appropriation of the previous year adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics Consumer Price Index. It further directs that 15% of the funds appropriated to the Department of Corrections in fiscal year 1998-99 for Community Based Corrections be transferred to the Department of Corrections General Fund, Correctional Services Account for the purpose of maintaining or developing juvenile community corrections. Beginning July 1, 1999 and annually thereafter, the

Department of Corrections shall budget an amount equal to the appropriation of the previous year adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics Consumer Price Index.

Public Law 1997, chapter 753 directs the Department of Corrections, beginning July 1, 1998 and annually thereafter, to distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to former Maine Revised Statutes, Title 34-A, section 1210 in fiscal year 1996-97.

Public Law 1997, chapter 753 permits counties that experience a 10% increase in their total annual jail operating budget or who issue bonds for new jail construction or jail renovation to request additional funds for the support of prisoners.

Public Law 1997, chapter 753 requires each county treasurer to place 20% of its distribution from the County Jail Prisoner Support and Community Corrections Fund into a separate community corrections program account. Counties may use these funds only for adult or juvenile community corrections.

Public Law 1997, chapter 753 requires the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters to review the County Jail Prisoner Support and Community Corrections Fund and its purpose and functions no later than July 1, 2001.

Public Law 1997, chapter 753 requires the counties to submit an annual report to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters. Reports must include descriptions of each county's community corrections programs and an accounting of expenditures for community corrections.

Public Law 1997, chapter 753 directs the Department of Corrections to make a one-time distribution to each county of that county's unexpended and uncommitted adult community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to former Maine Revised Statutes, Title 34-A, section 1210, subsection 6 at the end of the fiscal year 1997-98. Funds released under this one-time distribution must be placed in a community corrections program account and may be used only for adult or juvenile community corrections.

Public Law 1997, chapter 753 requires that on July 1, 1998, any unexpended or uncommitted juvenile community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to former Maine Revised Statutes, Title 34-A, section 1210, subsection 6 at the end of the fiscal year 1997-98 must be transferred to the department's General Fund, Correctional Services Account. The department shall use these funds for the purpose of maintaining or developing juvenile community corrections.

Public Law 1997, chapter 753 permits the Department of Corrections to contract with counties in order to maintain current or develop new juvenile community corrections.

LD 515

An Act to Set a Fixed Rate for Housing of State Prisoners

ONTP

Sponsor(s)
BUNKER

Committee Report
ONTP

Amendments Adopted

LD 515 proposed to fix the rate of reimbursement to counties for prisoners at \$83.75 per prisoner per day. The bill also proposed that a county petition the Legislature for any desired change in that rate.

LD 753

**An Act to Require Law Enforcement Agencies to Collect Data
Regarding Public Intoxication**

**PUBLIC 756
EMERGENCY**

<u>Sponsor(s)</u> LEMKE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-798 S-774 MICHAUD
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LD 753 proposed to permit law enforcement officers to take intoxicated persons into protective custody by placing them in a municipal or county jail or lock-up. The bill proposed that protective custody is not an arrest, the person may not be charged with a crime and the custody may not extend beyond 12 hours. The bill also proposed to exempt law enforcement officers from criminal and civil liability for imposing protective custody, unless the officer acts willfully and maliciously.

Committee Amendment "A" (H-798) renamed and replaced the bill. Committee Amendment "A" proposed to do the following:

1. Define the terms "intoxicated" and "public intoxication";
2. Beginning April 30, 1998 and monthly thereafter, require law enforcement agencies to report incidents of public intoxication to the Department of Public Safety. These records would not include individuals' names. Beginning June 30, 1998 and quarterly thereafter, the Department of Public Safety would have to forward the records to the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse. The records would have included the number of reported cases of public intoxication; the number of persons who are reported more than one time for public intoxication; the number of persons transported to a state-licensed treatment facility or shelter as a result of reported incidents of public intoxication; the number of persons transported to their residence or left with a family member or friend as a result of these reported incidents of public intoxication; and the number of intoxicated persons left at the scene of the reported incident or at another public place;
3. Specify that a law enforcement officer is not liable in a civil action for failing to provide assistance to a person intoxicated in a public place if that person refuses the law enforcement officer's assistance;
4. Create a study group to review the reports regarding public intoxication submitted to the Office of Substance Abuse by law enforcement agencies. The study group would have made recommendations to develop a comprehensive and effective network of services for persons who were found publicly intoxicated and who were chemically dependent and would pose a serious threat of harm to themselves or to others. The study group would have considered the implications of reinstating involuntary commitment for persons suffering from chronic and life-threatening substance abuse. The study group would have reported its recommendations and any implementing legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 1999; and
5. Add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-477) was presented on behalf of the Committee on Engrossed Bills and proposed to correct figures in the appropriation in the committee amendment. (Not adopted)

Senate Amendment "B" to Committee Amendment "A" (S-503) proposed to remove the provision that specifies that a law enforcement officer is not liable in a civil action for failing to provide assistance to a person intoxicated

in a public place if that person refuses the law enforcement officer's assistance. Senate Amendment "B" to Committee Amendment "A" also proposed to incorporate the changes made in Senate Amendment "A" to Committee Amendment "A" that correct figures in the appropriation section of the committee amendment. (Not adopted)

Senate Amendment "C" to Committee Amendment "A" (S-774) proposed to remove the provision that specifies that a law enforcement officer is not liable in a civil action for failing to provide assistance to a person intoxicated in a public place if that person refuses the law enforcement officer's assistance. Senate Amendment "C" also proposed to remove the Department of Mental Health, Mental Retardation and Substance Abuse Services study group provisions and eliminate the General Fund appropriations to the Legislature. This amendment incorporated changes in Senate Amendment "A" to Committee Amendment "A" (S-477) and Senate Amendment "B" to Committee Amendment "A" (S-503).

Enacted law summary

Public Law 1997, chapter 756, beginning April 30, 1998 and monthly thereafter, requires law enforcement agencies to report incidents of public intoxication to the Department of Public Safety. These records may not include individuals' names. Beginning June 30, 1998 and quarterly thereafter, the Department of Public Safety will forward the records to the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse. The records must include the number of reported cases of public intoxication; the number of persons who are reported more than one time for public intoxication; the number of persons transported to a state-licensed treatment facility or shelter as a result of reported incidents of public intoxication; the number of persons transported to their residence or left with a family member or friend as a result of these reported incidents of public intoxication; and the number of intoxicated persons left at the scene of the reported incident or at another public place.

LD 804 **Resolve, to Create the Juvenile Crime Task Force to Develop a Continuum of Services for Juveniles** **ONTP**

<u>Sponsor(s)</u> TREAT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 804 proposed to create 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 862 **Resolve, to Establish a Commission to Examine the Laws Pertaining to Juvenile Offenders** **ONTP**

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 862 proposed to establish 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.

<u>Sponsor(s)</u> BUNKER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-970
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LD 915 proposed to make the following changes to the laws governing criminal procedure as it relates to juveniles:

1. Establish, as a purpose of the Maine Juvenile Code, the provision of consequences, including those of a punitive nature, for repeated criminal behavior;
2. Change the definition of juvenile to one who has not yet attained 17 years of age;
3. Eliminate the need for a bind-over hearing unless the defendant requests one;
4. Amend the definition of "juvenile crime";
5. Require immediate notification of the juvenile caseworker if the law enforcement officer believes immediate secure detention is required;
6. Remove limitations for a law enforcement officer questioning an arrested juvenile;
7. Require 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. Authorize the prosecuting attorney to file a petition at any time more than 30 days after the juvenile caseworker has been given notice;
9. Amend the provisions governing issuance, contents and service of summonses;
10. Provide that the general public may not be excluded from any proceeding in which a juvenile is charged who at the time of the commission of the juvenile crime was 16 years of age or older;
11. Allow dissemination of information contained in juvenile records by one criminal justice agency to another if the person concerned was at least 16 years of age at the time the crime was committed; and
12. Increase from 30 to 90 days the length of time the court may commit a juvenile to the Maine Youth Center.

Committee Amendment "A" (H-970) replaced the bill and proposed to do the following:

1. Clarify that the purpose of the Juvenile Code includes consequences that may be of a punitive nature;
2. Amend the juvenile bind-over statute to include public safety and the age of the juvenile as factors the court must consider in determining whether to bind a juvenile over to the adult court system;

3. Amend the juvenile bind-over statute to shift from the State to the juvenile the burden of proof regarding the appropriateness of placement in the juvenile system when the juvenile is charged with a violent offense against a person;
4. Authorize the attorney for the State to order detention of a juvenile. Before making the detention determination, the attorney for the State would have considered the facts of the case, consulted with the juvenile caseworker who made the initial determination regarding detention and considered standards for detention that were used by juvenile caseworkers;
5. Clarify that law enforcement agencies may share juvenile criminal records with other law enforcement agencies for purposes of the administration of criminal justice and juvenile justice;
6. Reduce the delays in the juvenile justice system by eliminating the intermediate appeals process for juveniles bound over to criminal court; and
7. Add a fiscal note.

Enacted law summary

Public Law 1997, chapter 645 specifies that the purpose of the Maine Juvenile Code may include punitive consequences. Public Law 1997, chapter 645 amends the juvenile bind-over statute by shifting the burden of proof from the State to the juvenile regarding appropriateness of placement in the juvenile system when the juvenile is charged with a violent offense against a person and by directing the court to consider public safety and the age of the juvenile as factors when determining whether to bind the juvenile over to the criminal system. Public Law 1997, chapter 645 permits the attorney for the State, after considering the facts of the case and the standards for detention and consulting with the juvenile caseworker, to order detention of a juvenile. Public Law 1997, chapter 645 also permits law enforcement agencies to share juvenile criminal records with other law enforcement agencies. Public Law 1997, chapter 645 reduces the delays in the juvenile justice system by eliminating the intermediate appeals process for juveniles bound over to criminal court.

LD 1592 **An Act to Require Post-release Supervision of Prisoners Who Are Identified as High-risk Offenders** **ONTP**

<u>Sponsor(s)</u> BUNKER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1592 proposed to allow 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 proposed to set the parameters of the post-release supervision and its termination.

LD 1667 **An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities** **ONTP**

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

LD 1667 proposed to set out the criteria and procedures for involuntary medication of mentally ill persons residing in Department of Corrections facilities. The proposed criteria and procedures conform with the requirements set out by the United States Supreme Court in Washington v. Harper, 494 U.S. 210 (1990).

LD 1719 An Act Concerning Firearm Purchase Background Checks ONTP

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

LD 1719 proposed to make a background check mandatory, pursuant to the federal Brady Handgun Violence Prevention Act, before a permit to carry a concealed weapon may be issued. The bill also proposed to exempt 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.

Committee Amendment "A" (S-516) replaced the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to do the following:

1. Make the Chief of the State Police the sole issuing authority for permits to carry concealed firearms;
2. Clarify the requirements and criteria an applicant must satisfy to obtain a permit to carry concealed firearms;
3. Specify crimes and penalties regarding the misuse of concealed firearms and permits to carry concealed firearms;
4. Extend the time a permit is valid from 4 years to 5 years and set up fee schedules for resident and nonresident permit holders;
5. Make Maine a "Brady Alternative State" by exempting holders of concealed weapons permits from further background checks to purchase firearms; and
6. Add an allocation section and a fiscal note. (Not adopted)

LD 1870

An Act Concerning the Coded Notation on OUI Offenders' Driver's Licenses

PUBLIC 617

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER KILKELLY	OTP-AM	H-831

LD 1870 proposed to provide that a person who had an OUI conviction prior to June 29, 1995 is subject to the 6-year rather than the 10-year provision that is used to increase penalties for subsequent OUI offenses.

Committee Amendment "A" (H-831) replaced the bill. Current law allows a licensee with one operating-under-the-influence conviction to petition the Secretary of State to remove the coded notation from that licensee's license 6 years after the date of the conviction if the licensee has not been convicted or adjudicated of any other traffic offense within that 6-year period. The amendment proposed to specify that the Secretary of State may not remove the coded notation if the licensee has been convicted or adjudicated of the offense of speeding more than 15 miles per hour over the maximum speed limit or any offense described under the habitual offender law, the Maine Revised Statutes, Title 29-A, section 2551, subsection 1 or had a license suspended or revoked within that 6-year period.

Enacted law summary

Public Law 1997, chapter 617 specifies that the Secretary of State may not remove the coded notation from the license of a person who has been convicted of one operating under the influence offense if the licensee has been convicted or adjudicated of the offense of speeding more than 15 miles per hour over the maximum speed limit or any offense described under the habitual offender law, the Maine Revised Statutes, Title 29-A, section 2551, subsection 1 or had a license suspended or revoked within that 6-year period after the conviction.

LD 1924

An Act to Permit the Consideration of Any Location in the State for the Location of the New Criminal Justice Academy

PUBLIC 577

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

LD 1924 proposed to remove the requirement that the Maine Criminal Justice Academy be established in the Augusta area.

Enacted law summary

Public Law 1997, chapter 577 removes the geographic requirement that the Maine Criminal Justice Academy be established in the Augusta area, therefore allowing a new academy to be established anywhere in Maine.

LD 1952

An Act to Increase Penalties for Certain Sex Offenders

ONTP

<u>Sponsor(s)</u> GAGNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1952 proposed to increase the penalties for a person convicted of gross sexual assault against a person who was less than 14 years of age at the time of the crime in the following ways:

1. Specify a mandatory sentence, similar to that now given for persons convicted of murder, of incarceration for at least 25 years and prohibit the sentencing court from suspending any part of the sentence;
2. Specify that the convicted person is ineligible for early release and prohibit deductions of time from the sentence of incarceration are not allowed because of "good time";
3. Specify that the convicted person is ineligible for work release programs and furloughs; and
4. Prohibit plea bargaining if the plea offered by the prosecuting attorney would result in the person charged with gross sexual assault being charged with a lesser offense or serving less than 25 years in prison.

LD 1992

An Act Relating to Forfeited Firearms

ONTP

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1992 proposed to authorize law enforcement agencies to auction firearms they have received under the forfeiture statute, Title 15, chapter 517, to federally licensed firearms' dealers. The bill also proposed to authorize the Attorney General to adopt and amend rules pursuant to the Maine Administrative Procedure Act, as the Attorney General considered necessary, governing the sale, use and disposal of abandoned and forfeited firearms and ammunition by law enforcement agencies.

LD 1993

An Act to Require the Development of a Plan for the Recovery, Identification and Disposition of Human Remains in a Disaster

PUBLIC 580

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1993 proposed to direct the Director of the Maine Emergency Management Agency, in consultation with the Office of Chief Medical Examiner, to prepare a plan for the recovery, identification and disposition of human remains in a disaster.

Enacted law summary

Public Law 1997, chapter 580 requires the Director of the Maine Emergency Management Agency, with the Office of the Chief Medical Examiner, to prepare a plan for the recovery, identification and disposition of human remains in a disaster.

LD 2022 **An Act to Make Corrections to the Laws Governing the Maine Bail Code** **PUBLIC 585
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY POVICH	OTP-AM	S-459

LD 2022 proposed to make changes to the laws enacted by Public Law 1997, chapter 543 governing the Maine Bail Code to correctly reflect legislative intent.

Committee Amendment "A" (S-459) proposed to restore the definition of ensuring the integrity of the judicial process to the Maine Bail Code. The definition was inadvertently left out of the bill.

Enacted law summary

Public Law 1997, chapter 585 makes changes to the laws enacted by Public Law 1997, chapter 543 governing the Maine Bail Code to correctly reflect legislative intent.

LD 2027 **An Act to Ensure Collection of Essential Data by the Department of Public Safety** **PUBLIC 608
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY POVICH	OTP-AM	S-478

LD 2027 proposed to expand the list of individuals who are authorized to take blood samples for DNA analysis to include licensed practical nurses and other licensed medical personnel trained to take blood samples.

This bill also proposed to require a law enforcement agency that enters a report of a missing child in the State Police and National Crime Information computer systems to update the report within 60 days with medical and dental information.

Committee Amendment "A" (S-478) replaced the bill. The amendment proposed to do the following:

1. Add a mandate preamble, an emergency preamble and an emergency clause;
2. Specify that the DNA data base must be located at the Maine State Police Crime Laboratory or at State Police headquarters in Augusta;

3. Clarify who is required to submit to having a blood sample drawn for the purpose of DNA analysis;
4. Clarify 2 existing crimes and adds 4 new crimes to the list of offenses for which blood samples must be drawn for DNA analysis;
5. Add to the list of persons who may draw blood samples for DNA analysis licensed practical nurses and others whose occupational training or license allows drawing blood;
6. Retain language from the bill relating to missing child reports, clarifying that medical and dental records must be entered within 60 days; and
7. Add a fiscal note.

Enacted law summary

Public Law 1997, chapter 608 expands the list of who may take blood samples for DNA analysis to include licensed practical nurses and other medical personnel trained to take blood samples. Public Law 1997, chapter 608 specifies that the DNA data base must be located at the Maine State Police Crime Laboratory or at State Police headquarters in Augusta. Public Law 1997, chapter 608 clarifies who must submit to having a blood sample drawn for DNA analysis and requires law enforcement agencies that report missing children to enter medical and dental records within 60 days.

LD 2030

**An Act to Promote the Receipt of Federal Funds and to Clarify the
Maine Juvenile Code**

PUBLIC 591

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY JONES SL	OTP-AM	S-458

LD 2030 proposed to prohibit the use of deductions for good behavior from detention dispositions of 30 days or fewer for juveniles who committed juvenile crimes on or after October 1, 1995. This provision currently applies to juveniles who committed crimes prior to October 1, 1995.

This bill also proposed to make the Maine Revised Statutes, Title 15, section 3316, subsection 1 consistent with the rest of the Maine Juvenile Code, since there is no longer such a disposition as "commitment to the Department of Corrections" in that Code.

Finally, the bill proposed to facilitate the receipt of more federal funds when a juvenile voluntarily lives outside the juvenile's home by agreement with the Department of Corrections. Federal law permits federal funding for the first 12 months of such a placement but stops such funding thereafter unless a court has made the determination provided for in this provision.

COMMITTEE AMENDMENT "A" (S-458) proposed to require that within 180 days from the time a youth is voluntarily placed outside the youth's home the court must make an initial determination that reasonable efforts have been made to prevent or eliminate the need for out-of-home placement. Changing the time of initial review from 12 months to 180 days is consistent with federal law.

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

Enacted law summary

Public Law 1997, chapter 591 prohibits the use of deductions for good behavior from any detention dispositions of 30 days or fewer, facilitates the receipt of more federal funds for juveniles who voluntarily live outside their homes and makes technical changes consistent with the Maine Juvenile Code.

LD 2033 An Act to Create the Sex Offender Registration and Notification Act of 1998 ONTP

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

LD 2033 proposed to provide for the registration of sex offenders in the State in conformance with the federal Jacob Wetterling Act. The bill proposed to do the following:

1. Expand the scope of the definition of "sex offender" for purposes of registration;
2. Add a new category: "sexually violent predator";
3. Increase the type of identifying information for sex offenders that must be kept by the State Bureau of Identification and direct the bureau to forward registration information to the Federal Bureau of Investigation for inclusion in the national sex offender database;
4. Set guidelines for sex offender responsibilities regarding registration;
5. Establish the Board of Examiners of Sex Offenders, which must include a member of the State Forensic Service; and
6. Create a penalty for failure to comply with sex offender registration requirements.

LD 2072 An Act to Amend the Laws Regarding Sex Offenders PUBLIC 768

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELANGER D PARADIS	OTP-AM MAJ OTP-AM MIN	H-1056 S-730 MICHAUD

LD 2072 proposed to strengthen the laws governing sex offender registration and notification by requiring law enforcement agencies to notify residents who reside within 1,000 feet of where the sex offender will reside.

Committee Amendment "A" (H-1056) replaced the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a "safe children zone" that is defined as on or within 1,000 feet of the real property comprising a public or private elementary or secondary school or on or within

1,000 feet of the real property comprising a licensed day care center. The amendment proposed to require the court, when determining an appropriate sentence in a gross sexual assault case, to consider as an aggravating sentencing factor the fact that the gross sexual assault was committed in a safe children zone.

Effective September 1, 1998, the amendment proposed to expand the definition of "sex offender" for purposes of the Sex Offender Registration and Notification Act to include all sex offenses in the Maine Revised Statutes, Title 17-A, chapter 11 that are Class A, B or C crimes and the crime of sexual exploitation of a minor.

The amendment also proposed to require the Department of Corrections to forward to the Department of Public Safety, State Bureau of Identification the following additional information regarding a sex offender who is required to register under the Sex Offender Registration and Notification Act: the offender's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the offender. The State Bureau of Identification would then have forwarded this information to all required law enforcement agencies who would then have distributed the information to members of the public who the agencies determine are necessary to ensure public safety.

The amendment also proposed to add a fiscal note.

Committee Amendment "B" (H-1057) replaced the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a "safe children zone" that is defined as on or within 1,000 feet of the real property comprising a public or private elementary or secondary school or on or within 1,000 feet of the real property comprising a licensed day care center. The amendment proposed to require the court, when determining an appropriate sentence in a gross sexual assault case, to consider as an aggravating sentencing factor the fact that the gross sexual assault was committed in a safe children zone.

The amendment also proposed to require the Department of Corrections to forward to the Department of Public Safety, State Bureau of Identification the following additional information regarding a sex offender who is required to register under the Sex Offender Registration and Notification Act: the offender's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the offender. The State Bureau of Identification would then have to forward this information to all required law enforcement agencies who would then distribute the information to members of the public who the agencies determine are necessary to ensure public safety. The amendment also proposed to add a fiscal note. (Not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-703) proposed to strike that portion of Committee Amendment "A" that expands the definition of "sex offender" for purposes of the Sex Offender Registration and Notification Act. (Not adopted)

Senate Amendment "B" to Committee Amendment "A" (S-730) proposed to strike that portion of Committee Amendment "A" that expands the definition of "sex offender" for purposes of the Sex Offender Registration and Notification Act.

Enacted law summary

Public Law 1997, chapter 768 creates a "safe children zone" that is defined as on or within 1,000 feet of the real property comprising a public or private elementary or secondary school on or within 1,000 feet of the real property comprising a licensed day care center. When determining the appropriate sentence in a gross sexual assault case, the court must consider as an aggravating sentencing factor the fact that the gross sexual assault was committed in a safe children zone.

Public Law 1997, chapter 768 also requires the Department of Corrections to forward to the Department of Public Safety, State Bureau of Identification the following additional information regarding a sex offender who is required to register under the Sex Offender Registration and Notification Act: the offender's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the offender. The State Bureau of Identification then must forward this information to all required law enforcement agencies who may distribute the information to members of the public who the agencies determine are necessary to ensure public safety.

LD 2080 **An Act to Enhance the Bail Requirements for Persons Charged with Murder** **ONTP**

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

LD 2080 proposed to require the Department of Corrections to complete a risk assessment on any defendant charged with murder who seeks preconviction bail, regardless of whether a Harnish bail hearing is held. The bill proposed to require the Department of Corrections to analyze the risk of the defendant's fleeing, posing a threat of harm to others and committing new criminal acts if released on bail. The department would have recommended to the court whether the defendant should be released on preconviction bail. If the court determined that bail should be set, the bill proposed that the Department of Corrections be responsible for monitoring the defendant until the time of trial.

LD 2084 **An Act to Protect Children from Sex Offenders** **ONTP**

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

LD 2084 proposed to prohibit a sex offender from residing or loitering within 1,000 feet of a school. This bill was modeled on a Delaware statute.

LD 2089 **An Act to Establish Reasonable Fees for Reports and Other Items From the Office of Chief Medical Examiner** **PUBLIC 598**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MURRAY	OTP-AM	H-825

LD 2089 proposed to set up a fee schedule for the Office of Chief Medical Examiner providing report documents, histological slides and other items or services relating to any medical examiner case to persons entitled to them. The bill proposed to define "report documents", identify who is to be charged and permit the Chief Medical Examiner to waive the fee under certain circumstances. Finally, this bill proposed to direct that all fees collected by the Office of Chief Medical Examiner be deposited in the General Fund as undedicated revenue.

Committee Amendment "A" (H-825) proposed that all fees collected by the Chief Medical Examiner be deposited in a dedicated account within the Office of Chief Medical Examiner. The amendment proposed to require the State Controller to transfer balances in excess of \$500 to the General Fund at the end of each fiscal year.

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

Enacted law summary

Public Law 1997, chapter 598 creates a fee schedule for reports, histological slides and other services provided by the Office of the Chief Medical Examiner. Government agencies, health care providers who cared for the deceased, and next of kin are exempt from paying the fees. All fees collected must be deposited in a dedicated account within the Office of Chief Medical Examiner.

LD 2182 An Act to Create the Crime of Insurance Fraud and Require Reporting of Convictions to Licensing Authorities PUBLIC 779

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-923
	ONTP MIN	

LD 2182 proposed to implement a recommendation of the Commission to Study Insurance Fraud, as established in Resolve 1997, chapter 77, and create the crime of insurance fraud. The bill also proposed to require that the court notify the appropriate licensing authority of a conviction for insurance fraud against a person licensed or registered under the laws of this State.

Committee Amendment "A" (H-923) replaced the bill and was the majority report of the Joint Standing Committee on Criminal Justice.

The amendment proposed to create a new crime of insurance deception within the Maine Criminal Code chapter on theft and a new crime of deceptive insurance practices within the Maine Criminal Code chapter on fraud.

The amendment proposed that the new crime of insurance deception apply to a person who intentionally makes a misrepresentation or written false statement relating to a material fact to any person engaged in the business of insurance concerning the following specific matters: an application for or renewal of an insurance policy, the rating of an insurance policy, payments made in accordance with an insurance policy, a claim for payment or benefit pursuant to an insurance policy or premiums paid on an insurance policy. These would have been crimes only if the person who made the representation or statement did not believe it to be true. The fact that the deception related to a matter of no pecuniary significance or that the person deceived acted unreasonably in relying on the deception would not have been a defense. The amendment proposed that the class of crime is based on the value of the property that is the subject of the deception.

The amendment proposed that the new crime of deceptive insurance practices apply to a person engaging in the business of insurance and that there are two categories of this crime. First, the amendment proposed that it is a Class D crime if the person intentionally makes a false statement with respect to material fact concerning, or materially alters, any of the following: certain documents filed with the Superintendent of Insurance or similar insurance regulatory agency; a document submitted by an insured, claimant or applicant to an insurer, insurance producer or other person; or a document or report filed with a law enforcement agency. Second, the amendment

proposed that it is a Class D crime if the person intentionally: transacts the business of insurance without proper licensure, certification or authorization; impairs the verity or availability of any records of an insurer with the intent to deceive; or solicits or accepts new or renewal insurance risks when the person knows or should know that the insurer or other person engaged in the business of insurance is insolvent.

The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1997, chapter 779 creates a new crime of insurance deception within the Maine Criminal Code chapter on theft and a new crime of deceptive insurance practices within the Maine Criminal Code chapter on fraud.

The new crime of insurance deception applies to a person who intentionally makes a misrepresentation or written false statement relating to a material fact to any person engaged in the business of insurance concerning the following specific matters: an application for or renewal of an insurance policy, the rating of an insurance policy, payments made in accordance with an insurance policy, a claim for payment or benefit pursuant to an insurance policy or premiums paid on an insurance policy. These are crimes only if the person who made the representation or statement does not believe it to be true. The fact that the deception related to a matter of no pecuniary significance or that the person deceived acted unreasonably in relying on the deception if not a defense. The class of crime is based on the value of the property that is the subject of the deception.

The new crime of deceptive insurance practices applies to a person engaging in the business of insurance. There are two categories of this crime. First, it is a Class D crime if the person intentionally makes a false statement with respect to material fact concerning, or materially alters, any of the following: certain documents filed with the Superintendent of Insurance or similar insurance regulator agency; a document submitted by an insured, claimant or applicant to an insurer, insurance producer or other person; or a document or report filed with a law enforcement agency. Second, it is a Class D crime if the person intentionally: transacts the business of insurance without proper licensure, certification or authorization; impairs the verity or availability of any records of an insurer with the intent to deceive; or solicits or accepts new or renewal insurance risks when the person knows or should know that the insurer or other person engaged in the business of insurance is insolvent.

LD 2185

Resolve, to Provide Accountability in the Probation System

**RESOLVE 124
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M MITCHELL B	OTP-AM	H-971 S-755 MICHAUD

LD 2185 proposed to affect the Division of Probation and Parole within the Department of Corrections in the following manner:

1. Establish a probation system review panel to review the probation system, to develop a plan for restructuring the probation system and to report to the Legislature the panel's findings and recommendations;
2. Require the Commissioner of Corrections to perform an assessment of office space needs within probation services, to address the 3 top needs by January 1, 1999, and to develop a plan to address the remaining needs by January 1, 2004. The commissioner would have reported this plan to the Legislature by January 15, 1999; and

3. Appropriate funding for the following:

A. The hiring, by January 1, 1999, of 5 new probation officers and 2 support staff;

B. The provision of equipment for drug and alcohol testing to be used by probation officers to ensure compliance with the conditions of probation; and

C. To meet the requirements of the Maine Revised Statutes, Title 25, chapter 194, which requires the Chief of the State Police to collect DNA samples, and for DNA sampling of persons convicted of certain crimes.

Committee Amendment "A" (H-971) replaced the resolve. The amendment proposed to do the following:

1. Establish a study group to review procedures and consider improvements in adult and juvenile probation services. Specifically, the study group would have reviewed the current resources, assessment instruments, services provided and issues of concern within the Department of Corrections and report to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters by January 15, 2000;

2. Require the Commissioner of Corrections to perform an assessment of office space needs for adult and juvenile probation services, to address the 3 top needs by January 1, 1999 and to develop a plan to address the remaining needs by January 1, 2004. The commissioner would have reported this plan to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters by January 15, 1999;

3. Appropriate funding for the following:

A. The hiring of 14 new probation officers and 2 full-time and one part-time support staff;

B. The provision of equipment for drug and alcohol testing to be used by probation officers to ensure compliance with the conditions of probation; and

C. To meet the requirements of the Maine Revised Statutes, Title 25, chapter 194, which requires the Chief of the State Police to collect DNA samples, and for DNA sampling of persons convicted of certain crimes; and

4. Add a fiscal note to the resolve.

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" (S-755) proposed to remove the General Fund appropriations that were included in the supplemental budget bill, Public Law 1997, chapter 643. Senate Amendment "A" also proposed to provide funding for alcohol and drug testing and for the legislative costs associated with the study group.

Enacted law summary

Resolve 1997, chapter 124 establishes a study group to review procedures and consider improvements in adult and juvenile probation services. The Department of Corrections shall staff the study group and report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters by January 15, 2000. Resolve 1997, chapter 124 requires the Department of Corrections to perform an assessment of office space needs for adult and juvenile probation services; to address the three top needs by January 1, 1999; to develop

a plan to address the remaining needs by January 1, 2004; and to report the plan to the Criminal Justice Committee by January 15, 1999. Resolve 1997, chapter 124 also appropriates funding for the provision of equipment for drug and alcohol testing to be used by probation officers to ensure compliance with the conditions of probation and for the per diem and expenses of legislative members of a probation services study group. General Fund appropriations for 14 new probation officers and two full-time and one part-time support staff and for taking DNA samples that appeared in Committee Amendment “A” (H-971) to LD 2185 were removed and included in the supplemental budget bill, now Public Law 1997, chapter 643.

LD 2189 **Resolve, Regarding Legislative Review of Certification and Monitoring of Batterer Intervention Programs, a Major Substantive Rule of the Department of Corrections** **RESOLVE 92**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2189 proposed to provide for legislative review of certification and monitoring of batterer intervention programs, a major substantive rule of the Department of Corrections.

Enacted law summary

Resolve 1997, chapter 92 authorizes the final adoption of rules by the Department of Corrections authorizing certification and monitoring of batterer intervention programs.

LD 2232 **An Act to Improve the Delivery and Effectiveness of State Correctional Services** **PUBLIC 752**

<u>Sponsor(s)</u> MURRAY POVICH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-603
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LD 2232 proposed to do the following:

1. Eliminate an outdated requirement that the Department of Corrections review the Maine Juvenile Code and recommend legislation;
2. Replace the reference to the Maine Youth Center as the place of commitment to a Department of Corrections juvenile correctional facility to reflect the restructuring of the juvenile system;
3. Eliminate outdated references to detention prior to the opening of the Northern Maine Regional Juvenile Detention Facility;
4. Reiterate the requirement already found in the Maine Juvenile Code that a detention hearing be held within 48 hours and put it in a place in the code where it is more likely to be found;

5. Replace the reference to the Maine Youth Center as the place of detention with "a detention facility" to reflect the restructuring of the juvenile system;
6. Replace the reference to the Maine Youth Center as the place for diagnostic evaluation with "a detention facility" to reflect the restructuring of the juvenile system;
7. Allow the court to enforce a restitution order against a juvenile who has defaulted in the same way as an order is enforced against an adult except that a juvenile may not be confined in a county jail pending payment of restitution;
8. Eliminate the term of confinement of 30 days or less that is presently one of the dispositions that a juvenile court may impose on a juvenile adjudicated of a juvenile crime;
9. Clarify existing statutory language to reflect that commitment is to a Department of Corrections juvenile correctional facility;
10. Require the court to notify the Commissioner of Corrections or the commissioner's designee immediately after detention or commitment is ordered and to inquire as to the juvenile facility to which the juvenile is to be transported;
11. Clarify the holding of juveniles taken into interim care;
12. Clarify the definitions of "correctional facility," "juvenile client" and "juvenile detainee";
13. Change a provision that currently applies only to the Maine Youth Center school and apply it to all educational programs for confined juveniles;
14. Eliminate the reference to Thomaston as the location for the Maine State Prison and replace it with Knox County;
15. Revise the purpose of the Maine Youth Center to be consistent with the State's assumption of responsibility for juvenile detention and the restructuring of the juvenile system;
16. Clarify that the commissioner's power of guardianship extends to juvenile detainees for necessary medical services only;
17. Change the location of the Downeast Correctional Facility from Machiasport to Washington County;
18. Revise the purpose of the Northern Maine Regional Juvenile Detention Facility to be consistent with the State's assumption of responsibility for juvenile detention and with the elimination of short terms of confinement as a disposition;
19. Complete the transition from the existing juvenile system to the restructured system and direct the department to submit legislation to make state law consistent with the changes; and
20. Clarify that the requirements to pay victim restitution and court fines from money received while incarcerated is absolute.

Committee Amendment "A" (S-603) proposed to do the following:

1. Authorize financing for Phase I of the Adult Correctional Facilities Plan by allowing the Maine Governmental Facilities Authority to issue bonds in the amount of \$85,000,000 for this purpose;
2. Remove language that would have eliminated 30-day "shock" sentences for juveniles;
3. Make further technical corrections; and
4. Add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 752 makes a number of technical changes to update language in the corrections statutes. Public Law 1997, chapter 752 allows the court to enforce a restitution order against a juvenile who has defaulted in the same way an order is enforced against an adult, except that a juvenile may not be confined in a county jail pending payment of restitution. Public Law 1997, chapter 752 clarifies the holding of juveniles taken into interim care and the Commissioner of Corrections' power of guardianship for medical services for juveniles. Public Law 1997, chapter 752 changes statutory references to the locations of the Maine State Prison and Downeast Correctional Facility to their respective counties. Public Law 1997, chapter 752 completes the transition to the restructured juvenile system and directs the Department of Corrections to submit legislation to make the law consistent with those changes. Finally, Public Law 1997, chapter 752 authorizes financing for Phase I of the Adult Correctional Facilities Plan by allowing the Maine Governmental Facilities Authority to issue bonds in the amount of \$85,000,000 for this purpose.

LD 2248

An Act Authorizing the State to Appeal Decisions Granting Preconviction Bail

DIED BETWEEN HOUSES

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM	MAJ
OTP-AM	MIN

LD 2248 Current law allows a defendant who is refused preconviction bail to petition the Superior Court for a de novo determination of that refusal. This bill proposed to give the State the same right to petition the Superior Court for a de novo determination of a decision that grants a defendant preconviction bail.

Committee Amendment "A" (S-544) replaced the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to clarify that an attorney for the State or a defendant may make a motion to the court for reconsideration of the court's preconviction or post-conviction bail decision. The judge or justice may, after notice, hold a hearing on the motion or may summarily deny the motion without hearing. The amendment also proposed to add a fiscal note. (Not adopted)

Committee Amendment "B" (S-545) replaced the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to clarify that an attorney for the State or a defendant may make a motion to the court for reconsideration of the court's preconviction or post-conviction bail decision. The judge or justice may, after notice, hold a hearing on the motion or may summarily deny the motion without hearing. The amendment also proposed to provide the State with the right to appeal a preconviction bail proceeding under the Maine Revised Statutes, Title 15, section 1026. The appeal allows for a de novo determination of bail. If

the bail proceeding were conducted in the District Court, the appeal would have been to a justice of the Superior Court, and if the bail proceeding were conducted in the Superior Court, the appeal would have been to a single justice of the Supreme Judicial Court. The amendment also proposed to add a fiscal note. (Not adopted)

LD 2257

**An Act to Make Public the Records of the Department of
Corrections Relating to Inmate Furloughs and Requests under the
Uniform Act for Out-of-State Parolee Supervision**

**PUBLIC 714
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR MURRAY	OTP-AM	H-991

LD 2257 proposed to make public records of certain information within the Department of Corrections and other criminal justice agencies regarding furlough of convicted criminals, thus giving the department or agencies the ability to inform the public when criminals are being released from prison on furloughs or transferred into communities from other states. The bill also proposed to require that the department give notice to the law enforcement community prior to granting furloughs or requests under the Uniform Act for Out-of-State Parolee Supervision.

Currently, under the Uniform Act for Out-of-State Parolee Supervision, the department makes decisions concerning the release into Maine communities of convicted criminals who have little or no prior connection to the State. Under the Act, other states may seek to transfer a parolee to the State for supervision. There is no restriction on the type of individual who is eligible to seek such a transfer.

Committee Amendment "A" (H-991) replaced the bill and proposed to add emergency status. The amendment proposed to make public records of certain information within the Department of Corrections and other criminal justice agencies, thus giving the department or agencies the ability to inform the public when criminals are being released from prison on furloughs or transferred into communities from other states and to inform the public of current addresses or locations of criminals. The amendment proposed to require that the department give notice to the law enforcement community prior to granting furloughs or requests under the Uniform Act for Out-of-State Parolee Supervision. This amendment also proposed to require the department, upon request, to share information releasable under its confidentiality statute. Finally, the amendment proposed to decriminalize violations of the department's confidentiality statute and add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 714 makes public certain records within the Department of Corrections and other criminal justice agencies, allowing the public to access information regarding the release and location of prisoners on furlough or transfers from other states. Public Law 1997, chapter 714 requires the Department of Corrections to give notice to the law enforcement community prior to granting furloughs or requests under the Uniform Act for Out-of-State Parolee Supervision. Public Law 1997, chapter 714 also directs the Department of Corrections, upon request, to share information releasable under its confidentiality statute and decriminalizes violations of the department's confidentiality statute.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1030 H-1123 POVICH

LD 2272 proposed to implement the recommendations of the State Fire Marshal study group, which was created pursuant to Resolve 1997, chapter 10. The bill proposed to define "public safety inspectors", which were created pursuant to the Productivity Realization Task Force. The bill also proposed to clarify the duties and authority of the State Fire Marshal and public safety inspectors.

Committee Amendment " A " (H-1030) starting July 31, 1998 and at the end of each month thereafter, proposed to require every fire insurance company or association that does business or collects premiums or assessments in the State to pay to the State Tax Assessor 1/12 of the estimated total tax to be paid for the current calendar year. Currently, insurance companies and associations are required to make payments on a quarterly basis.

The amendment also proposed to correct a technical error and add a fiscal note.

House Amendment " A " (H-1123) proposed to clarify the appointing authority for the investigators, inspectors and employees of the Office of the State Fire Marshal.

Enacted law summary

Public Law 1997, chapter 728 implements a number of the recommendations of the State Fire Marshal study group, which was created pursuant to Resolve 1997, chapter 10. Public Law 1997, chapter 728 defines "public safety inspectors", which were created pursuant to the Productivity Realization Task Force, and clarifies the duties and authority of the State Fire Marshal and public safety inspectors. Starting July 31, 1998 and at the end of each month thereafter every fire insurance company or association that does business or collects premiums or assessments in the State must pay to the State Tax Assessor 1/12 of the estimated total tax to be paid for the current year.

Joint Standing Committee on Education and Cultural Affairs

LD 623

Resolve, to Provide Educational Placement Options within the Public School System

**DIED ON
ADJOURNMENT**

Sponsor(s)
AMERO

Committee Report
OTP-AM

Amendments Adopted

LD 623 was carried over from the First Regular and First Special Sessions and proposed to broaden public education options for parents and students and would provide that residence is no longer a prerequisite for enrollment in a school administrative unit. Under this proposed bill, a student may attend the public school of the student's choosing subject to some limitations. A school unit could limit the percentage of students who could choose to attend school in another unit if the loss of students creates a hardship, subject to rules established by the Commissioner of Education. The bill also proposed changes to the School Finance Act of 1985 to reflect the potential increase in enrollment. These changes would allow funding to "follow" the student and provide an incentive for each school to maintain or increase enrollment levels. The Commissioner of Education would be responsible for the coordination and implementation of this enrollment options program.

The bill further proposed to 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.

In addition, the bill proposed 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 must be paid by the sending school administrative unit. The bill proposed to require a representative of the sending school administrative unit to participate in all meetings concerning provision of special education services to the student.

The bill also proposed to establish a review of the enrollment options program after five years of operation, including provisions that the program may 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 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.

Committee Amendment "A" (S-472) proposed to replace the bill and change the title of the bill. The amendment proposed a resolve authorizing the Commissioner of Education to establish a grant program to promote educational placement options for public school students in the State. The resolve further proposed to establish the following provisions for the educational placement options grant program:

1. A grant of up to \$10,000 would be awarded on a competitive basis to an alliance of two or more school administrative units formed for the purpose of providing educational placement options through the sharing of resources among the member school administrative units. Students would be eligible for an educational

placement option within another school administrative unit pursuant to the so-called "superintendents' agreement" provisions established in the Maine Revised Statutes, Title 20-A, section 5205, subsection 6;

2. Priority would be given to proposals that the commissioner determines are most likely to make a lasting contribution to education in the State, that are reasonably cost-effective and that could be replicated in urban or rural areas of the State;
3. The commissioner would review the results of the educational placement options grant program following operation of the grant program during the 1999-2000 school year and would submit a report and any recommendations to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on or before January 31, 2001; and
4. A General Fund appropriation of \$50,000, in addition to the customary and ongoing amounts appropriated in fiscal year 1998-99 for general purpose aid to local schools, would be appropriated to the Department of Education to carry out the purposes of this resolve.

The amendment also proposed to add a fiscal note.

LD 1045 Resolve, to Create the Task Force on Research and Development Investment ONTP

<u>Sponsor(s)</u> BIGL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1045 was carried over from the First Regular and First Special Sessions and proposed 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.

LD 1168 Resolve, to Reorganize the University of Maine System ONTP

<u>Sponsor(s)</u> LIBBY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1168 was carried over from the First Regular and First Special Sessions and proposed 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 bill further proposed to allow the Legislative Council to 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 and Cultural Affairs in drafting this legislation.

LD 1260

An Act Allowing Schools to Remain on the School Construction Account Priority List

OTP-ND-NT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY	OTP-ND-NT	

LD 1260 was carried over from the First Regular and First Special Sessions and proposed 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 have further required 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 would have also required the board to fund the project when the project rating allowed concept and funding approval, based on the initial application.

The Committee voted “Ought to Pass in New Draft” (pursuant to Joint Rule 310) and changed the title of the bill with the permission of the sponsor (see LD 2289).

LD 1325

An Act to Make the State Board of Education Elected

ONTP

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

LD 1325 was carried over from the First Regular and First Special Sessions and proposed that the 16 members of the State Board of Education be elected, with one member elected from each county. The elected board would have made all policy for the Department of Education and would have recommended education policy to the Legislature. The bill further proposed to direct the Commissioner of Education to study and report to the state board on the feasibility of restructuring the department.

Committee Amendment "A" (H-801), the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to change the year in which election of State Board of Education members would begin and the date of the report of the Commissioner of Education on the feasibility of restructuring the Department of Education. The amendment also proposed to add an appropriation and a fiscal note to the bill.

LD 1340

An Act to Establish a Public Education Assessment Advisory Commission

ONTP

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

LD 1340 was carried over from the First Regular and First Special Sessions and proposed 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. The bill also proposed to oversee the development of the statewide education assessment program and other state and local assessment mechanisms for implementing the learning results system.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLUKEY	OTP-AM MAJ ONTP MIN	H-809

LD 1398 was carried over from the First Regular and First Special Sessions and proposed 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 proposed 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.

Committee Amendment "A" (H-809), the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to remove the word "deliberate" from the bill, which would enact the Maine Revised Statutes, Title 20-A, section 1001, subsection 9-B, to make that provision consistent with recently reauthorized federal statutes and proposed federal regulations related to sanctioning exceptional students for misconduct that violates school rules.

Enacted law summary

Public Law 1997, chapter 594 clarifies the authority of school boards in disciplining exceptional students. Under the provisions of this law, 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 law further requires 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.

LD 1416

An Act Concerning Eligibility for Service on a School Board

ONTP

Sponsor(s)
KILKELLY

Committee Report
ONTP

Amendments Adopted

LD 1416 was carried over from the First Regular and First Special Sessions and proposed 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 proposed 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 would have allowed volunteers to serve on a school board but maintained the prohibition against full-time employees serving as school board members.

LD 1436

An Act to Amend School Construction Laws

ONTP

Sponsor(s)
TREAT
COWGER

Committee Report
ONTP

Amendments Adopted

LD 1436 was carried over from the First Regular and First Special Sessions and proposed 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 would also have amended the state board's design limit provisions to eliminate any 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 proposed 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.

LD 1544

An Act to Amend the Process by Which School Construction Is Approved

ONTP

Sponsor(s)
TRUE

Committee Report
ONTP

Amendments Adopted

LD 1544 was carried over from the First Regular and First Special Sessions and proposed 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 proposed to require the department to develop a process for choosing the plans in a timely manner and would have required any changes to the plans requested by a local school administrative unit to be the responsibility of the local unit.

LD 1601

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Require the Legislature to Provide a Statewide System of
Uniform and High-quality Education**

ONTP

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

LD 1601 was carried over from the First Regular and First Special Sessions and proposed 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.

Committee Amendment "A" (S-576), the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to replace the bill and would have established a 12-member special commission of Legislators and legal scholars to study the need to amend the "education clause" of the Constitution of Maine. The special commission would have been required to issue its report and recommendations by January 1, 1999. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

LD 1622

**An Act to Require That a Course in Multicultural Education Be
Included in All Teacher Preparation Programs in the State**

ONTP

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

LD 1622 was carried over from the First Regular and First Special Sessions and proposed that teacher preparation programs offered in the State must include a mandatory course in multicultural education.

LD 1652

**An Act to Establish the Dirigo Higher Education Bond Program to
Provide Financial Aid to Maine Students**

ONTP

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

LD 1652 was carried over from the First Regular and First Special Sessions and proposed 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 proposed program was designed to offer bonds, for purchase by Maine residents, that would have been redeemable to pay the costs of attendance at institutions of higher education.

LD 1653

An Act to Abolish the State Board of Education

ONTP

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

LD 1653 was carried over from the First Regular and First Special Sessions and proposed 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 to local schools.

LD 1717

An Act Establishing a Higher Education Trust as an Instrumentality of the State

ONTP

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

LD 1717 was carried over from the First Regular and First Special Sessions and proposed 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 have created the Maine University Savings Trust as an instrumentality of the State and would have accomplished the following:

1. Provided 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. Encouraged timely financial planning for higher education by the creation of prepaid tuition contracts and further encouraged employer participation in that planning; and
3. Increased the number of qualified students who will seek to attend colleges and universities in Maine, which would be of benefit to the colleges and universities, and would therefore advance and improve higher education in the State.

Under this proposed bill, members of the Finance Authority of Maine would have served as trustees for the Maine University Savings Trust and would have acted on behalf of the trust to establish and administer the separate trust funds.

LD 1718

An Act to Create a Prepaid Tuition Plan

ONTP

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

LD 1718 was carried over from the First Regular and First Special Sessions and proposed to establish a prepaid tuition program that would encourage long-term family savings for higher education tuition costs. Under this bill, the Finance Authority of Maine would have been 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.

LD 1721

An Act Regarding Appointment to the Maine Public Broadcasting Board of Trustees

PUBLIC 599

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM	S-481

LD 1721 was carried over from the First Regular and First Special Sessions and proposed 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.

Committee Amendment "A" (S-481) proposed to replace the bill and to alter the composition of the Board of Trustees of the Maine Public Broadcasting Corporation in the following manner:

1. It would require that, by January 1, 1999 and thereafter, the Governor appoint two additional public trustees, subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate; and
2. It would also require the board to amend the Maine Public Broadcasting Corporation bylaws January 1, 1999 to reflect the different methods of appointing public trustees to the board.

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

Enacted law summary

Public Law 1997, chapter 599 alters the composition of the Board of Trustees of the Maine Public Broadcasting Corporation in the following manner:

1. It requires that, by January 1, 1999 and thereafter, the Governor appoint two additional public trustees, subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate; and
2. It also requires the board to amend the Maine Public Broadcasting Corporation bylaws by January 1, 1999 to reflect the different methods of appointing public trustees to the board.

LD 1725

An Act to Authorize School Administrative Units to Enter into Multi-year Agreements for Telecommunications Services

PUBLIC 664

<u>Sponsor(s)</u> PARADIS O'NEAL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-628
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LD 1725 was carried over from the First Regular and First Special Sessions and proposed to provide school administrative units with the fiscal powers required to construct and finance fiber-optic systems. The bill further proposed 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.

Committee Amendment "A" (S-628) proposed to replace the original bill and amend the bill title. The amendment further proposed to accomplish the following:

1. It would authorize governing bodies of school administrative units and applied technology regions to:
 - A. Enter into service agreements for not more than 10 years with private entities, such as telecommunications service providers, to purchase telecommunications services for educational purposes;
 - B. Enter into interlocal agreements in accordance with the Maine Revised Statutes, Title 30-A, chapter 115; and
 - C. Organize or cause to be organized joint boards and legal entities including public nonprofit corporations under Title 13, chapter 81 and Title 13-B to purchase telecommunications services and to acquire customer premise telecommunications and related technology equipment.

2. It would provide for the legal and tax status of a joint board or governing body of a legal entity formed under this Act by:
 - A. Requiring that the interlocal agreement provide for appointment or election of each member of a legal governing entity formed under this Act by the governing body of one or more of the constituent members of the interlocal agreement;
 - B. Allowing the body of the legal governing entity formed to purchase telecommunications services and acquire, purchase, lease and lease-purchase customer premise telecommunications and related technology equipment on behalf of the constituent members of the interlocal agreement;
 - C. Exempting all income derived from the acquisition, purchase, lease and lease-purchase of customer premise telecommunications and related technology equipment from state taxation since these purchases constitute a proper public purpose; and
 - D. Requiring that, in the event that the legal governing entity formed is dissolved, the distribution of the net earnings and all property owned by the legal governing entity formed must be determined by the joint board or governing body of the legal governing entity formed and may not inure to the benefit of any private person.

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

Enacted law summary

Public Law 1997, chapter 664 provides school administrative units with the fiscal powers required to construct and finance fiber-optic systems for educational purposes to provide interactive audio-visual communication among school administrative units. The law accomplishes the following:

1. It authorizes governing bodies of school administrative units and applied technology regions to:
 - A. Enter into service agreements for not more than 10 years with private entities, such as telecommunications service providers, to purchase telecommunications services for educational purposes;
 - B. Enter into interlocal agreements in accordance with the Maine Revised Statutes, Title 30-A, chapter 115; and
 - C. Organize or cause to be organized joint boards and legal entities including public nonprofit corporations under Title 13, chapter 81 and Title 13-B to purchase telecommunications services and to acquire customer premise telecommunications and related technology equipment.
2. It provides for the legal and tax status of a joint board or governing body of a legal entity

formed under this law by:

- A. Requiring that the interlocal agreement provide for appointment or election of each member of a legal governing entity formed under this law by the governing body of one or more of the constituent members of the interlocal agreement;
- B. Allowing the body of the legal governing entity formed to purchase telecommunications services and acquire, purchase, lease and lease-purchase customer premise telecommunications and related technology equipment on behalf of the constituent members of the interlocal agreement;
- C. Exempting all income derived from the acquisition, purchase, lease and lease-purchase of customer premise telecommunications and related technology equipment from state taxation since these purchases constitute a proper public purpose; and
- D. Requiring that, in the event that the legal governing entity formed is dissolved, the distribution of the net earnings and all property owned by the legal governing entity formed must be determined by the joint board or governing body of the legal governing entity formed and may not inure to the benefit of any private person.

LD 1769

An Act to Authorize Additional Adjustments to the State Share of School Funding

INDEF PP

Sponsor(s)
DESMOND
KILKELLY

Committee Report
OTP-AM

Amendments Adopted

LD 1769 was carried over from the First Regular and First Special Sessions and proposed to amend the adjustment provisions of the school finance laws. This bill proposed to accomplish the following:

1. It would require the state share of subsidizable education costs statewide to be at least 50 percent 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 percent 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; and

6. It would repeal the provisions related to adjustments for geographic isolation and nonpublic school service.

Committee Amendment "A" (H-955), proposed to replace the bill. The amendment further proposed to direct the Commissioner of Education to repay local school administrative units the so-called "general purpose aid push" from fiscal year 1990-91 by making a June 1998 subsidy payment of \$39,226,420 as part of the fiscal year 1997-98 supplemental appropriations budget. While this bill was indefinitely postponed, the substance of this amendment was enacted as part of the supplemental appropriations bill with a \$39,226,419 appropriation in fiscal year 1997-98 (see Public Law 1997, chapter 643, part A).

House Amendment "A" to Committee Amendment "A" (H-972), proposed to require the Department of Education to submit legislation to the 119th Legislature that would replace the current school funding formula with the school funding formula in place on January 1, 1985. The amendment was not adopted.

LD 1778 An Act to Establish the Maine Prepaid College Tuition Program ONTP

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

LD 1778 was carried over from the First Regular and First Special Sessions and proposed 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 have provided for advance purchase by parents of tuition and housing contracts at current prices that would have provided 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 could also have been 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.

LD 1825 An Act to Authorize a Tuition Savings Plan to Encourage Attendance at Institutions of Higher Education PUBLIC 732

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON P KONTOS	OTP-AM MAJ OTP-AM MIN	S-620

LD 1825 was carried over from the First Regular and First Special Sessions and proposed to create the Maine Tuition Savings Program to assist residents of the State in meeting the costs of higher education. The bill proposed to 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.

Committee Amendment "A" (S-620), the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to replace the bill. The amendment proposed to create the Maine College Savings Program to assist Maine residents in meeting the expenses of higher education. Under the program, participants

would establish college savings accounts and use contributions and earnings on the accounts for higher education expenses. The amendment further proposed to accomplish the following:

1. The Maine College Savings Program would be designed to benefit from recently enacted federal tax laws providing favorable income tax treatment to savings programs for the expenses of higher education. The amendment also proposed that earnings on an eligible account would be exempt from state tax;
2. The Maine College Savings Program would be administered by the Finance Authority of Maine and the Maine College Savings Program Fund would be held by the Treasurer of State. The Treasurer of State would also be required to keep the program fund segregated from other funds held by the Treasurer of State and to invest the money as directed by the Finance Authority of Maine, which must make investment decisions with the assistance of the Advisory Committee on College Savings;
3. The Finance Authority of Maine would also be authorized to implement a program limiting future increases on the costs of education to participants through the negotiation of agreements with institutions of higher education. The Finance Authority of Maine would be required to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 30, 1999 on the rules and rule-making process relating to implementing this component of the Maine College Savings Program; and
4. The amendment further proposed to clarify the tax treatment under state law for amounts withdrawn from accounts established under the Maine College Savings Program and used for higher education expenses.

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

Committee Amendment "B" (S-621), the minority report of the Joint Standing Committee on Education and Cultural Affairs, also proposed to replace the bill. Like the majority report, this amendment proposed to create the Maine College Savings Program to assist Maine residents in meeting the expenses of higher education. Under the program, participants may establish college savings accounts and use contributions and earnings on the accounts for higher education expenses.

The minority report differs from the majority report in the following two ways:

1. The minority report requires that the Finance Authority of Maine adopt rules to implement the tuition lock-in component of the Maine College Savings Program by January 1, 1999 and designates those rules as major substantive thus requiring legislative review before they are finally adopted. The majority report designates the rules as routine technical which does not require legislative review and requires the Finance Authority of Maine to report to the joint standing committee of the Legislature having jurisdiction over education matters on the outcome of the rule-making process by January 1, 1999; and
2. The minority report requires the Finance Authority of Maine to absorb the marketing costs for the program.

The amendment also proposed to add a fiscal note to the bill. The amendment was not adopted.

Enacted law summary

Public Law 1997, chapter 732 creates the Maine College Savings Program to assist Maine residents in meeting the expenses of higher education. Under the program, participants would establish college savings accounts and use contributions and earnings on the accounts for higher education expenses. The law accomplishes the following:

1. The Maine College Savings Program is designed to benefit from recently enacted federal tax laws providing favorable income tax treatment to savings programs for the expenses of higher education. The law establishes that earnings on an eligible account are exempt from state tax:
2. The Maine College Savings Program will be administered by the Finance Authority of Maine and the Maine College Savings Program Fund will be held by the Treasurer of State. The Treasurer of State is also required to keep the program fund segregated from other funds held by the Treasurer of State and to invest the money as directed by the Finance Authority of Maine, which must make investment decisions with the assistance of the Advisory Committee on College Savings;
3. The Finance Authority of Maine is also be authorized to implement a program limiting future increases on the costs of education to participants through the negotiation of agreements with institutions of higher education. The Finance Authority of Maine is required to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 30, 1999 on the rules and rule-making process relating to implementing this component of the Maine College Savings Program; and
4. The law further clarifies the tax treatment under state law for amounts withdrawn from accounts established under the Maine College Savings Program and used for higher education expenses.

LD 1861 **RESOLUTION, Proposing an Amendment to the Constitution of** **ONTP**
Maine to Provide Equal Educational Funding

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

LD 1861 was carried over from the First Regular and First Special Sessions and proposed 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.

LD 1967 **An Act to Allow for Greater Efficiency in School Construction** **ONTP**

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

LD 1967 proposed to authorize school administrative units to enter into design-build contracts, as an alternative to the traditional design-bid-build method, for the construction, major alteration or repair of school buildings. Under current law, any contract for the construction, major alteration or repair of school buildings involving a total cost in excess of \$100,000 must be awarded by competitive bids. While the Committee voted ONTP on this bill, the concept of permitting school units to use alternative school construction methods and delivery systems will be examined as part of a stakeholders group review to be established by the Department of Education, the State Board of Education and the Bureau of General Services (see Public Law 1997, chapter 787, section 16).

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	S-565 H-1153 RICHARD S-701 TREAT

LD 1969 proposed to make the following changes in the laws relating to the Board of Barbering and Cosmetology:

1. It would reduce the size of the board from 11 to nine members to bring it into conformity with the size of other state licensing boards. In addition, the bill proposed to change the membership of the board to include the Commissioner of Education, or the commissioner's designee, and an owner of a barbering or cosmetology school. The bill further proposed to repeal the law that required that a licensed instructor of cosmetology be a member of the board. The bill also proposed that a majority of the board constitutes a quorum and includes conflict of interest provisions for the member representing school owners;
2. It would move the provision regarding inspection of establishments by board members to the section of law establishing the powers and duties of the board;
3. It would amend the licensing and bond requirements for schools of cosmetology, schools of barbering and other proprietary schools. The bill further proposed to require each school to post a bond, based on the amount of gross tuition the school receives, to more closely match the bond to an amount that may assist students in the event of fraud, misrepresentation or failure to pay refunds due to the students; and
4. It would impose a requirement that all schools submit a copy of the most recent financial audit or financial statements when applying for its annual license renewal. The bill also proposed to require schools to notify students of where to make complaints with regard to their education.

Committee Amendment "A" (S-565) proposed to correct language in the bill and to amend several sections of the bill to accomplish the following:

1. It would clarify that bonds are required with every license renewal application and the definition of the term "bond," in addition, the amendment proposed to add further language to indicate that these bonds should not run in favor of the Finance Authority of Maine only when the school's sole participation in state or federal financial aid programs is the Federal Direct Student Loan Program, and also proposed to provide that the licensing authority and the Finance Authority of Maine have the right to review the school's operations and records for certain purposes;
2. It would further clarify that responsible owners, officers and employees of a licensee are personally liable to any person harmed by intentional violations of this subchapter or applicable rules, including violations of rules regarding refunds, for the amount of damages caused by the violations; and
3. It would add an additional member to the Board of Barbering and Cosmetology.

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

House Amendment "A" (H-1153) proposed to remove references to certain functions that the board no longer performs and would eliminate the provisions whereby the board would hold closed sessions while performing those functions. The provisions of the freedom of access laws, the Maine Revised Statutes, Title 1, chapter 13, subchapter I, would continue to apply to the board.

Senate Amendment "A" to Committee Amendment "A" (S-701) proposed to correct language in section 10 of Committee Amendment "A" to clarify the proper holder of the required bond.

Enacted law summary

Public Law 1997, chapter 771 makes the following changes in the laws relating to the Board of Barbering and Cosmetology:

1. It reduces the size of the board from 11 to 10 members. In addition, the law changes the membership of the board to include the Commissioner of Education, or the commissioner's designee, as an ex-officio and non-voting member and an owner of a barbering or cosmetology school. The law further repeals the provision that required that a licensed instructor of cosmetology be a member of the board. The law also establishes that a majority of the board constitutes a quorum and includes conflict of interest provisions for the member representing school owners;
2. It moves the provision regarding inspection of establishments by board members to the section of law establishing the powers and duties of the board;
3. It amends the licensing and bond requirements for schools of cosmetology, schools of barbering and other proprietary schools. The law further requires each school to post a bond, based on the amount of gross tuition the school receives, to more closely match the bond to an amount that may assist students in the event of fraud, misrepresentation or failure to pay refunds due to the students;
4. It clarifies that bonds are required with every license renewal application and the definition of the term "bond." In addition, the law indicates that these bonds should not run in favor of the Finance Authority of Maine only when the school's sole participation in state or federal financial aid programs is the Federal Direct Student Loan Program, and also provides that the licensing authority and the Finance Authority of Maine have the right to review the school's operations and records for certain purposes;
5. It imposes a requirement that all schools submit a copy of the most recent financial audit or financial statements when applying for its annual license renewal. The law also requires schools to notify students of where to make complaints with regard to their education;
6. It clarifies that responsible owners, officers and employees of a licensee are personally liable to any person harmed by intentional violations of this subchapter or applicable rules, including violations of rules regarding refunds, for the amount of damages caused by the violations; and
7. It removes references to certain functions that the board no longer performs and eliminates the provisions whereby the board would hold closed sessions while performing those functions. The provisions of the freedom of access laws, the Maine Revised Statutes, Title 1, chapter 13, subchapter I, continue to apply to the board.

LD 1973

An Act Regarding the Energy Testing Laboratory of Maine

PUBLIC 607

<u>Sponsor(s)</u> COLWELL CAREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-824
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LD 1973 proposed to remove the Southern Maine Technical College from the Energy Testing Laboratory of Maine program as the laboratory no longer serves an educational role for the college.

Committee Amendment "A" (H-824) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 607 removes the Southern Maine Technical College from the Energy Testing Laboratory of Maine program as the laboratory no longer serves an educational role for the college. This law will enable the college to more properly allocate resources and space to the educational needs of its students.

LD 1983

An Act Regarding the State Subsidy for Kindergarten Programs

ONTP

<u>Sponsor(s)</u> MCELROY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1983 proposed to provide that a kindergarten program in a school administrative unit must receive the full state subsidy for each child who receives at least 12 and one-half hours per week of scheduled instruction time and further proposed that a school administrative unit must receive an amount equal to twice the full state subsidy for each child who receives at least 25 hours per week of scheduled instruction time.

LD 2001

**An Act to Amend the Maine Indian Claims Settlement Act
Regarding Education Funding**

**PUBLIC 626
EMERGENCY**

<u>Sponsor(s)</u> MOORE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-918
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LD 2001 proposed to continue an educational funding provision that enables schools operated by the Passamaquoddy Tribe and the Penobscot Nation to obtain significant additional federal funding. This federal funding, which was initially enacted for a six-year period, would continue to reduce the need for state general purpose aid to those schools. While the tribal schools benefited from additional federal funding, a report from the Department of Education, filed with the Joint Standing Committee on Education and Cultural Affairs, showed average annual savings in general purpose aid of nearly \$750,000.

Committee Amendment "A" (H-918) also proposed to continue this educational funding provision, which was scheduled to be repealed on June 30, 1998, that would enable schools operated by the Passamaquoddy Tribe and the Penobscot Nation to obtain significant additional federal funding. This amendment further proposed to add an

emergency preamble and an emergency clause to the bill to ensure that the legislation is enacted prior to the June 30, 1998 repeal date. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 626 continues an educational funding provision that enables schools operated by the Passamaquoddy Tribe and the Penobscot Nation to obtain significant additional federal funding. This federal funding provision, which reduces the need for state general purpose aid to those schools, was initially enacted for a six-year period and was scheduled to be repealed on June 30, 1998. Public Law 1997, chapter 626 was enacted as an emergency measure effective on March 26, 1998.

LD 2040 An Act to Amend the Law Relating to Special Education Out-of-district Placements PUBLIC 736

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER C	OTP-AM	H-823 S-727 MICHAUD

LD 2040 proposed to establish that a school administrative unit that places a special education student in a regional program must receive an out-of-district adjustment for the costs of that placement even when the school administrative unit is the host unit for the regional program.

Committee Amendment "A" (H-823) proposed to add a fiscal note to the bill.

Senate Amendment "A" (S-727) proposed to clarify the law on payment of tuition to general-purpose private schools that receive public tuition for special education students. The amendment proposed to ensure that private schools with exclusive contracts and those with student enrollments of greater than 60 percent public tuition students are treated the same, as is the current practice.

Enacted law summary

Public Law 1997, chapter 736 establishes that a school administrative unit that places a special education student in a regional program must receive an out-of-district adjustment for the costs of that placement even when the school administrative unit is the host unit for the regional program. In addition, the law clarifies the payment of tuition to general-purpose private schools that receive public tuition, special education students. The law ensures that private schools with exclusive contracts and those with student enrollments of greater than 60 percent public tuition students are treated the same, as is the current practice.

LD 2042

**An Act Relating to the Maine School Administrative District 49
Arts and Technology Center**

**P & S 59
EMERGENCY**

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

LD 2042 proposed to authorize Maine School Administrative District No. 49 to accept an additional \$1,400,000 and gifts obtained through fund raising and other sources in a combined total amount not to exceed \$5,500,000 from the Town of Fairfield's Williamson Fund to build an auditorium and supporting facilities. Private and Special Law 1995, chapter 32 authorized the district to accept up to \$3,300,000 from the Williamson Fund to build an auditorium and supporting facilities at no cost to the taxpayers. Since that time, the cost of the project has increased due to changes in the project. The voters of Maine School Administrative District No. 49 approved this additional authorization at the election held on November 4, 1997.

Enacted law summary

Private and Special Law 1997, chapter 59 authorizes Maine School Administrative District No. 49 to accept an additional \$1,400,000 and gifts obtained through fund raising and other sources in a combined total amount not to exceed \$5,500,000 from the Town of Fairfield's Williamson Fund to build an auditorium and supporting facilities. Private and Special Law 1995, chapter 32 authorized the district to accept up to \$3,300,000 from the Williamson Fund to build an auditorium and supporting facilities at no cost to the taxpayers. Since that time, the cost of the project has increased due to changes in the project. The voters of Maine School Administrative District No. 49 approved this additional authorization at the election held on November 4, 1997. Private and Special Law 1997, chapter 59 was enacted as an emergency measure effective on February 27, 1998.

LD 2044

An Act to Promote Access to Public Higher Education

PUBLIC 758

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN PENDLETON P	OTP-AM	H-842

LD 2044 proposed to permit eligible secondary students to take one course per semester at the University of Maine System or the Maine Technical College System. One half the cost of the tuition would be the responsibility of the postsecondary institution. One half would be paid by the school administrative unit and would be reimbursed by the Department of Education.

Committee Amendment "A" (H-842) proposed to replace the bill. The proposed amendment would permit eligible secondary school students to receive state subsidy for up to three credit hours per semester at the institutions of the University of Maine System, the Maine Technical College System and the Maine Maritime Academy. The amendment also proposed to establish the following eligibility requirements for secondary school students: the eligible institution must have space available, the student must have the equivalent of a "B" average and must have satisfactorily completed all course prerequisites, and the student's participation is subject to approval by both the school unit and the student's parent.

The amendment further proposed to provide that the Department of Education shall pay 50 percent of the in-state tuition for the first three credit hours taken each semester and up to six credit hours taken per academic year. In addition, the amendment proposed a General Fund appropriation of \$75,000 to enable 250 secondary school students per semester to take postsecondary courses under this act. Funds appropriated to the department to carry out the purposes of this act must be in addition to the customary and ongoing amounts appropriated for general purpose aid for local schools. The amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-1157) proposed to provide a General Fund appropriation to the University of Maine System for additional support for students at the University of Maine at Augusta. The amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-728) also proposed to provide a General Fund appropriation to the University of Maine System for additional support for students at the University of Maine at Augusta. The amendment was not adopted.

Enacted law summary

Public Law 1997, chapter 758 permits eligible secondary school students to receive state subsidy for up to three credit hours per semester at the institutions of the University of Maine System, the Maine Technical College System and the Maine Maritime Academy. The law establishes the following eligibility requirements for secondary school students: the eligible institution must have space available, the student must have the equivalent of a "B" average and must have satisfactorily completed all course prerequisites, and the student's participation is subject to approval by both the school unit and the student's parent.

The law further provides that the Department of Education shall pay 50 percent of the in-state tuition for the first three credit hours taken each semester and up to six credit hours taken per academic year. The law also provides a General Fund appropriation of \$75,000 to enable 250 secondary school students per semester to take postsecondary courses. Funds appropriated to the department to carry out the purposes of this law must be in addition to the customary and ongoing amounts appropriated for general purpose aid for local schools.

LD 2048

An Act to Ensure Equitable School Funding

PUBLIC 724

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN PENDLETON P	OTP-AM	H-979 S-752 MICHAUD

LD 2048 proposed to provide a homestead exemption of \$10,000 applied to the portion of the property tax assessment attributable to education costs. The bill also proposed to accomplish the following:

1. It would remove the statutory provisions that limit both the Commissioner of Education's recommended funding level and the Legislature's appropriation for general purpose aid to local schools to 105 percent of the corresponding appropriation for the prior fiscal year;
2. It would require the Legislature to appropriate at least a 10 percent increase in general purpose aid to local schools for fiscal year 1997-98 to allow schools to move forward with implementation of three delayed areas in

the System of Learning Results (career preparation, foreign languages and performing arts); and

3. It would require the Legislature to enact legislation defining “essential education services” and to fund at least 51 percent of the costs of essential education services beginning in fiscal year 1999-2000.

Committee Amendment "A" (H-979) proposed to replace the bill and to change the bill's title. The amendment proposed to strike the statutory provisions that limited both the Commissioner of Education's recommended funding level and the Legislature's appropriation for general purpose aid to local schools to 105 percent of the corresponding appropriation for the prior fiscal year. The amendment also proposed to add a fiscal note to the bill.

Public Law 1997, chapter 643, part D, sections 2 and 4 limits the Commissioner of Education's recommended funding level and the Legislature's appropriation for general purpose aid to local schools to the funding level in effect for the fiscal year then in progress. The law also establishes that additional appropriations for general purpose aid to local schools may be requested in a supplemental appropriations budget bill.

Senate Amendment "A" to Committee Amendment "A" (S-752) proposed to strike the statutory provisions that limit both the Commissioner of Education's recommended funding level and the Legislature's appropriation for the general purpose aid to local schools to the funding level for the prior fiscal year.

Enacted law summary

Public Law 1997, chapter 724 removes the statutory provisions that limit both the Commissioner of Education's recommended funding level and the Legislature's appropriation for general purpose aid to local schools to the funding level for the prior fiscal year. The law clarifies that the Commissioner of Education, with the approval of the State Board of Education, shall recommend funding levels for actual education costs (defined as state and local expenditures during the base year for the programs and adjustments specified in Maine Revised Statutes, Title 20-A, sections 15604 and 15612). The law further establishes that the Legislature's contribution for general purpose aid to local schools must be at least the amount of the corresponding appropriation for the prior fiscal year.

LD 2061

An Act to Establish the Endowment Incentive Program

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER C CATHCART	OTP-AM	

LD 2061 proposed to establish the Endowment Incentive Fund for the University of Maine System to benefit public higher education. The bill proposed to encourage private fund raising by allowing the University of Maine System donors to multiply the value of their gifts through state matching funds.

Committee Amendment "A" (H-1000) proposed to replace the bill. The amendment would have established the Endowment Incentive Fund for the University of Maine System, the Maine Technical College System and the Maine Maritime Academy to benefit academic purposes at the various campuses of Maine's publicly assisted postsecondary education institutions. The amendment proposed to accomplish the following:

1. The Endowment Incentive Fund would be established as a nonlapsing fund, and the Treasurer of State would be responsible for the custodial care of the fund and may deposit state funds pursuant to the Maine Revised Statutes, Title 5, section 135; the Treasurer of State would also be responsible for disbursement of the fund upon certification that established criteria are met;
2. Interest earned on the investment of the fund would be credited to the General Fund;
3. For the administration of the fund, "academic purposes" would be defined as scholarships, professorships or other endowed faculty positions;
4. The respective boards of trustees for the three entities would be required to adopt criteria establishing qualifications for private gifts and grants to be matched from the fund; and for each campus within the University of Maine System, the board of visitors would advise their respective campus president on the qualifications that are to be included in the final recommendations to the Board of Trustees of the University of Maine System;
5. Qualified recipients of private donations eligible for matching funds would be the respective institutions of the three postsecondary entities, as well as institutionally related foundations; and qualified institutionally related foundations would have the authority to receive and manage the investment of matching funds and may, at their discretion, deposit funds allocated to them. Unless otherwise restricted by the donors, qualified recipients may also combine, merge or pool these funds with other similar funds at the system level;
6. Matching funds would be made available to the three publicly-assisted postsecondary entities on a percentage basis. The amount of matching funds available to these entities would be determined exclusively by the amount of General Fund appropriated to the fund established in this amendment;
7. The Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System would be required to ensure that the funds distributed to the University of Maine System and to the Maine Technical College System are allocated to each of the colleges in the respective systems in accordance with the formula that the respective board of trustees adopts for the distribution of education and general funds;
8. The board of trustees of each qualified institution and qualified institutionally related foundation would be required to provide an annual audited report to the Governor and the Legislature on the management and investment of matching funds disbursed to them;
9. The amendment proposed to clarify that the Treasurer of State is responsible for disbursement of the fund upon certification by the Chancellor of the University of Maine System, the President of the Maine Technical College System or the President of the Maine Maritime Academy that established criteria are met; and
10. The amendment further proposed to establish that the respective boards of trustees for the three entities would set reporting and accountability standards for the state matching funds for the individual campus development offices and the institutionally related foundations, when appropriate.

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

LD 2063

An Act to Create the Partnership to Rebuild Maine's Schools

ONTP

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

LD 2063 was referred jointly to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs. This bill proposed to establish the School Repair Revolving Loan Fund. The fund would be administered by the Maine Municipal Bond Bank to provide interest-free loans to school administrative units to make necessary repairs to school buildings throughout the State.

LD 2106

An Act to Provide Degree-granting Authority to the SALT Center for Documentary Field Studies

ONTP

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

LD 2106 proposed to provide the SALT Center for Documentary Field Studies in Portland, Maine with degree-granting authority.

LD 2129

Resolve, to Approve a Maine Technical College System Lease with the South Portland Housing Authority

RESOLVE 95

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

LD 2129 proposed to authorize the Maine Technical College System and the South Portland Housing Authority, its designee or its authorized entity, to enter into a 40-year lease whereby the South Portland Housing Authority would lease from the Maine Technical College System approximately three and one-half acres of property adjacent to the Southern Maine Technical College campus for purposes of constructing and providing low-income and moderate-income, elder-care housing for the citizens of Maine.

Committee Amendment "A" (H-836) proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 1997, chapter 95 authorizes the Maine Technical College System and the South Portland Housing Authority, its designee or its authorized entity, to enter into a 40-year lease whereby the South Portland Housing Authority will lease from the Maine Technical College System approximately three and one-half acres of property adjacent to the Southern Maine Technical College campus for purposes of constructing and providing low-income and moderate-income, elder-care housing for the citizens of Maine.

LD 2140

An Act to Implement the Maine Arts Commission's Arts in Education Program

PUBLIC 762

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

LD 2140 proposed to create the Maine Arts Commission's Arts in Education Program. The bill also proposed to appropriate \$150,000 to the Maine Arts Commission to allow for the implementation of the Arts in Education Program.

Committee Amendment "A" (H-850) proposed to correct the program name in the appropriation section of the bill within the account of the Maine Arts Commission. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 762 creates the Maine Arts Commission's Arts in Education Program. The law also appropriates \$150,000 to the Maine Arts Commission to allow for the implementation of the Arts in Education Program.

LD 2142

Resolve, To Establish the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings

RESOLVE 119

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN	OTP-AM MAJ ONTP MIN	H-1001 H-1075 RICHARD H-1132 RICHARD

LD 2142 proposed to require school boards to develop and adopt a district-wide school disciplinary policy that addresses rules of conduct for students, consequences for violations of the rules of conduct and the grounds and procedures for the removal of a student from a class or activity period. The bill also proposed to provide for an ombudsman service to provide advocacy for the enforcement of the disciplinary policy and to mediate disputes regarding the disciplinary policy. The bill would further provide for an annual review of the disciplinary policy by the school board and by other involved parties.

Committee Amendment "A" (H-1001), the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to change the title of the bill, change the bill from an act to a resolve and establish the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The proposed commission would review district-wide school disciplinary policies, procedures and practices that address disruptive student conduct and violent behavior in the public schools in the State. In addition, the commission would study the establishment and the effectiveness of district-wide school disciplinary policies and practices throughout the State and develop a plan to address the growing concern of violence in the public schools.

The amendment also proposed to authorize the commission to conduct public hearings and receive testimony on the incidence of disruptive student conduct and violent behavior in the public schools. The proposed commission review must include, but is not limited to, the following components:

1. The collection and analysis of available data related to the incidence of disruptive student conduct and violent behavior in the public schools;
2. Effective district-wide school disciplinary policies, procedures and practices that seek to prevent or respond to disruptive or violent student conduct in the public schools;
3. The establishment of suggested student conduct and responsibility standards; and
4. The establishment of a system for notifying staff regarding a student with a history of violent behavior.

The amendment further proposed that the commission shall submit its report with any accompanying legislation to the Joint Standing Committee on Education and Cultural Affairs of the 118th Legislature by October 30, 1998.

The amendment also proposed to add an appropriation section and a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-1075) proposed to eliminate the necessity of joint appointments by the President of the Senate and the Speaker of the House of Representatives.

House Amendment "B" to Committee Amendment "A" (H-1132) proposed to change the meeting date from August 1, 1998 to August 15, 1998.

Enacted law summary

Resolve 1997, chapter 119 establishes the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings to review district-wide school disciplinary policies, procedures and practices that address disruptive student conduct and violent behavior in the public schools in the State. In addition, the commission shall study the establishment and the effectiveness of district-wide school disciplinary policies and practices throughout the State and develop a plan to address the growing concern of violence in the public schools.

The law authorizes the commission to conduct public hearings to receive testimony on the incidence of disruptive student conduct and violent behavior in the public schools. The commission review must include, but is not limited to, the following components:

1. The collection and analysis of available data related to the incidence of disruptive student conduct and violent behavior in the public schools;
2. Effective district-wide school disciplinary policies, procedures and practices that seek to prevent or respond to disruptive or violent student conduct in the public schools;
3. The establishment of suggested student conduct and responsibility standards; and
4. The establishment of a system for notifying staff regarding a student with a history of violent behavior.

The commission shall submit its report with any accompanying legislation to the Joint Standing Committee on Education and Cultural Affairs of the 118th Legislature by October 30, 1998.

LD 2143

An Act to Restore Advocacy Services for Handicapped Students

P & S 84

Sponsor(s)
WINN

Committee Report
OTP-AM

Amendments Adopted
H-898

LD 2143 proposed to restore funding for advocacy for students with special needs in special education matters including the development of appropriate individual education plans. Representation includes consultation, attendance at pupil evaluation team meetings and such actions as are necessary to enforce the rights of a student. The bill further proposed to require the Department of Education to study the practice of using attorneys as advocates for school administrative units in special education matters and would also permit the department to adopt rules prohibiting the use of state funds for that purpose.

Committee Amendment "A" (H-898) proposed to replace the bill. The amendment further proposed to appropriate \$80,000 to Maine Advocacy Services to provide students with learning disabilities with advocacy services in special education matters. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1997, chapter 84 appropriates \$80,000 to Maine Advocacy Services to provide students with learning disabilities with advocacy services in special education matters.

LD 2162

**Resolve, to Authorize the Maine State Museum to Purchase Historic
Maine Artifacts**

RESOLVE 86

Sponsor(s)
MITCHELL E
LAWRENCE

Committee Report

Amendments Adopted
S-447 PINGREE

LD 2162 was not referred to committee and proposed to appropriate \$162,000 from the General Fund to allow the Maine State Museum to purchase historic artifacts.

Senate Amendment "A" (S-447) proposed to remove the emergency preamble and emergency clause, change the fiscal year to 1998-99 and authorize the Maine State Museum to purchase historic artifacts or to reimburse another organization for the purchase of historic artifacts.

Senate Amendment "B" (S-448) proposed General Fund appropriation in fiscal year 1997-98 of \$162,000 and replace it with a new section that authorize the purchase of historic artifacts, utilizing funds available in the State Contingent Account and the Reserve Fund for State House Preservation and Maintenance. The amendment was not adopted.

Senate Amendment "A" to Senate Amendment "A" (S-449) proposed to remove the proposed General Fund appropriation in fiscal year 1998-99 of \$162,000 and replaces it with a new section that would authorize the

purchase of historic artifacts, utilizing funds available in the State Contingent Account and the Reserve Fund for State House Preservation and Maintenance. The amendment was not adopted.

Enacted law summary

Resolve 1997, chapter 86 provides a General Fund appropriation in fiscal year 1998-99 of \$162,000 to allow the Maine State Museum to purchase historic artifacts or to reimburse another organization for the purchase of historic artifacts.

**LD 2163 An Act Regarding the Responsibility of the State for the Costs of INDEF PP
School Employee Record Checks and Fingerprinting**

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

LD 2163 proposed to make the State, rather than the applicant, responsible for the costs of fingerprinting and criminal record checks that will begin in fiscal year 1999-2000. Current law requires the Department of Education to certify, authorize or approve most professional and semiprofessional education personnel working in the State. Beginning in fiscal year 1999-2000, the certification, authorization and approval processes and renewals of certifications, authorizations and approvals will require applicants to undergo fingerprinting and criminal record checks.

Committee Amendment "A" (H-976), which was the majority report of the committee, proposed to require the applicant for initial certification, authorization or approval as a teacher or other educational employee to pay for the expenses involved in undergoing fingerprinting and obtaining criminal record checks. The amendment also proposed to require that the Legislature appropriate money from the General Fund to the Department of Education to cover the expenses of obtaining fingerprinting and criminal record checks for any person applying for renewal of certification, authorization or approval. The amendment would further require that, in the event that money from the General Fund is not appropriated to the Department of Education to carry out the purposes of this act, the department is not responsible for the expenses of obtaining criminal history record checks and fingerprinting for any person applying for renewal of certification, authorization or approval. The amendment also proposed to add a fiscal note to the bill. The amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-986) proposed to require candidates seeking election to a state office to undergo the same criminal background and fingerprint checks as are required of education personnel in this State. The amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-987) proposed to specify that an applicant must submit to a Federal Bureau of Investigation criminal history record check and fingerprinting only if the Department of Education pays the expense of the background check and fingerprinting. The amendment was not adopted.

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

LD 2213 was referred jointly to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs. This bill proposed to create the Maine First Scholars Program, designed to provide an incentive for Maine high school graduates to pursue higher education at institutions of higher education in the State. The bill also proposed to provide for an appropriation in the amount of \$14,000,000 to fund the Maine First Scholars Program for the upcoming school year.

Under the proposed program, students graduating from high school would be eligible to receive a scholarship for their first year of attendance, based on demonstrated financial need. The scholarships would be awarded as follows:

1. In the case of students attending institutions in the University of Maine System, the Maine Technical College System or the Maine Maritime Academy, the amount of the scholarship is capped at the tuition established for the University of Maine;
2. In the case of students attending an institution in the Maine Technical College System, the difference between the amount of tuition at that institution and the tuition at the University of Maine would be paid to the Maine Technical College System to provide for the ability to increase enrollment;
3. Students attending private higher educational institutions may receive a scholarship of up to \$3,000 based on demonstrated financial need; and
4. Students receiving scholarships under the Maine First Scholars Program would not be entitled to also receive funds from the student incentive scholarship program.

The bill further proposed that all funds that would have been awarded to students under the student incentive scholarship program had the student not received a scholarship under the Maine First Scholars Program may be allocated to the Maine First Scholars Program for awards to students attending private institutions of higher education.

Committee Amendment “A” (H-1082), the majority report of the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs, proposed to replace the \$14,000,000 General Fund appropriation to the Maine First Scholars Program with a one-time appropriation of \$9,000,000 for full-time freshmen for the 1998-99 academic year. The amendment further proposed to accomplish the following:

1. It would provide that those funds that would have been paid to eligible students under the student incentive scholarship program fund had those students not received a Maine First Program grant may be allocated to the Maine First Scholars Program fund to be used for grants to eligible students attending private institutions of higher education in the State;

2. It would reduce the amount allocated for scholarships to private institutions to \$500,000;
3. It would require a report to be provided to the Legislature on the effectiveness of the Maine First Scholars Program in December 1999;
4. It would extend to 24 months the time after graduation from high school or equivalent that the student is eligible for the Maine First Scholars Program;
5. It would clarify that the rules that the Finance Authority of Maine must adopt to prioritize available funds are routine technical rules;
6. It would further provide that students must maintain a 2.0 grade point average during the year for which they receive a grant under the Maine First Scholars Program. If a student does not achieve the 2.0 grade point average in the student's first semester or does not complete the semester, the student will not receive a Maine First Scholars Program grant for the second semester. If a student does not complete the first year or does not attain a minimum 2.0 grade point average for the first year, then that student must reimburse the Finance Authority of Maine for the full amount of the grant; and
7. It would also require that the University of Maine System dedicate any incremental increases of tuition revenue from students in the Maine First Scholars Program to provide scholarships for program participants.

Finally, the amendment proposed to add a fiscal note to the bill.

While this bill died in concurrence, two of the substantive provisions of this bill were enacted as part of the supplemental appropriations bill. The Maine Technical College System received a \$3,000,000 appropriation in fiscal year 1998-99 to provide funds for information technology, capital equipment and facility improvements (see Public Law 1997, chapter 643, part FF).

The Maine Student Incentive Scholarship Program received an additional \$4,000,000 appropriation in fiscal year 1998-99 (see Public Law 1997, chapter 643, part HH). The supplemental appropriations bill also increased the minimum amount of scholarships from \$500 to \$1,000 and eliminated the requirement that scholarships for students attending private postsecondary education institutions must be two times the amount of scholarships awarded to students attending public postsecondary education institutions.

LD 2227	Resolve, Regarding Legislative Review of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule of the Department of Education	RESOLVE 106 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-978
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LD 2227 proposed to provide for legislative review of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-978) proposed to authorize the final adoption of the major substantive rule governing the membership and operation of regional provider advisory boards to the Child Development Services System regional boards of directors as long as the Department of Education amends the rule as provided in the

resolve. Under the rule as amended, until July 1, 1999, regional site employed providers would not be eligible to serve on the advisory boards, except that providers employed by a site and currently serving on advisory boards may continue to serve in that capacity until July 1, 1999. The amendment also proposed to require the department to report back to the joint standing committee of the Legislature having jurisdiction over education matters on implementation of the rule.

Enacted law summary

Resolve 1997, chapter 106 authorizes the final adoption of the major substantive rule governing the membership and operation of regional provider advisory boards to the Child Development Services System regional boards of directors as long as the Department of Education amends the rule as provided in this resolve. Under the rule as amended, until July 1, 1999, regional site-employed providers may not serve on the advisory boards, except that providers employed by a site and currently serving on advisory boards may continue to serve in that capacity until July 1, 1999. The law also requires the department to report back to the joint standing committee of the Legislature having jurisdiction over education matters on implementation of the rule. This bill was enacted as an emergency measure effective on April 1, 1998.

LD 2252

An Act to Implement the Recommendations of the Governor's Commission on School Facilities

**PUBLIC 787
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD PENDLETON P	OTP-AM	H-1088 H-1143 RICHARD S-634 NUTTING S-637 MICHAUD S-698 PENDLETON P S-743 MICHAUD

LD 2252 proposed to provide for the implementation of recommendations from the Governor's Commission on School Facilities. The bill proposed to accomplish the following:

1. It would establish a debt service factor that permits schools that accept tuition students to charge an additional fee to help cover the cost of school construction or renovation;
2. It would establish the Maine School Facilities Finance Program within the Maine Municipal Bond Bank to provide capital financing for construction, renovation and maintenance of school facilities and the leasing and purchase of needed equipment and school facilities;
3. It would establish the School Revolving Renovation Fund within the Maine School Facilities Finance Program to provide loans to school administrative units for health, safety and compliance repairs, as well as for limited nonemergency repairs, upgrades of learning spaces and small-scale capital improvements;
4. It would provide for interest-free loans and loan forgiveness for eligible school administrative units;

5. It would provide a \$20,000,000 appropriation from the General Fund to fund the School Revolving Renovation Fund;
6. It would revise the terms of compensation for lease costs of school facilities;
7. It would require that school administrative units establish maintenance and capital improvement programs for all school facilities; and
8. It would provide \$425,000 for software for Maine schools to establish maintenance and capital improvement plans and an electronic inventory of school facilities.

Committee Amendment "A" (H-1088) proposed to amend the bill that provides for the implementation of recommendations from the Governor's Commission on School Facilities. The amendment also proposed to add an emergency preamble, an emergency clause and a mandate preamble to the bill. The amendment proposed to accomplish the following:

1. It would increase from \$20,000,000 to \$30,000,000 an appropriation from the General Fund to fund the School Revolving Renovation Fund;
2. It would provide that school construction and renovation rules authorized under this amendment are designated as major substantive rules; and, must be initially adopted as emergency rules under the provisions of the Maine Revised Statutes, Title 5, sections 8054 and 8073. In adopting emergency major substantive rules as provided, the Department of Education must hold at least one public hearing on the rules, publish notice of the rulemaking at least three to 10 days prior to the public hearing under Title 5, section 8053, subsection 5, paragraph A and comply with Title 5, section 8056, subsection 1, paragraphs A and B. These emergency major substantive rules must also be provisionally adopted and filed with the Legislature for review during the First Regular Session of the 119th Legislature; and
3. It would authorize the Department of Education, the State Board of Education and the Department of Administrative and Financial Services, Bureau of General Services to establish a stakeholder group to review and discuss alternative construction methods and delivery systems for school construction. The stakeholder group shall report its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs in the 119th Legislature by January 30, 1999.

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

House Amendment "A" to Committee Amendment "A" (H-1143) proposed to provide that the School Revolving Renovation Fund may be used to make loans to refund bonds or notes of a school administrative unit issued for the purpose of financing certain repairs if sold after June 1, 1998. Committee Amendment "A" proposed to provide that this fund may be used to make loans to refund these bonds or notes if sold after July 1, 1998.

Senate Amendment "A" to Committee Amendment "A" (S-634) proposed to require the stakeholder group, as part of its duties, to review all issues surrounding appropriate errors and insurance levels.

Senate Amendment "B" to Committee Amendment "A" (S-637) proposed to permit newly incurred capital outlay and debt service costs for a school construction project approved for funding by voters on or after June 1, 1998 to be included in the debt service factor that a receiving school administrative unit may charge to school administrative units that send tuition students to a public elementary or a public secondary school. The committee

amendment proposed to provide that only projects approved on or after July 1, 1998 may be included in the debt service factor.

Senate Amendment "C" to Committee Amendment "A" (S-698) proposed to change the structure of a unit of law and corrects an internal reference.

Senate Amendment "D" to Committee Amendment "A" (S-743) proposed to eliminate the \$30,000,000 included in the committee amendment for renovations since Public Law 1997, chapter 643, Part S, section 6 provided a \$20,000,000 General Fund appropriation for school renovation costs. The amendment further proposed to offset the appropriation included in chapter 643 to provide the funding necessary to assist school administrative units in developing comprehensive local maintenance and capital improvement plans. In addition, the amendment proposed to adjust the schedule for payments to the Maine Municipal Bond Bank to conform with the appropriated amounts. The amendment also proposed to replace the fiscal note.

Enacted law summary

Public Law 1997, chapter 787 provides for the implementation of recommendations from the Governor's Commission on School Facilities. The law accomplishes the following:

1. Establishes the Maine School Facilities Finance Program within the Maine Municipal Bond Bank to provide capital financing for construction, renovation and maintenance of school facilities and the leasing and purchase of needed equipment and school facilities;
2. Establishes the School Revolving Renovation Fund within the Maine School Facilities Finance Program to provide loans to school administrative units for health, safety and compliance repairs, as well as for limited nonemergency repairs, upgrades of learning spaces and small-scale capital improvements;
3. Provides for interest-free loans and loan forgiveness for eligible school administrative units;
4. Provides a \$20,000,000 appropriation from the General Fund to fund the School Revolving Renovation Fund;
5. Revises the terms of compensation for lease costs of school facilities;
6. Requires that school administrative units establish maintenance and capital improvement programs for all school facilities;
7. Provides \$425,000 for software for Maine schools to establish maintenance and capital improvement plans and an electronic inventory of school facilities;
8. Establishes a debt service factor that permits schools that accept tuition students to charge an additional fee to help cover the cost of school construction or renovation. Newly incurred capital outlay and debt service costs for a school construction project approved for funding by voters on or after June 1, 1998 may be included in the debt service factor that a receiving school administrative unit may charge to school administrative units that send tuition students to a public elementary or a public secondary school;
9. Provides that school construction and renovation rules authorized under this amendment are designated as major substantive rules; and, as provisionally adopted rules by the Department of Education, must be initially adopted as emergency rules under the provisions of the Maine Revised Statutes, Title 5, sections 8054 and 8073. In adopting emergency major substantive rules as provided, the Department of Education must hold at

least one public hearing on the rules, publish notice of the rulemaking at least three to 10 days prior to the public hearing under Title 5, section 8053, subsection 5, paragraph A and comply with Title 5, section 8056, subsection 1, paragraphs A and B. These emergency major substantive rules must also be provisionally adopted and filed with the Legislature for review during the First Regular Session of the 119th Legislature; and

10. Authorizes the Department of Education, the State Board of Education and the Department of Administrative and Financial Services, Bureau of General Services to establish a stakeholder group to review and discuss alternative construction methods and delivery systems for school construction.

The stakeholder group shall report its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs in the 119th Legislature by January 30, 1999.

Public Law 1997, chapter 787 was enacted as an emergency measure effective on April 16, 1998.

LD 2256 **An Act to Implement the Recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers** **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2256 proposed to implement the recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers created by Resolve 1997, chapter 68. The bill proposed to require elementary and secondary public schools to provide parenting education as part of their curricula. The University of Maine System and the Maine Technical College System would have also been charged with the responsibility of incorporating parenting education into their courses of study. The bill further proposed to require that the assessment of 11th-grade students include an assessment of student proficiency in career preparation.

LD 2260 **Resolve, Charging the Children's Cabinet Agencies to Support Efforts of Parents as First Teachers of Their Children** **RESOLVE 122**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-568 PENDLETON P
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LD 2260 proposed to implement recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers created by Resolve 1997, chapter 68. The resolve proposed to direct the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Human Services and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to develop a fiscal plan for the expansion of state-funded child and family support services and related programs, develop a core curriculum and training program for parents and caregivers and develop a plan to meet identified needs for family support programs. The resolve would also extend the life of the task force until December 15, 1998.

Senate Amendment "A" (S-568) proposed to clarify that development and dissemination of core curriculum materials for parents must be accomplished by the appropriate agencies within existing resources. The amendment also proposed to authorize the Task Force to Study Strategies to Support Parents as Children's First Teachers to

meet up to three additional times during 1998 prior to issuing its final report not later than December 15, 1998. In addition, this amendment proposed to make a technical change, add a fiscal note and an appropriation section to the resolve.

Enacted law summary

Resolve 1997, chapter 122 implements the recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers created by Resolve 1997, chapter 68. The resolve directs the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Human Services and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to develop a fiscal plan for the expansion of state-funded child and family support services and related programs, develop a core curriculum and training program for parents and caregivers and develop a plan to meet identified needs for family support programs. The law also authorizes the task force to meet up to three additional times during 1998 prior to issuing its final report not later than December 15, 1998.

LD 2271 An Act to Include Locally Funded Debt Service in the Formula for Purposes of the Circuit Breaker Program ONTP

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

LD 2271 proposed to amend the current method used to determine the local share of debt service for school construction projects by requiring the State to include in its calculation of whether a school administrative unit has met the circuit breaker the actual debt service for all school construction projects being paid by that unit whether approved for state funding or not. The bill further proposed to require that once a municipality reaches the circuit breaker, it must contribute an additional 1.0 mills in order to remain eligible for the school construction funding.

Committee Amendment "A" (H-1060), the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to add a fiscal note to the bill. The amendment was not adopted.

LD 2289 An Act to Make Certain Changes in the Educational Law PUBLIC 696

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

LD 2289 is a new draft of LD 1260 and was voted out of committee as an “Ought to Pass in New Draft” report pursuant to Joint Rule 310. The new draft proposed to accomplish the following purposes:

It would extend the existing waivers of certain requirements in the areas of student-teacher ratios; student personnel services, including guidance and counseling; school approval on-site reviews; school accreditation; and implementation of plans for gifted and talented students. The extension of these waivers is recommended pending the final recommendations of the Essential Programs and Services Committee in its report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs during the First

Regular Session of the 119th Legislature; and

1. It would allow school administrative units another opportunity to issue upgrades for educational technicians who were not recommended for reclassification due to an error on the part of the school administrative unit. The new deadline proposed for upgrading the classification for these “grandfathered” educational technicians is July 1, 1999.

Enacted law summary

Public Law 1997, chapter 696 extends the existing waivers of certain statutory requirements in the areas of student-teacher ratios; student personnel services, including guidance and counseling; school approval on-site reviews; school accreditation; and implementation of plans for gifted and talented students. This law also allows school administrative units another opportunity to issue upgrades for educational technicians who were not recommended for reclassification due to an error on the part of the school administrative unit. The new deadline established for upgrading the classification for these “grandfathered” educational technicians is July 1, 1999.

Joint Standing Committee on Health and Human Services

LD 153

An Act to Provide Social Services to Children in Need of Services and State Supervision

ONTP

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

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 were proposed to receive services from the Department of Mental Health, Mental Retardation and Substance Abuse Services are 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 were proposed to receive services from the Department of Human Services, because their conduct creates a threat of serious harm or serious injury, are 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.

See the committee bill on children's mental health, LD 2295.

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

PUBLIC 605

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENOIT	OTP-AM	S-485

LD 1113 proposed 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. The disclosure would have been made to the Joint Standing Committee on Health and Human Services in executive session within 5 days of the death. No one receiving the information would have been allowed to discuss or disclose it outside of executive session.

Committee Amendment "A" (S-485) proposed to replace the bill. It proposed to require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to report to the chairs of the Joint Standing Committee on Health and Human Services information on a death reportable by the commissioner to the Chief Medical Examiner. The amendment proposed to require that information and reports must maintain the confidentiality of the identity of all persons mentioned or referred to in the information and reports.

Enacted law summary

Public Law 1997, chapter 605 comprises the provisions of Committee Amendment “A”. It requires the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to report to the chairs of the Joint Standing Committee on Health and Human Services information on a death reportable by the commissioner to the Chief Medical Examiner. Information and reports provided pursuant to this provision must maintain the confidentiality of the identity of all persons mentioned or referred to in the information and reports.

LD 1199 An Act to Ensure Adequate Nutrition and Support for Low-income PUBLIC 731
Legal Immigrants

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J PARADIS	OTP-AM	H-833 S-760 MICHAUD

LD 1199 proposed to provide state assistance to aged, blind and disabled legal immigrants who would no longer be eligible for assistance from the federal Supplemental Security Income Program and food assistance to low-income households no longer eligible for the federal Food Stamp Program. It proposed to require the Department of Human Services to help legal immigrants seeking to become naturalized citizens to achieve that status.

Committee Amendment "A" (H-833) proposed to delete the emergency preamble and the emergency clause. It also proposed to delete the notice provisions in the food assistance and supplemental security income sections and add an appropriation section and fiscal note.

Senate Amendment "B" to Committee Amendment "A" (S-760) proposed to eliminate the provision concerning supplemental security income for legal immigrants. It proposed to provide one-time funding for a food benefit for legal aliens through June, 1999 from savings available in the State Supplement to the Federal Supplemental Security Income program.

Enacted law summary

Public Law 1997, chapter 731 comprises the provisions of Committee Amendment “A” and Senate Amendment “B” to Committee Amendment “A”. It provides funding for a food benefit for fiscal year 1998-99 for legal aliens who lost eligibility because of the federal Personal Responsibility and Work Opportunity Act of 1996.

LD 1302 An Act to Amend the Temporary Assistance for Needy Families PUBLIC 695
Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND SAXL M	OTP-AM	S-588

LD 1302 proposed to authorize the Department of Human Services to continue Maine's Aid to Families with Dependent Children program, using money from the Temporary Assistance for Needy Families block grant funds. It proposed to establish 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 proposed to place in state law the due process and fairness protections that were part of the AFDC program but have been repealed from federal law.

Committee Amendment "A" (S-588) proposed to replace the bill. It proposed to allow recipients of assistance under the Temporary Assistance for Needy Families program to receive assistance for longer than 60 months when the family complies with the requirements of TANF and ASPIRE-TANF. It also proposed to add a fiscal note.

Enacted law summary

Public Law 1997, chapter 695 comprises the provisions of Committee Amendment "A". It allows recipients of assistance under the Temporary Assistance for Needy Families program to receive assistance for longer than 60 months when the family complies with the requirements of TANF and ASPIRE-TANF.

LD 1570 An Act to Require Tobacco Manufacturers to Disclose Ingredients Contained within Tobacco Products DIED IN CONCURRENCE

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

LD 1570 proposed to require manufacturers of cigarettes and smokeless tobacco sold in this State to disclose annually in reports to the Department of Human Services added constituents and nicotine yield ratings. This legislation was modeled on recently enacted Massachusetts law.

Committee Amendment "A" (S-473) (Minority Report) proposed to replace the bill. It proposed to require manufacturers of tobacco products sold in the State to file an annual report disclosing if any of the 15 listed ingredients are contained in the products. It proposed to designate the reports as public information. It proposed to add a fiscal note.

LD 1585 An Act to Provide Additional Adoption Assistance to State Employees ONTP

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

LD 1585 proposed to establish an additional adoption assistance program for employees of the State who adopt special needs or other children. Benefits would have been 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.

LD 1661 Resolve, to Implement the Recommendations of the Blue Ribbon Commission on Hunger and Food Security RESOLVE 117

Sponsor(s)
BENOIT

Committee Report
OTP-AM

Amendments Adopted
S-587
H-1078 MITCHELL J

LD 1661 proposed to implement the recommendations of the Blue Ribbon Commission on Hunger and Food Security by making the following changes in state law:

1. Setting the state minimum wage at 25¢ more than the federal minimum wage;
2. Establishing 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 3;
3. Establishing a state earned income tax credit equal to 25% of the federal earned income tax credit;
4. Providing 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;
5. Reestablishing state participation in extended unemployment benefits;
6. Establishing that failure of child care or transportation arrangements necessary for work are not grounds for denying unemployment benefits;
7. Maintaining transitional child care benefits at a minimum of the level for fiscal year 1996-97;
8. Requiring the Department of Human Services to apply for a federal waiver to permit Medicaid coverage to families up to 185% of federal poverty guidelines;
9. Requiring a school to participate in the school breakfast program if at least 35% of the students are eligible for free or reduced-price meals and permitting the Department of Education to establish hardship grants to assist schools in complying;
10. Establishing 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;
11. Providing for food security motor vehicle registration plates with revenues distributed to the Maine Food Security Fund;
12. Providing a voluntary food security income tax checkoff; and
13. Creating 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 commission would have been required to conduct its review in the years 2000 and 2001 and report to the Legislature that convenes in December 2001.

Committee Amendment "A" (S-587) proposed to change the bill to a resolve and remove all the sections of the original bill except the provision enacting the Maine Millennium Commission on Hunger and Food Security.

House Amendment "A" to Committee Amendment "A" (H-1078) proposed to clarify that legislators are entitled to the legislative per diem and expenses for attendance at the Maine Millennium Commission on Hunger and Food Security meetings.

Enacted law summary

Resolve 1997, chapter 117 comprises the provisions of Committee Amendment "A" and House Amendment "A" to Committee Amendment "A". It establishes the Maine Millennium Commission on Hunger and Food Security to work from December 15, 1999 to December 15, 2001. The commission is required to hold hearings around the state and to assess the progress being made on relieving hunger and ensuring food security. The commission is required to submit a report to the 120th Legislature together with necessary implementing legislation by December 15, 2001.

LD 1677 An Act to Improve Children's Health ONTP

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

LD 1677 proposed 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 have been administered by the Commissioner of Human Services and the advisory committee on Medicaid.

The bill 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 to be established by the bill would have been funded by increases in the cigarette tax, the tax on smokeless tobacco and the tax on other tobacco products.

See LD 2225.

LD 1737 An Act to Provide for Confidentiality of Health Care Information PUBLIC 793

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM MAJ ONTP MIN	H-1066 H-1069 BRUNO H-1073 LOVETT H-1096 FULLER S-716 MICHAUD

LD 1737 proposed to establish safeguards for maintaining the confidentiality, security and integrity of health care information. It proposed to establish requirements for confidentiality and authorization by patients for disclosure of

their health care information and exceptions to the requirement of authorization. It proposed to remove the requirement that HIV information be treated differently from other health information.

Committee Amendment "A" (H-1066) (Majority Report) proposed to replace the bill. It proposed to retain the provisions of the bill declaring an individual's health care information to be confidential.

The amendment proposed to specify the requirements for disclosure pursuant to an authorization to disclose and when no authorization has been given. In specifying the requirements for disclosure and authorization to disclose, the amendment proposed to provide that authorizations to disclose and disclosures that are subject to the provisions of state or federal law, rule or regulation are governed by those provisions. The amendment proposed to restrict disclosures to information requested in the authorization or required for the purposes of the disclosure.

The amendment proposed to bring the handling of information related to human immune deficiency virus, or HIV, into conformance with the handling of other health information with the exception that it would have prohibited reliance on implied consent for HIV information.

The amendment proposed to allow for enforcement through a civil action brought by the Attorney General or an individual aggrieved by conduct in violation of the provisions of the amendment. It proposed to allow the recovery of an individual's costs but not attorney's fees in such an action.

The amendment proposed to apply the requirements for authorizations and disclosures of health care information to all authorizations and disclosures on or after January 1, 1999.

The amendment proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-1069) proposed to amend the committee amendment concerning the prohibition of disclosure of health care information for the purpose of marketing or sales without written authorization. This amendment proposed to allow such disclosure with written or oral authorization.

House Amendment "B" to Committee Amendment "A" (H-1073) proposed to prohibit disclosure of mental health services health care information based upon consent implied from the individual's conduct.

House Amendment "C" to Committee Amendment "A" (H-1096) proposed to clarify the definition of health care information.

Senate Amendment "A" to Committee Amendment "A" (S-716) proposed to replace the fiscal note on the committee amendment.

Enacted law summary

Public Law 1997, chapter 793 comprises the provisions of Committee Amendment "A" and House Amendments "A", "B" and "C" and Senate Amendment "A" to Committee Amendment "A". The law establishes 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. The law provides that authorizations to disclose and disclosures that are subject to the provisions of 42 United States Code, Section 290ee-3 (Supplement 1997), the Maine Revised Statutes, Title 5, section 200-E; Title 22, chapters 710 and 711; Title 24 or 24-A; Title 34-B, section 1207; Title 39-A; or other provisions of state or federal law, rule or regulation are governed by those provisions. The law restricts disclosures to information requested in the authorization and required for the purposes of the disclosure.

The law brings the handling of information related to human immune deficiency virus, or HIV, into conformance with the handling of other health information with the exception that it prohibits reliance on implied consent for HIV information. Reliance on consent implied from a person's conduct is also prohibited for disclosures of mental health information. Written or oral authorization may be the basis for disclosures for the purpose of marketing or sales.

The law allows for enforcement through a civil action brought by the Attorney General or an individual aggrieved by conduct in violation of the provisions of the law. It allows for the recovery of an individual's costs but not attorney's fees in such an action.

The law applies the requirements for authorizations and disclosures of health care information to all authorizations and disclosures on or after January 1, 1999.

LD 1750

An Act Concerning the Rights of Children with Special Needs

ONTP

<u>Sponsor(s)</u> MITCHELL J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1750 proposed to address the issue posed in In Re: Shawn H., 667 A. 2d 1377 (Me. 1995), in which a parent of a child with special needs who did not have the resources to meet those needs was forced to relinquish custody of the child to the State even though the parent was not unfit. This bill proposed principles of operation that the Department of Mental Health, Mental Retardation and Substance Abuse Services, in cooperation with the Department of Human Services, the Department of Education and the Department of Corrections, would be required to adhere to in developing and delivering services to children with special needs. The bill proposed to 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. The bill proposed to require 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.

This bill proposed to establish Interdepartmental Children's Ombudsmen who would be hired by and report to the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, the Commissioner of Education and the Commissioner of Human Services. The ombudsmen would have been directed to advocate for the rights and dignity of children with special needs, receive complaints, resolve disputes, act as information sources and make recommendations.

See the committee bill on children's mental health, LD 2295.

LD 1779

An Act Regarding Access to Medical Information

ONTP

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

LD 1779 proposed to create the Medical Privacy Act of 1997, that would have established a right to privacy with respect to health information, including genetic information. It would have helped to ensure the confidentiality of computerized or electronically transferred health information and restricted the gathering of aggregate health information for financial gain or other purposes without an individual's knowledge or consent. The bill also would have provided 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 would have provided that an individual's interest in the privacy of health information may not be overridden without meaningful notice and informed consent, except in limited circumstances when there is a compelling public interest. These circumstances would have included disclosure when the subject of information is in danger, or another individual is in danger; disclosure to a health oversight agency in cases concerning fraud, protection of individuals from harm, abuse, neglect, or exploitation; disclosure for public health purposes; and disclosure to health researchers within certain parameters.

This bill also would have provided 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 would have established civil penalties for failure to comply with the provisions of the Medical Privacy Act of 1997, and a private right of action of individuals aggrieved by conduct in violation of the Medical Privacy Act of 1997.

The bill would have required 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 would have been 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 with this Act.

The bill would have addressed the relationship of the Medical Privacy Act of 1997 to other laws in 2 ways. First, it would have provided that the Medical Privacy Act of 1997 does not preempt, supersede or modify the operation of certain existing state laws. Second, it would have amended certain other existing laws concerning the collection, use and dissemination of health information to render them consistent with the Medical Privacy Act of 1997, and would have repealed other laws that are inconsistent.

See also LD 1737.

LD 1914

An Act Regarding the Possession of Tobacco Products by a Juvenile

PUBLIC 578

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS	OTP-AM	H-781

LD 1914 proposed to allow a juvenile to transport tobacco products in a motor vehicle if this transportation is in the scope of the juvenile's employment or at the request of the juvenile's parent or legal guardian. The bill parallels current law with respect to the transportation of liquor by a juvenile.

Committee Amendment "A" (H-781) proposed to delete the provisions in the bill on legalizing transportation of tobacco products by a minor at the request of the minor's parent, legal guardian or custodian. It proposed to require that tobacco products transported by a minor in the course of employment be in the original packaging.

Enacted law summary

Public Law 1997, chapter 578 comprises the provisions of the bill and Committee Amendment "A". The law allows a juvenile to transport tobacco products in a motor vehicle if this transportation is in the scope of the juvenile's employment. It requires that tobacco products transported by a minor in the course of employment be in the original packaging.

LD 1966 An Act Regarding the Spousal Allowance for Divorced Spouses of ONTP
Nursing Home Care Recipients Receiving Medicaid

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

LD 1966 would have provided that income that is required to pay court-ordered alimony or spousal support may not be considered available for purposes of Medicaid eligibility for institutional care.

LD 1971 An Act to Provide Representation for Chiropractors on the Board PUBLIC 568
of the Maine Health Data Organization

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON P	OTP-AM	H-780

LD 1971 proposed to place a chiropractor on the Board of the Maine Health Data Organization.

Committee Amendment "A" (H-780) proposed to add one employer member selected from a list submitted by a health management coalition in this State to the Board of Directors of the Maine Health Data Organization. The amendment proposed to add a fiscal note.

Enacted law summary

Public Law 1997, chapter 568 comprises the provisions of the bill and Committee Amendment "A". It adds a chiropractor member to the board of the Maine Health Data Organization. It also adds one employer member selected from a list submitted by a health management coalition in this State.

LD 1975

Resolve, to Establish the Commission on Eating Disorders

**RESOLVE 118
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIN	OTP-AM	H-878 S-721 MICHAUD

LD 1975 proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services to propose appropriate methods of providing support and assistance to persons with eating disorders and to their families.

Committee Amendment "A" (H-878) proposed to replace the resolve. It proposed to establish the Commission on Eating Disorders, a 19-member commission charged with reporting to the joint standing committee having jurisdiction over health and human services matters by January 1, 1999. It proposed to add a fiscal note and appropriate funds for reimbursements and per diems for legislative members.

Senate Amendment "A" to Committee Amendment "A" (S-721) proposed to provide funding for the cost of printing the report of the Commission on Eating Disorders and more accurately reflect per diem and expense costs.

Enacted law summary

Resolve 1997, chapter 118 comprises the provisions of Committee Amendment "A" and Senate Amendment "A" to Committee Amendment "A". It establishes the Commission on Eating Disorders and requires the commission to report to the Health and Human Services Committee by January 1, 1999 on ways to provide education, prevention services and support to persons with eating disorders and their families. The resolve takes effect 4/13/98.

LD 1991

An Act Regarding the Role of the State Planning Office and the Land and Water Resources Council

PUBLIC 587

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

LD 1991 proposed to amend provisions relating to the responsibilities of the State Planning Office and the Land and Water Resources Council. It proposed to repeal the requirement that the Commissioner of Human Services consult with the State Planning Office before authorizing the transport of water for commercial purposes. It also proposed to repeal an outdated provision of law that defines the responsibilities of the Land and Water Resources Council.

Enacted law summary

Public Law 1997, chapter 587 comprises the provisions of the bill. It enacts provisions relating to the responsibilities of the State Planning Office and the Land and Water Resources Council. It repeals the requirement that the Commissioner of Human Services consult with the State Planning Office before authorizing the transport of water for commercial purposes. It also repeals an outdated provision of law that defines the responsibilities of the Land and Water Resources Council.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH	OTP-AM	H-1055 S-723 MICHAUD

LD 1996 proposed to establish the authority of the Department of Human Services to determine the necessary regulations that must be adhered to before Medicaid program funds can be used for the provision of Medicaid eligible services delivered through the educational system or the early intervention system. The bill also proposed to specify that Medicaid funds can only be provided for school-based educational services or early intervention services that are provided by qualified service providers approved by the Department of Human Services, Bureau of Medical Services.

Committee Amendment "A" (H-1055) proposed to replace the bill and change it to a resolve. It proposed to require a report on Medicaid services provided in or by school administrative units, state intermediate educational units and the Child Development Services System. It also proposed to add an appropriation, an allocation and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-723) proposed to remove the appropriation and allocation sections of Committee Amendment "A".

Enacted law summary

Resolve 1997, chapter 123 comprises the provisions of Committee Amendment "A" and Senate Amendment "A". The resolve requires an audit and a report on Medicaid services provided in or by school administrative units, state intermediate educational units and the Child Development Services System. The report must be provided to the joint standing committees of the Legislature on education and cultural affairs and health and human services by January 1, 1999.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS PINGREE	OTP-AM	H-904 S-559 PARADIS

LD 2005 proposed to bring the State's safe drinking water laws into conformance with the federal Safe Drinking Water Act in order to maintain primacy over drinking water.

The bill also proposed to establish provisions for small system variances. It proposed to authorize the Commissioner of Human Services to adopt a source water assessment program and a capacity development program. It proposed to grant the Advisory Board for Licensure of Water Treatment Plant Operators authority to classify public water systems.

Committee Amendment "A" (H-904) proposed to replace the bill. This amendment proposed to correct dates in the current state safe drinking water laws, updated the laws to conform with federal drinking water requirements

and make more specific the permit requirements and authority of the Department of Human Services to revoke permits for construction, alteration, operation and maintenance of public drinking water systems. It proposed to clarify that fees related to primacy of drinking water jurisdiction are annual operation fees. The amendment proposed to allow the Commissioner of Human Services to adopt major substantive rules establishing a permit process for public water systems.

The amendment proposed to establish provisions for small system variances. It proposed to authorize the Commissioner of Human Services to adopt a source water quality assessment program and a capacity development program. Finally, the amendment proposed to grant the Board of Licensure of Water Treatment Plant Operators authority to classify public water systems.

The amendment also proposed to add a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-559) proposed to authorize the Commissioner of Human Services to adopt rules establishing a permitting process for the public water systems.

Enacted law summary

Public Law 1997, chapter 705 comprises the provisions of Committee Amendment "A" and Senate Amendment "A". It corrects dates in the current safe drinking water laws, updates the laws to conform with federal drinking water requirements and makes more specific the permit requirements and authority of the Department of Human Services to revoke permits for construction, alteration, operation and maintenance of public drinking water systems. It clarifies that fees related to primacy of drinking water jurisdiction are annual operation fees. It authorizes the Commissioner of Human Services to adopt rules establishing a permit process for public water systems. Rules adopted regarding permitting are major substantive rules.

The law establishes provisions for small system variances. It authorizes the Commissioner of Human Services to adopt a source water quality assessment program and a capacity development program. It grants the Board of Licensure of Water Treatment Plant Operators authority to classify public water systems.

LD 2032

An Act Regarding Receivership Authority for Protection of Individuals Receiving Services from the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Human Services

**PUBLIC 610
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B FISHER	OTP-AM	S-555

LD 2032 proposed to establish a mechanism to enable the Department of Mental Health, Mental Retardation and Substance Abuse Services to apply to Superior Court for appointment as a receiver. The bill proposed to specify the grounds for appointment as well as the conditions governing the exercise of the authority of the receiver.

Committee Amendment "A" (S-555) proposed to replace the bill. It proposed to redefine the entities over which the Department of Mental Health, Mental Retardation and Substance Abuse Services may exercise receivership authority to be providers of services licensed or funded, in whole or in part, by the department. It proposed to grant to the Department of Human Services receivership authority over private psychiatric hospitals and proposed to

require the department, prior to exercising such power, to consult with the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to delete reference to long-term care facilities and home health care providers. It proposed to exclude state employees from the persons who may be appointed as receivers. It proposed to make a few grammatical corrections and add a fiscal note.

Enacted law summary

Public Law 1997, chapter 610 comprises the provisions of Committee Amendment “A”. It authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services to petition a court for receivership authority over providers of services licensed or funded, in whole or in part, by the department. It grants to the Department of Human Services receivership authority over private psychiatric hospitals and requires the department, prior to exercising such power, to consult with the Department of Mental Health, Mental Retardation and Substance Abuse Services. It excludes state employees from the persons who may be appointed as receivers. It makes a few grammatical corrections. The law takes effect March 20, 1998.

LD 2060

An Act Regarding Personal Care Assistance Services

**PUBLIC 734
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT MITCHELL B	OTP-AM	H-977 S-729 MICHAUD

LD 2060 proposed to consolidate the administration of home health services in the Department of Human Services, Bureau of Elder and Adult Services. The bill also proposed to direct the bureau to establish a standard reimbursement rate for personal care assistance services.

Committee Amendment "A" (H-977) proposed to replace the bill. It proposed to insert a new title to more accurately reflect the bill and emergency language. It proposed to repeal the personal care assistance services program in the Maine Revised Statutes, Title 26 and re-enacted it in Title 22, moving the program from the Department of Labor to the Department of Human Services. It proposed to require a report from the Commissioner of Human Services, in conjunction with the Long-term Care Steering Committee, on reimbursement rates for personal care assistance services and the future role and duties of the committee. It proposed to require a report from the commissioners of the 2 departments on the transfer and transition. It proposed to increase the membership on the Long-term Care Steering Committee by 2 members. It would have changed the membership of the multidisciplinary team in home and community support services for adults from one social services professional and one health care professional to one social services professional or one health care professional. It also would have added a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-729) proposed to replace the appropriation section to reflect the actual amount available for transfer out of the Rehabilitation Services program within the Department of Labor.

Enacted law summary

Public Law 1997, chapter 734 comprises the provisions of Committee Amendment “A” and Senate Amendment “A” to Committee Amendment “A”. It repeals the personal care assistance services program in the Maine Revised Statutes, Title 26 and re-enacts it in Title 22, moving the program from the Department of Labor to the Department

of Human Services. It requires a report from the Commissioner of Human Services, in conjunction with the Long-term Care Steering Committee, on reimbursement rates for personal care assistance services and the future role and duties of the committee. It requires a report from the commissioners of the 2 departments on the transfer and transition. It increases the membership on the Long-term Care Steering Committee by 2 members. It changes the membership of the multidisciplinary team in home and community support services for adults from one social services professional and one health care professional to one social services professional or one health care professional. It appropriates funds in the amount transferred from the Department of Labor. The law takes effect July 1, 1998.

LD 2071 An Act Regarding Contract Procedures PUBLIC 588

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

LD 2071 proposed to repeal a paragraph on social service contracting by the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse that conflicts with provisions of Public Law 1997, chapter 381.

Enacted law summary

Public Law 1997, chapter 588 comprises the provisions of the bill. It repeals a paragraph on social service contracting by the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse that conflicts with provisions of Public Law 1997, chapter 381.

LD 2078 An Act to Allow Recognition of Private Schools with Outstanding Residential Counseling Programs ONTP

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

LD 2078 proposed to authorize the Department of Human Services to issue a certificate recognizing private schools that provide outstanding residential counseling programs for troubled adolescents.

LD 2102 An Act to Update the Guide Dog Access Law PUBLIC 611

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT TESSIER	OTP-AM	S-487

LD 2102 proposed to provide guide dog trainers, while engaged in training a guide dog, all rights of access and use as are provided to a blind, visually handicapped or otherwise physically disabled person who uses a guide dog.

Committee Amendment "A" (S-487) proposed to replace the bill. It proposed to retain the provisions of the original bill that update the guide dog law. The amendment proposed to add to the law personal care dogs for persons who are physically disabled.

Enacted law summary

Public Law 1997, chapter 611 comprises the provisions of the bill and Committee Amendment "A". It provides guide dog trainers, while engaged in training a guide dog, all rights of access and use as are provided to a blind, visually handicapped or otherwise physically disabled person who uses a guide dog. It updates the guide dog law and adds to the law personal care dogs for persons who are physically disabled.

LD 2103

An Act to Improve the Efficiency of the Maine Public Drinking Water Control Program

**PUBLIC 666
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM MAJ	S-547
DONNELLY	OTP-AM MIN	

LD 2103 proposed to authorize the Maine Public Drinking Water Commission to hire an independent auditor to conduct a comprehensive audit of the functions of the Maine Public Drinking Water Control Program, and to report the findings of that audit to the Joint Standing Committee on Health and Human Services no later than September 15, 1998.

Part B of the bill proposed to require the Maine Public Drinking Water Control Program to provide the Maine Public Drinking Water Commission with an annual accounting of expenditures related to the program.

Committee Amendment "A" (S-547) (Majority Report) proposed to replace the bill. It proposed to change the source of funding for the audit of the Maine Public Drinking Water Control Program from the Public Drinking Water Fund to federal funds held by the Department of Human Services. It also proposed to add an appropriation section and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 666 comprises the provisions of Committee Amendment "A". It provides for an independent audit of the Maine Public Drinking Water Control Program and funds the audit from federal funds held by the Department of Human Services. It requires a report to the Joint Standing Committee on Health and Human Services by September 15, 1998 and an annual report of expenditures from the Public Drinking Water Fund. The law takes effect April 2, 1998.

LD 2118

An Act to Increase Economic Security for the State's Low-income Children and Families and Prevent Additional Costs to Municipalities

INDEF PP

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

LD 2118 proposed to increase the amount of Temporary Assistance for Needy Families by increasing the standard of need and the maximum payment for families by an amount equal to 5%.

Committee Amendment "A" (S-497) proposed to replace the bill. It proposed to add an emergency preamble and an emergency clause. It proposed to require an increase in benefits under the Temporary Assistance for Needy Families program (TANF) by 5% of the benefit amount in effect on January 1, 1998, while disallowing the increase for households receiving the earned income disregard. The increase would not have affected households receiving the special housing allowance continuously from June 1, 1998. Eligibility would have been determined for new applicants for TANF using the gross income pretest in effect on January 1, 1998. The amendment also proposed to add an appropriation, an allocation and a fiscal note to the bill.

See also LD 1950, Public Law 1997, chapter 643, Part A-1.

LD 2133

An Act to Establish and Maintain an Immunization Information System

PUBLIC 670

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J	OTP-AM	H-1021

LD 2133 proposed to direct the Department of Human Services, no later than January 1, 1999, to establish an immunization information system. As part of this system, the department would require all immunization providers to submit to the department a record of each immunization administered.

Committee Amendment "A" (H-102) proposed to direct the Department of Human Services to establish an immunization information system. It proposed to allow persons to choose not to be included in the system. It proposed to require rulemaking regarding the opt-out process, confidentiality, penalties for unauthorized disclosure, immunity for good-faith disclosure, data transmission and department access to information on those persons who have chosen not to be included in the system in order to control an outbreak of a disease preventable by immunization. It proposed to delay implementation of the immunization information system until the receipt of federal funds and add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 670 comprises the provisions of the bill and Committee Amendment "A". It directs the Department of Human Services to establish an immunization information system and requires immunization providers to provide information to the department. It allows persons to choose not to be included in the system. It requires rulemaking regarding the opt-out process, confidentiality, penalties for unauthorized disclosure, immunity

for good-faith disclosure, data transmission and department access to information on those persons who have chosen not to be included in the system in order to control an outbreak of a disease preventable by immunization. It delays implementation of the immunization information system until the receipt of federal funds.

LD 2137 An Act to Address the Crisis in Access to Dental Care for Low-income Children

**PUBLIC 667
EMERGENCY**

<u>Sponsor(s)</u> MITCHELL J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-895
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LD 2137 proposed to require the Department of Human Services to establish a toll-free telephone referral system for children's dental services under the Medicaid program. If an adequate system is not in place by January 1, 1999, the bill proposed that the department would require to take additional steps, including, but not limited to, enhanced reimbursement for dentists and contracting with dental clinics or health centers.

Committee Amendment "A" (H-895) proposed to replace the bill. It proposed to require a telephone referral service for Medicaid dental services for children and an annual report and action plan on access from the Department of Human Services. It also proposed to add a fiscal note.

Enacted law summary

Public Law 1997, chapter 667 comprises the provisions of Committee Amendment "A". It requires the Department of Human Services to establish a telephone referral service for Medicaid dental services for children and requires an annual report and action plan on dental access. The law takes effect April 2, 1998.

LD 2141 An Act to Enhance the Membership of the Maine HIV Advisory Committee

ONTP

<u>Sponsor(s)</u> WATSON PENDLETON P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2141 proposed to increase the membership of the Maine HIV Advisory Committee from 36 to 41 members.

LD 2151 An Act to Regulate the Functioning of End-stage Renal Disease Facilities

PUBLIC 658

<u>Sponsor(s)</u> FULLER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-912
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LD 2151 proposed to require a state license for end-stage renal disease facilities including an annual survey to ensure the public health, safety and welfare of dialysis patients in the State. It proposed to allow the Medicare survey to be deemed to meet state rules, thereby avoiding duplication of the survey process.

Committee Amendment "A" (H-912) proposed to correct a typographical error in the bill and added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 658 comprises the provisions of the bill and Committee Amendment "A". It requires a state license for end-stage renal disease facilities including an annual survey. It allows the Medicare survey to be deemed to meet state rules, thereby avoiding duplication of the survey process.

LD 2152

An Act Regarding the Medicaid Program

PUBLIC 795

<u>Sponsor(s)</u> FULLER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1090 S-734 MICHAUD
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LD 2152 proposed to enact procedures and methodologies for the Department of Human Services to enforce the medical child support requirements that were imposed by the federal Omnibus Budget Reconciliation Act of 1993.

In addition, this bill proposed to clarify the nature of the Department of Human Services' right to recoup Medicaid benefits out of personal injury awards or settlements by explicitly identifying that right as a statutory lien on the proceeds of such awards or settlements. This bill proposed to clarify that the department's lien may not be reduced to reflect any pro rata share of attorney's fees or litigation costs.

This bill also proposed to change language to recognize that, for estate recovery cases, criteria developed by the Department of Human Services would govern how a hardship waiver request would be reviewed.

Committee Amendment "A" (H-1090) proposed to retain the provisions of the bill and add 2 provisions that clarify language in the existing statutes on transitional Medicaid. It proposed to authorize the Department of Human Services to implement the provisions of the federal Balanced Budget Act of 1997 to establish a Medicaid buy-in program for persons with disabilities who work and appropriated funds for that coverage. It proposed to repeal a provision of law that requires the Department of Human Services to assess pharmacies by prescriptions filled under the Medicaid program because the department intended to charge the assessments via rulemaking in the Maine Medical Assistance Manual. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-734) proposed to reduce the amount of funding provided to cover the costs associated with a Medicaid buy-in program for certain people with disabilities. It also proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a comprehensive statewide plan to address the need for mental health facilities as a safety net to the community-based system of services.

Enacted law summary

Public Law 1997, chapter 795 comprises the provisions of the bill, Committee Amendment "A" and Senate Amendment "A". The law enacts procedures and methodologies for the Department of Human Services to enforce the medical child support requirements that were imposed by the federal Omnibus Budget Reconciliation Act of 1993. It clarifies the nature of the Department of Human Services' right to recoup Medicaid benefits out of personal injury awards or settlements by explicitly identifying that right as a statutory lien on the proceeds of such

awards or settlements. It states that the department's lien may not be reduced to reflect any pro rata share of attorney's fees or litigation costs. The law provides that the hardship waiver criteria developed by the Department of Human Services govern how a hardship waiver request will be reviewed.

The law also clarifies existing law on transitional Medicaid.

The law authorizes the Department of Human Services to implement the provisions of the federal Balanced Budget Act of 1997 to establish a Medicaid buy-in program for persons with disabilities who work and appropriates funds for that coverage.

The law repeals a provision of law that requires the Department of Human Services to assess pharmacies by prescriptions filled under the Medicaid program because the department intends to charge the assessments via rulemaking in the Maine Medical Assistance Manual.

The law directs the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a comprehensive statewide plan to address the need for mental health facilities as a safety net to the community-based system of services.

LD 2153 An Act Concerning Rural Hospital Care ONTP

<u>Sponsor(s)</u> PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2153 proposed to exempt rural hospitals with fewer than 100 licensed acute care beds from the requirement to obtain a certificate of need prior to increasing the number of hospital beds in the facility.

LD 2156 Resolve, to Ensure the Safety of Maine Children with Mental Health Problems ONTP

<u>Sponsor(s)</u> HARRIMAN KANE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2156 proposed to require the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to enter into a memorandum of understanding granting to the Department of Mental Health, Mental Retardation and Substance Abuse Services programmatic and fiscal authority, effective July 1, 1998, regarding children's mental health services under the Medicaid program.

See also the committee bill, LD 2295.

LD 2161

Resolve, to Extend the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities

**RESOLVE 129
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-857 H-881 CAMERON S-735 MICHAUD

LD 2161 proposed to provide supplemental funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities.

Committee Amendment "A" (H-857) proposed to replace the resolve. It proposed to retain the provisions of the resolve that extend the existence of the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities and appropriate \$10,000 for the expenses of the commission. It proposed to add provisions that change the focus of the study from long-term care to nursing facility care, add one consumer representative and add to the duties of the commission the responsibility to study mechanisms to provide consumer input into the reimbursement mechanism for Medicaid reimbursement and salaries, dividends and management fees in nursing facilities. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-881) was presented on behalf of the Committee on Bills in the Second Reading to make a technical change and format changes to the amendment.

Senate Amendment "A" to Committee Amendment "A" (S-735) proposed to more accurately reflect per diem and expense costs of legislative members of the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities.

Enacted law summary

Resolve 1997, chapter 129 comprises the provisions of Committee Amendment "A", House Amendment "A", and Senate Amendment "A" to Committee Amendment "A". The resolve provides supplemental funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities and appropriates \$10,000 for the expenses of the commission. It changes the focus of the study from long-term care to nursing facility care, adds one consumer representative and adds to the duties of the commission the responsibility to study mechanisms to provide consumer input into the reimbursement mechanism for Medicaid reimbursement and salaries, dividends and management fees in nursing facilities. The resolve takes effect April 16, 1998.

LD 2170

An Act to Implement the Recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation

PUBLIC 778

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1067 S-736 MICHAUD

LD 2170 proposed to implement the recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation, which was created pursuant to Resolve 1997, chapter 79.

Committee Amendment "A" (H-1067) proposed to replace the bill and to do the following:

1. Designate an employee of the Department of Mental Health, Mental Retardation and Substance Abuse Services to be the adult services transition coordinator for persons leaving public education for the adult mental retardation services system;
2. Require the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop and improve its management information system;
3. Require a report on person-centered planning and budgeting in accordance with such planning from the Department of Mental Health, Mental Retardation and Substance Abuse Services;
4. Require the Department of Mental Health, Mental Retardation and Substance Abuse Services to undertake a public information and education program;
5. Require the Department of Mental Health, Mental Retardation and Substance Abuse Services to take steps to encourage fair compensation for direct services staff employed by community providers; and
6. Appropriate funding for increasing the wages of direct services staff employed by community providers.

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

Senate Amendment "A" to Committee Amendment "A" (S-736) proposed to remove the provision that required an increase in base pay and a 3% cost-of-living increase for certain direct care workers employed by community mental retardation services providers. It proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services to request supplemental funding for cost-based reimbursement or a cost-of-living increase during the 2000-2001 biennium.

Enacted law summary

Public Law 1997, chapter 778 comprises the provisions of Committee Amendment "A" and Senate Amendment "A" to Committee Amendment "A". The law implements some of the recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation, which was created pursuant to Resolve 1997, chapter 79. The law does the following:

1. Designates an employee of the Department of Mental Health, Mental Retardation and Substance Abuse Services to be the adult services transition coordinator for persons leaving public education for the adult mental retardation services system;
2. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop and improve its management information system;
3. Requires a report on person-centered planning and budgeting in accordance with such planning from the Department of Mental Health, Mental Retardation and Substance Abuse Services;

4. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to undertake a public information and education program; and

5. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to take steps to encourage fair compensation for direct services staff employed by community providers and directs the department to request supplemental funding for cost-based reimbursement or a cost-of-living increase during the 2000-2001 biennium.

Regarding funding for mental retardation services, see PL 1997, chapter 643, Part A-1.

LD 2177 An Act to Require Alternate Sources of Power for Elderly Housing ONTP

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

LD 2177 proposed to require the Commissioner of Human Services to adopt rules to require congregate housing facilities for older persons to have generators available for emergency use to provide heat to the facilities.

**LD 2207 Resolve, Establishing the Task Force to Study the Need for an RESOLVE 120
Ombudsman for the Department of Human Services and the
Department of Mental Health, Mental Retardation and Substance
Abuse Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DONNELLY	OTP-AM MAJ OTP-AM MIN	H-936 S-737 MICHAUD

LD 2207 proposed to create the Office of Mental Health and Human Services Ombudsman, an autonomous agency designed to represent the best interests of individuals involved in the State's mental health and human services systems and to provide independent clinical oversight over cases in the State's mental health and human services systems.

Committee Amendment "A" (H-935) (Majority Report) proposed to establish the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to charge the task force with studying other ombudsman programs and options for the departments and require a report and legislation by December 15, 1998.

Committee Amendment " B" (H-936) (Minority Report) proposed to establish the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to charge the task force with studying other ombudsman programs and options for the departments and require a report and legislation by December 15, 1998. It also proposed to add 2 positions in the Office of Advocacy within the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Senate Amendment "A" to Committee Amendment "B" (S-737) proposed to eliminate the appropriation for 2 advocate positions for the Department of Mental Health, Mental Retardation and Substance Abuse Services. The amendment also proposed to change the makeup of the task force. Instead of one member from the Joint Standing Committee on Health and Human Services, there would be 2 members. The member from a statewide organization representing women is proposed to be eliminated.

Enacted law summary

Resolve 1997, chapter 120 comprises the provisions of the resolve, Committee Amendment "B" and Senate Amendment "A" to Committee Amendment "B". It establishes the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. It charges the task force with studying other ombudsman programs and options for the departments. It requires a report and legislation by December 15, 1998.

LD 2218 An Act to Implement the Recommendations of the Task Force On INDEF PP
Improving Access to Prescription Drugs for the Elderly

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 2218 contains the legislative recommendations of the Task Force on Improving Access to Prescription Drugs for the Elderly, established by Public Law 1997, chapter 560, Part E.

This bill proposed to require the Department of Human Services to provide educational materials on the elderly low-cost drug program to be distributed by the Bureau of Revenue Services when sending out the program's drug cards to eligible residents. Other materials would have been made available to pharmacies to post or to include with customers' prescription drug purchases.

This bill proposed to expand the elderly low-cost drug program to cover those who meet the age and disability requirements and whose income is less than or equal to 185% of the federal poverty level. The current income limitation is approximately 131% of the federal poverty level.

This bill proposed to direct the Department of Human Services to seek a Medicaid waiver from the federal Health Care Financing Administration to provide Medicaid prescription drug benefits for persons 62 years of age and over whose income is less than or equal to 185% of the federal poverty level.

Committee Amendment " A " (H-1074) proposed to replace the bill. It proposed to provide the Department of Human Services with a \$2,000,000 appropriation to include additional medications to be determined by the department to the elderly low-cost drug program. It proposed to direct the department to pursue a Medicaid waiver to provide Medicaid prescription drug benefits.

See supplemental budget, Public Law 1997, chapter 643, Part RR.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1008 S-615 PARADIS S-754 MICHAUD

LD 2225 contains the recommendations of the Maine Commission on Children's Health Care. It proposed to do the following:

1. Expand coverage under the Medicaid program for children ages 1 through 18 whose family income is below 150% of the federal poverty level (fpl), while retaining coverage for children below age 1 at 185% of fpl;
2. Establish the Cub Care program to provide health insurance coverage to children whose family income is between 150% and 185% of fpl and whose family pays a monthly premium. Enrolled families whose income exceeds the eligibility level for Medicaid or Cub Care may purchase Cub Care coverage for their children for 18 additional months at premium levels that equal the benefit cost plus an administrative fee;
3. Reauthorize the Maine Commission on Children's Health Care for a period of one year;
4. Appropriate and allocate the necessary funding to support the expansion of the Medicaid program and creation of the Cub Care program; and
5. Amend provisions in the Maine Revised Statutes, Title 24 and Title 24-A related to insurance coordination of benefits, late enrollee status and continuity of coverage.

Committee Amendment "A" (H-1008) proposed to change 2 drafting errors in the bill, amending the eligibility age for children in the Medicaid program and the Cub Care program from "under age 18" as mistakenly printed to read "under age 19" in both provisions as was intended by the Maine Commission on Children's Health Care. It also proposed to move the appropriation of \$1,970 for the expenses of the Maine Commission on Children's Health Care from fiscal year 1997-98 to fiscal year 1998-99. It proposed to correct financial and narrative entries in the bill connected to this change. It proposed to direct the Commissioner of Human Services to enter into a consultation process with federally recognized American Indian tribes, nations, bands or other groups and to adopt rules with regard to the participation of children who are members of those tribes, nations, bands or other groups.

It proposed to add an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-615) proposed to replace the language on provisions applicable to federally recognized Indian tribes with language that is more consistent with the Act to Implement the Maine Indian Claims Settlement, Title 30, chapter 601.

Senate Amendment "B" to Committee Amendment "A" (S-754) proposed to remove the authorization for the Maine Commission on Children's Health Care and the related funding.

Enacted law summary

Public Law 1997, chapter 777 comprises the provisions of the bill, Committee Amendment “A” and Senate Amendment “A”, and Senate Amendment “B” to Committee Amendment "A". The law enacts the recommendations of the Maine Commission on Children's Health Care. It does the following:

1. Expands coverage under the Medicaid program for children ages 1 through 18 years of age whose family income is below 150% fpl;
2. Establishes the Cub Care program to provide health insurance coverage to children whose family income is between 150% and 185% of fpl and whose family pays a monthly premium. Enrolled families whose income exceeds the eligibility level for Medicaid or Cub Care may purchase Cub Care coverage for their children for 18 additional months at premium levels that equal the benefit cost plus an administrative fee;
3. Appropriates and allocates the necessary funding to support the expansion of the Medicaid program and creation of the Cub Care program;
4. Amends provisions in the Maine Revised Statutes, Title 24 and Title 24-A related to insurance coordination of benefits, late enrollee status and continuity of coverage; and
5. Directs the Commissioner of Human Services to enter into a consultation process with federally recognized American Indian tribes, nations or bands and to adopt rules with regard to the participation of children who are members of those tribes, nations or bands. The law takes effect April 16, 1998.

LD 2228

**An Act to Implement the Recommendations of the Task Force on
Registration of In-home Personal Care and Support Workers**

PUBLIC 716

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-1065

LD 2228 proposed to require personal care agencies that are not otherwise licensed to register with the Division of Licensing and Certification within the Department of Human Services if the agency employs unlicensed assistive personnel to provide assistance to others in activities of daily living. The bill also proposed to require that personal care agencies conduct criminal record checks on unlicensed assistive personnel hired on or after July 1, 1998 and provided penalties for failure to register or perform criminal background checks.

The bill also proposed to require the Commissioner of Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on or before January 1, 1999 on the feasibility of establishing a statewide system for checking the criminal histories of unlicensed assistive personnel and a registry for maintaining records of criminal convictions and substantiated complaints of abuse, neglect or misappropriation of funds in a health care setting by the year 2000.

Committee Amendment "A" (H-1065) proposed to amend the bill. It proposed to require personal care agencies to register with the Department of Human Services. It proposed to prohibit personal care agencies from hiring under a long-term contract or employing permanently as unlicensed assistive personnel individuals who have

worked as certified nursing assistants and about whom annotations have been made for a complaint or conviction on the certified nursing assistant registry.

Enacted law summary

Public Law 1997, chapter 716 comprises the provisions of the bill and Committee Amendment “A”. It requires personal care agencies that are not otherwise licensed to register with the Division of Licensing and Certification within the Department of Human Services if the agency employs unlicensed assistive personnel to provide assistance to others in activities of daily living. It prohibits personal care agencies from hiring under a long-term contract or employing permanently as unlicensed assistive personnel individuals who have worked as certified nursing assistants and about whom annotations have been made for a complaint or conviction on the certified nursing assistant registry. It requires the Commissioner of Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on or before January 1, 1999 on the feasibility of establishing a statewide system for checking the criminal histories of unlicensed assistive personnel and a registry for maintaining records of criminal convictions and substantiated complaints of abuse, neglect or misappropriation of funds in a health care setting by the year 2000.

LD 2241 **Resolve, Regarding Legislative Review of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a Major Substantive Rule of the Department of Human Services** **RESOLVE 115 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1002
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LD 2241 proposed to provide for legislative review of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-1002) proposed to authorize final adoption of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities contingent on the incorporating of several amendments to the proposed rule by the Department of Human Services prior to its final adoption. The amendments proposed to provide that:

1. An individual other than the resident may voluntarily sign a separate written agreement to guarantee payment;
2. Contracts signed for admission must include a provision requiring at least 60 days' notice prior to changes in rates, responsibilities, services or other items provided in the contract;
3. Residents of congregate housing services programs must give 10 days' notice before relocating to obtain a refund, with exceptions for medical emergencies;
4. Residential care facility administrators will have 18 months from the effective date of the regulations on licensing residential care facility administrators, or from the date of hire, to complete an approved training program or to become licensed;
5. The resident, the resident's legal representative and others chosen by the resident must be actively involved in the development of the service plan for the resident;

6. Assisted living facilities are prohibited from having more than 2 beds per room after January 1, 2002; and
7. Assisted living facilities must develop comprehensive disaster plans.

Enacted law summary

Resolve 1997, chapter 115 comprises the provisions of Committee Amendment “A”. It authorizes final adoption of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities provided that several amendments are made to the proposed rule by the Department of Human Services prior to its final adoption. The amendments must provide that:

1. An individual other than the resident may voluntarily sign a separate written agreement to guarantee payment;
2. Contracts signed for admission must include a provision requiring at least 60 days' notice prior to changes in rates, responsibilities, services or other items provided in the contract;
3. Residents of congregate housing services programs must give 10 days' notice before relocating to obtain a refund, with exceptions for medical emergencies;
4. Residential care facility administrators will have 18 months from the effective date of the regulations on licensing residential care facility administrators, or from the date of hire, to complete an approved training program or to become licensed;
5. The resident, the resident's legal representative and others chosen by the resident must be actively involved in the development of the service plan for the resident;
6. Assisted living facilities are prohibited from having more than 2 beds per room after January 1, 2002; and
7. Assisted living facilities must develop comprehensive disaster plans.

The resolve takes effect April 3, 1998.

LD 2251

An Act to Permit Direct Contracting with State Governmental Entities for the Provision of Services to Eligible Participants in Government Health Programs

**PUBLIC 676
EMERGENCY**

Sponsor(s)
DAVIDSON

Committee Report
OTP-AM

Amendments Adopted
H-992

LD 2251 proposed to authorize the Department of Human Services to contract with health care servicing entities. It proposed to require the Department of Human Services to establish standards for the conduct of the health care servicing entity that must be included in any contract between the department and the entity. The bill proposed that the department be required to enter into a memorandum of understanding with the Superintendent of Insurance in order to obtain technical assistance and advice regarding the fiscal integrity of contracting entities. The bill proposed that the department may require reports by the health care servicing entity and would have been allowed

to provide the Superintendent of Insurance with access to documents filed by the entity and adopt such rules as are necessary for the administration of contracts with health care servicing entities.

The bill also proposed to grant the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services the same authority regarding health care servicing entities as that granted the Department of Human Services.

This bill proposed to exempt health care servicing entities from licensure and other requirements of the Maine Insurance Code for those activities undertaken in conjunction with any contract between the entity and the Department of Human Services or the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (H-992) proposed to add the issue of access to services to issues that are proposed to be the subject of standards for health care servicing entities.

Enacted law summary

Public Law 1997, chapter 676 comprises the provisions of the bill and Committee Amendment "A". It authorizes the Department of Human Services to contract with health care servicing entities. It requires the Department of Human Services to establish standards for the conduct of the health care servicing entity. Those standards must be included in any contract between the department and the entity. The department is required to enter into a memorandum of understanding with the Superintendent of Insurance in order to obtain technical assistance and advice regarding the fiscal integrity of contracting entities. The department may require reporting by the health care servicing entity, provide the Superintendent of Insurance with access to documents filed by the entity and adopt such rules as are necessary for the administration of contracts with health care servicing entities. It grants the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services the same authority regarding health care servicing entities as that granted the Department of Human Services.

It exempts health care servicing entities from licensure and other requirements of the Maine Insurance Code for those activities undertaken in conjunction with any contract between the entity and the Department of Human Services or the Department of Mental Health, Mental Retardation and Substance Abuse Services. The law takes effect April 2, 1998.

LD 2261 An Act to Implement the Recommendations of the Commission to PUBLIC 689
Study the Certificate of Need Laws

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-968

LD 2261 proposed to simplify the certificate of need process for health care facilities and health care services.

Committee Amendment "A" (H-968) proposed to amend the definition of "health care facility" so that the offices of dentists as well as the offices of physicians are exempt from the definition. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 689 comprises the provisions of the bill and Committee Amendment “A”. It simplifies the certificate of need process for health care facilities and health care services and amends the definition of "health care facility" so that the offices of dentists as well as the offices of physicians are exempt from the definition. The law takes effect October 1, 1998.

LD 2268 Resolve, to Establish the Task Force on Hospice Coverage and Palliative Pain Control ONTP

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

LD 2268 proposed to establish the Task Force on Hospice Coverage and Palliative Pain Control.

LD 2276 An Act to Provide Funding for Law Enforcement and Emergency Medical Services Personnel P & S 94

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-745 MICHAUD

LD 2276 proposed to provide the Department of Public Safety with a one-time appropriation of \$50,000 to develop a training program for law enforcement and emergency medical services personnel. The training program would have to cover sudden infant death syndrome, critical incident stress management and interpersonal skills dealing with notification of death or serious injury.

Senate Amendment " A " (S-745) proposed to reduce the General Fund appropriation to \$25,000 in fiscal year 1998-99.

Enacted law summary

Private and Special Law, chapter 94 comprises the provisions of Senate Amendment “A”. It appropriates \$25,000 for the Department of Public Safety to develop a training program for law enforcement and emergency medical services personnel to cover sudden infant death syndrome, critical incident stress management and interpersonal skills dealing with notification of death or serious injury.

LD 2279 Resolve, Regarding Legislative Review of Section 71.05(F) (11)-(13) of the Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services RESOLVE 110 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1080

LD 2279 proposed to provide for legislative review of Section 71.05: Application Process; Certificate of Need for Nursing Facility Level of Care (Policy Manual), a major substantive rule of the Department of Human Services, Bureau of Elder and Adult Services.

Committee Amendment "A" (H-1080) proposed to strike the original title of the resolve and replace it with one that specifies the portion of Section 71.05 of the Bureau of Elder and Adult Services Policy Manual reviewed by the Legislature. This amendment proposed to authorize final adoption of Section 71.05(F)(11)-(13) in the Bureau of Elder and Adult Services Policy Manual as long as the Department of Human Services changes a reference in Section 71.05(F)(13) subsection (b) prior to the final adoption of the rule. The reference in this section to Section 71.05(D)(6) subsection (a) would have to be changed to Section 71.05(H)(1) subsection (b) to reflect the intent of the statutory authority.

Enacted law summary

Resolve 1997, chapter 110 comprises the provisions of the resolve and Committee Amendment "A". This resolve provides for legislative review of Section 7105: Application Process; Certificate of Need for Nursing Facility Level of Care (Policy Manual), a major substantive rule of the Department of Human Services, Bureau of Elder and Adult Services. The new title specifies the portion of Section 71.05 of the Bureau of Elder and Adult Services Policy Manual reviewed by the Legislature. It authorizes final adoption of Section 71.05(F)(11)-(13) in the Bureau of Elder and Adult Services Policy Manual as long as the Department of Human Services changes a reference in Section 71.05(F)(13) subsection (b) prior to the final adoption of the rule. The reference in this section to Section 71.05(D)(6) subsection (a) must be changed to Section 71.05(H)(1) subsection (b) to reflect the intent of the statutory authority. The resolve takes effect April 2, 1998.

LD 2281	Resolve, Regarding Legislative Review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, Major Substantive Rules of the Department of Human Services, Auditing, Contracting and Licensing Service Center	RESOLVE 112 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1084
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LD 2281 proposed to provide for legislative review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, a major substantive rule of the Department of Human Services, Auditing, Contracting and Licensing Service Center.

Committee Amendment "A" (H-1084) proposed to authorize final adoption of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers as long as the Department of Human Services amends Chapter 33 prior to its final adoption. The amendment proposed that the rule be amended to include a provision that allows children not to be immunized for religious or medical reasons. In the event of a disease outbreak, these children would be excluded from the home day care until the outbreak no longer exists or until they receive the necessary immunization.

Enacted law summary

Resolve 1997, chapter 112 comprises the provisions of the resolve and Committee Amendment “A”. The resolve provides for legislative review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, a major substantive rule of the Department of Human Services, Auditing, Contracting and Licensing Service Center and authorizes final adoption as long as the Department of Human Services amends Chapter 33 prior to its final adoption. The rule must be amended to include a provision that allows children not to be immunized for religious or medical reasons. In the event of a disease outbreak, these children must be excluded from the home day care until the outbreak no longer exists or until they receive the necessary immunization. The resolve takes effect April 3, 1998.

LD 2283 **An Act to Implement the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities** **P & S 86**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-746 MICHAUD

LD 2283 proposed to implement the recommendations of the Interagency Task Force on Homelessness and Housing Opportunities. The bill proposed to require homeless shelter operators, mental health providers, substance abuse services providers, and Department of Mental Health, Mental Retardation and Substance Abuse Services regional housing coordinators to prepare plans to ensure that persons with mental illness or substance abuse problems or both who are in homeless shelters are provided with services for mental health and substance abuse problems. The bill proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Maine State Housing Authority proposed to provide training for mental health, substance abuse services, and homeless shelter providers. The bill proposed to increase funding for the shelter operating subsidy fund in the Housing Opportunities for Maine Fund by \$2,500,000 per year.

Senate Amendment "A" (S-746) proposed to replace the bill. It proposed to provide \$100,000 for the Maine State Housing Authority's shelter operating subsidy.

Enacted law summary

Private and Special Law 1997, chapter 86 comprises the provisions of the bill and Senate Amendment “A”. It appropriates \$100,000 in additional funding for the Maine State Housing Authority’s shelter operating subsidy.

LD 2295 **An Act to Improve the Delivery of Mental Health Services to Children** **PUBLIC 790 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-748 MICHAUD

LD 2295 proposed to establish the Children's Mental Health Program, a program operated under the responsibility of the Department of Mental Health, Mental Retardation and Substance Abuse Services, in coordination with the Department of Corrections, the Department of Education and the Department of Human Services, to provide mental health services to children in Maine. The bill proposed to require a study of autism, developmental disabilities and mental retardation services conducted under the direction of the Department of Mental Health, Mental Retardation

and Substance Abuse Services. The bill proposed to establish a community reinvestment account for children's mental health services funds to ensure the development of resources in the community.

Senate Amendment "A" (S-748) proposed to change the provisions concerning rulemaking by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Enacted law summary

Public Law 1997, chapter 790 comprises the provisions of the bill and Senate Amendment “A”. The law establishes the Children's Mental Health Program, a program operated under the responsibility of the Department of Mental Health, Mental Retardation and Substance Abuse Services, in coordination with the Department of Corrections, the Department of Education and the Department of Human Services, to provide mental health services to children in Maine. It requires a study of autism, developmental disabilities and mental retardation services conducted under the direction of the Department of Mental Health, Mental Retardation and Substance Abuse Services. It establishes a community reinvestment account for children's mental health services funds to ensure the development of resources in the community.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 152

**An Act to Create a 3-Person Regional Fisheries and Wildlife
Advisory Council within Each Resource Management
Administrative Region**

ONTP

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

LD 152 proposed to reorganizes 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.

This bill also proposed to create 3-member regional councils 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. The other 2 members of a regional council are 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 proposed to repeal an existing provision of law granting the Commissioner of Inland Fisheries and Wildlife voting authority for the purpose of breaking a tie.

LD 368

**An Act to Allow the Department of Inland Fisheries and Wildlife to
Create Lifetime Fishing and Hunting Licenses**

PUBLIC 679

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK	OTP-AM MAJ	H-1013
HALL	ONTP MIN	H-1036 UNDERWOOD

LD 368 proposed to authorize the Commissioner of Inland Fisheries and Wildlife to establish and maintain an endowment fund to allow the issuance of lifetime hunting and fishing licenses.

Committee Amendment "A" (H-101) replaced the bill and was the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife. The amendment proposed a more detailed framework for implementation of lifetime licenses for specific age groups.

This amendment also adds a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-1036) clarifies that the holder of a resident lifetime fishing or hunting license must comply with all the limitations and prerequisites imposed on residents the same age who hold the equivalent annual license.

Enacted law summary

Public Law 1997, chapter 679 authorizes the issuance of lifetime fishing and hunting licenses beginning in the year 2000 to residents from zero to 5 years of age and to residents 65 years of age or older.

Money from the sale of these licenses is dedicated to the Lifetime License Fund, created in the Department of Inland Fisheries and Wildlife, except that the commissioner may withhold funds from deposit in the account as needed to avoid a loss in license revenue. The fund is administered by the Treasurer of State, who is directed to contract with investment firms as necessary to manage the fund for growth and income over the long term. The department will receive no revenue from the fund until the year 2010, at which time the department will begin receiving annual payments from the fund in an amount equal to 5 percent of the fund principal. All funds received by the department from the fund are subject to allocation by the Legislature.

LD 751 An Act to Outlaw the Use of Eel Pots in Inland Waters ONTP

<u>Sponsor(s)</u> STEDMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 751 proposed to prohibit the use of eel pots in inland waters. The effective date of this bill was proposed to be January 1, 1998 so that persons possessing eel pot permits issued for calendar year 1997 may have lawfully fished for eels on inland waters using an eel pot until the expiration of that permit.

LD 1159 An Act to Open Trapping Season on Saturday ONTP

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1159 proposed that the open season on trapping begin on a Saturday.

LD 1162 An Act to Clarify the Duties of the Maine Atlantic Salmon Authority ONTP

<u>Sponsor(s)</u> O'NEIL KIEFFER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1162 proposed 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.

LD 1479

An Act to Decriminalize Various Fish and Game Violations and Enhance Collectibility of Associated Penalties

ONTP

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

LD 1479 proposed to decriminalize a number of fish and wildlife violations.

LD 1730

An Act to Implement the Recommendations of the Great Pond Task Force

PUBLIC 739

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM A	S-600
COWGER	OTP-AM B	S-686 KILKELLY
	OTP-AM C	S-691 KILKELLY
	ONTP D	

LD 1730 was carried over by the Joint Standing Committee on Natural Resources and was re-referred during the Second Regular Session as a joint referral to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Natural Resource.

LD 1730 proposed to implement the recommendations of the Great Ponds Task Force by:

1. Establishing 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 was to be administered by the Land and Water Resources Council and the council authorized to accept monetary contributions into the fund. The fund was be capitalized in part from 2 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.
2. Redefining the term "personal watercraft" to include jet propelled watercraft 14 feet or less in length.
3. Directing 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 requires 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.
4. Increasing the registration fee for motorboats. The fee for the first motorboat registered by a person in a year was proposed to be increased from \$4 to \$15, with the fee for all subsequent registrations remaining at \$4.
5. Creating 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.
6. Creating a new recreational motorboat rental and leasing license with an annual fee of \$50.

7. Prohibiting the operation of a motorboat on certain waters on Mt. Desert Island and within 1000 feet of the intake of a public drinking water supply.
8. Prohibiting 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.
9. Prohibiting 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 proposed to allow the commissioner a 2-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 have been prohibited unless the commissioner had 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 were to be temporarily exempted from the prohibition until such time as the commissioner provided recommendations on the use of personal watercraft on great ponds to the Legislature.
10. Requiring the Commissioner of Inland Fisheries and Wildlife to establish a motorboat safety education program for persons from 12 to 16 years of age.
11. Limiting 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.
12. Changing 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 was targeted for watercraft enforcement, education and training and the protection and enhancement of water quality in Maine lakes.
13. Assessing 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 targeted at education and training of code enforcement officers and for the Lakes Heritage Trust Fund.
14. Increasing from 200 to 1,000 feet the allowable radius of the protection zone around intakes of public drinking water supplies.

Committee Amendment "A" (S-600) was the majority report of the Inland Fisheries and Wildlife Committee and the Natural Resources Committee. It was one of four committee reports. The amendment replaced the bill.

This amendment prohibits the operation of personal watercraft on remote and undeveloped ponds having at least one outstanding resource value that are wholly or partly within the jurisdiction of the Maine Land Use Regulation Commission. That provision would currently affect 242 ponds. The amendment also prohibits personal watercraft from lakes that are more than 2/3 in the Maine Land Use Regulation Commission jurisdiction and that have more than 1/2 of their shoreline in conservation ownership for low-impact public recreation. That provision would currently affect 3 great ponds. The amendment also prohibits motorboats with internal combustion motors on 5 ponds on Mount Desert Island that are entirely within Acadia National Park and prohibits motors greater than 10 horsepower on 2 other great ponds wholly within the park.

The amendment also expands the authority of the Commissioner of Inland Fisheries and Wildlife to regulate surface waters uses in the State by allowing the commissioner to regulate, in addition to horsepower, the use, operation and type of watercraft on great ponds for reasons that include, in addition to public safety, wildlife or environmental concerns, noise and traditional uses of the water body. Under this amendment, the commissioner may initiate rulemaking without being petitioned to do so. The petition process is amended to require that petitions from organized areas of the State be signed by 50 persons from the affected town, rather than 25, and to allow a petition from an unorganized territory to have fewer than 25 signatures of residents of that territory if the majority of residents in that territory is less than 25.

The amendment also requires that motorboat rental and leasing agents obtain a certificate from the Department of Inland Fisheries and Wildlife in order to lawfully rent or lease motorboats after January 1, 1999, with the exception of commercial sporting camps and campgrounds. The amendment also grants immunity to lake associations from personal injury, property damage or death caused by the association's buoys and increases from 200 to 400 feet the maximum distance a water utility or municipality may place buoys and limit activities around intakes to public water supplies.

The amendment also authorizes the Maine Indian Tribal-State Commission to adopt rules to regulate horsepower and use of motors on waters less than 200 acres that are entirely within Indian territory. That authority does not take effect until approved by the Passamaquoddy Tribe and the Penobscot Nation, as required by the Indian land claims settlement.

The amendment also establishes 16 years of age as the minimum age to operate a personal watercraft and creates new civil penalties for operating a motorboat in excess of certain noise limits and for tampering with a motorboat muffler system.

The amendment also requires the Maine Land Use Regulation Commission, Department of Inland Fisheries and Wildlife and Department of Conservation, Bureau of Parks and Lands to report to the Legislature next session on the scope of their authority to regulate surface water uses and to make recommendations for regulating water bodies within their jurisdiction. It also requires the Department of Inland Fisheries and Wildlife to report back separately on a proposal for a safety training and education program for motorboat operators on inland waters.

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

Senate Amendment "C" to Committee Amendment "A" (S-686) proposed to remove the provision in the majority report authorizing the Commissioner of Inland Fisheries and Wildlife to regulate the use, operation and type of watercraft on great ponds. This would leave the department with its existing authority to regulate horsepower of watercraft based on safety issues when petitioned to do so.

The amendment also proposed to add an unallocated section to the bill requiring the Commissioner of Inland Fisheries and Wildlife to submit a report to the first and second regular sessions of the 119th Legislature on the use, operation and type of watercraft on great ponds within the organized areas of the State based on recommendations voluntarily submitted to the commissioner by the municipalities in 1998 and 1999. Each report must be accompanied by legislation to implement municipal recommendations supported by the department and may include additional proposals from the department itself. Municipalities that choose to submit recommendations must first hold a public hearing and must include a description of the resources the municipality or municipalities will use to enforce those regulations if enacted.

Senate Amendment "F" to Committee Amendment "A" (S-691) proposed to strike the motorboat rental and leasing agent certificate requirements proposed in Committee Amendment "A" and replace them with similar

provisions that apply only to agents that rent or lease personal watercraft. The amendment also exempts property owners who offer renters the use of their registered personal watercraft from obtaining such a certificate.

Enacted law summary

Public Law 1997, chapter 739 does the following:

1. Prohibits the operation of personal watercraft on remote and undeveloped ponds having at least one outstanding resource value that are wholly or partly within the jurisdiction of the Maine Land Use Regulation Commission(242 ponds; 8% of all LURC ponds).
2. Prohibits personal watercraft from waters that are more than two thirds in LURC jurisdiction and that have more than half of their shoreline in conservation ownership for low impact public recreation (Currently Mooselookmeguntic Lake, Donnell Pond and Tunk Lake qualify under this provision)
3. Prohibits internal combustion motors on five ponds on Mount Desert Island that are entirely within Acadia National Park and prohibits motors greater than 10 horsepower on two other great ponds wholly within the Park;
4. Requires the Commissioner of Inland Fisheries and Wildlife to submit a report to the First and Second Regular Session of the 119th Legislature on the use, operation and type of watercraft on great ponds within the organized areas of the state based on recommendations voluntarily submitted to the commissioner by the municipalities. Each report must be accompanied by legislation to implement recommendations supported by the department, and may include additional proposals from the department itself. Municipalities that choose to submit recommendations must first hold a public hearing and must include a description of the resources the municipality or municipalities will use to enforce those regulations if enacted.
5. Requires that personal watercraft rental and leasing agents obtain a certificate from the Department of Inland and Fisheries and Wildlife in order to lawfully rent or lease personal watercraft after January 1, 1999, with the exception of commercial sporting camps, campgrounds and property owners who offer personal watercraft for use by people who rent or lease that property;
6. Grants immunity to lake associations from personal injury, property damage or death caused by the association's buoys;
7. Increases from 200 to 400 feet the maximum distance a water utility or municipality may place buoys and limit activities around intakes to public water supplies;
8. Authorizes the Maine Indian Tribal-State Commission to adopt rules to regulate horsepower and use of motors on waters less than 200 acres that are entirely within Indian Territory. (That authority does not take effect until approved by the Passamaquoddy Tribe and the Penobscot Nation, as required by the Land Claims Settlement Act.)
9. Establishes 16 as the minimum age to operate a personal watercraft;
10. Creates new civil penalties for operating a motorboat in excess of certain noise limits and for tampering with a motorboat muffler system.

11. Requires LURC, DIFW and BPL to report to the Legislature next session on the scope of their authority to regulate surface water uses and to make recommendations for regulating water bodies within their jurisdiction; and
12. Requires the DIFW to report back separately on a proposal for a safety training and education program for motorboat operators on inland waters.

LD 1801

**An Act to Adopt Long-range Changes in the Methods by Which
Whitewater Rafting Trips Are Allocated among Licensees**

PUBLIC 730

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM MAJ OTP-AM MIN	S-530

LD 1801 proposed to amend the commercial whitewater rafting laws in the following manner.

1. Set a recreational use limit for commercial passengers on the Kennebec River of 1,000 per day, effectively increasing the number of passengers allowed on Saturdays from 800 to 1,000 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. Require 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. Establish a limit of 240 passengers per day on the Dead River for an outfitter.
4. Repeal the 5-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. Repeal 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.

Committee Amendment "A" (S-530) is the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife. This amendment replaced the bill. The amendment proposed several changes in the manner in which whitewater rafting is regulated in the State.

This amendment also adds an appropriation section and fiscal note to the bill.

Committee Amendment "B" (S-531) is the minority report of the Joint Standing Committee on Inland Fisheries and Wildlife. The amendment replaces the bill.

The report differs from the majority report in that it does not include any increase in the use limits on the Kennebec or any increase in the number of allocations that may be held by an outfitter.

As in the majority report, this amendment also proposed to repeal the statutory whitewater rafting allocation procedure and criteria for awarding allocations and repeals the provisions that require allocations to be reissued every 5 years. The Department of Inland Fisheries and Wildlife is charged with adopting rules governing the allocation procedure and criteria for awarding allocations and for the review of outfitters and allocations. The law prohibiting the profit on the return and reissuance of allocations is repealed, but allocations are not assets of the outfitter and must be returned to the department when the business is sold. The department retains the right to suspend, revoke or reduce the number of allocations for resource management reasons or for failure of the outfitter to perform.

Also as in the majority report, this amendment proposed to direct the department to sell, at a public auction, any new allocations that are forfeited to the department or that are created as a result of an increase in river use limits. Allocations created as a result of the department designating new allocated days by rule are distributed among outfitters based on their historical use of the river on that day. Outfitters are required to pay the appropriate allocation fee for those allocations as well.

This amendment also proposed to add an appropriation section and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 730 increases from 800 to 1,000 the commercial use limit on the Kennebec River on Saturdays and reduces from 20 to 10 the minimum number of allocations that may be awarded for that river. The Department of Inland Fisheries and Wildlife is directed to distribute the 200 new allocations created by this increase equally among the 17 whitewater outfitters who were licensed and ran trips in 1997. Each outfitter is required to pay the appropriate allocation fee prior to being issued those allocations. The law also increases from 80 to 120 the maximum number of allocations that may be held by an outfitter.

The law also repeals the statutory whitewater rafting allocation procedure and criteria for awarding allocations and repeals the provisions that require allocations to be reissued every 5 years. The Department of Inland Fisheries and Wildlife is charged with adopting rules governing the allocation procedure and criteria for awarding allocations and for the review of outfitters and allocations. The law prohibiting profit on the return and reissuance of allocations is repealed, but allocations are not assets of the outfitter and must be returned to the department when the business is sold. The department retains the right to suspend, revoke or reduce the number of allocations for resource management reasons or for failure of the outfitter to perform.

The law also directs the department to sell, at a public auction, any new allocations that are forfeited to the department or that are created as a result of an increase in river use limits. Allocations created as a result of the department designating new allocated days by rule are distributed among outfitters based on their historical use of the river on that day. Outfitters are required to pay the appropriate allocation fee for those allocations as well.

LD 1921 An Act to Reduce the Cost of Archery Hunting Licenses for the ONTP
Special Archery Season on Deer

<u>Sponsor(s)</u> DUNLAP	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1921 proposed to reduce by 50% the cost of archery hunting licenses for the special archery season on deer.

LD 2024

**Resolve, to Establish Guidelines for the Ownership and Use of
Certain Primates**

ONTP

<u>Sponsor(s)</u> BENNETT WATERHOUSE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2024 proposed to direct the Department of Inland Fisheries and Wildlife to set guidelines for the importation, ownership and use of certain primates and to consider policies to facilitate the use of certain primates by people with disabilities.

LD 2038

An Act to Enhance the Safety of Snowmobile Rental Operations

PUBLIC 614

<u>Sponsor(s)</u> JONES SL MITCHELL B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-852
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LD 2038 proposed to require that a snowmobile rental agent who rents or leases a snowmobile to another person instruct that person in proper snowmobile operation, including the use of the brake, throttle and kill switch, and provide to that person a copy of a pamphlet describing hand signals.

Committee Amendment "A" (H-852) replaced the bill and proposed to require that a person obtain a snowmobile rental agent certificate from the Commissioner of Inland Fisheries and Wildlife before engaging in the renting or leasing of snowmobiles. The amendment adds a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 614 requires that a person obtain a snowmobile rental agent certificate from the Commissioner of Inland Fisheries and Wildlife before engaging in the renting or leasing of snowmobiles. The annual registration fee is \$25. The registration period runs from July 1st to June 30th. An exception is provided for camp trip leaders and licensed guides who accompany others on trips that include the use of snowmobiles.

A person who holds a snowmobile rental agent certificate may only rent snowmobiles that are registered to that person and must provide instruction on the use of the snowmobile to each person who rents or leases the snowmobiles.

This law also establishes a civil violation for which a minimum, nonwaivable, \$200 fine must be adjudged for any person who rents or leases snowmobiles without following the provisions of this bill.

LD 2073

An Act to Promote Economic Development by Creating a Zone on the Northern Maine Border in which Snowmobiles Registered in New Brunswick or Quebec May Operate

ONTP

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

LD 2073 proposed to create a 50-mile buffer zone on the northern Maine border in which a snowmobile registered in New Brunswick or Quebec, but not in this State, may be operated.

LD 2293

An Act to Implement the Recommendations of the Joint Standing Committee on Inland Fisheries and Wildlife Pursuant to Their Review under the Government Evaluation Act

PUBLIC 796

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PAUL	MAJ (OTP) REP	S-747

LD 2293 is the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to its review of the Department of Inland Fisheries and Wildlife under the State Government Evaluation Act.

Senate Amendment "B" (S-747) removed a provision from the bill that is included in Public Law 1998, chapter 643.

Enacted law summary

Public Law 1997, chapter 796 establishes a "Hooked on Fishing Not on Drugs" program in the Department of Inland Fisheries and Wildlife and authorizes the Commissioner of Inland Fisheries and Wildlife to accept money, goods or services for the program. The bill also allows the department to sanction private fishing events and allows a person who does not hold a fishing license to assist a child or handicapped person participating in those events.

The law also clarifies the laws pertaining to shooting from a motor vehicle.

The law also establishes the Public Boat Launch Access Program in the department to provide fair and equitable access to public waters by acquiring waterfront property and providing appropriate access to those waters.

The law also increases from \$300 to \$1,000 the property damage amount that triggers a reportable accident under the snowmobile laws and authorizes the transfer of \$70,000 from the department's savings fund to the all other accounts of the Division of Public Information and Education for marketing purposes.

Joint Standing Committee on Judiciary

LD 29

An Act to Amend the Wrongful Death Laws

ONTP

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

LD 29 proposed to eliminate the current cap of \$150,000 that may be awarded in wrongful death actions for loss of comfort, society and companionship and the current cap of \$75,000 that may be awarded as punitive damages.

Committee Amendment "A" (S-508) (Minority Report) proposed to add a fiscal note to the bill. (Not adopted)

LD 30

**An Act to Exclude Intentional Tort Claims from the Application of
the Maine Workers' Compensation Act of 1992**

**DIED IN
CONCURRENCE**

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

LD 30 proposed 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 proposed to reverse 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.

Committee Amendment "A" (S-574) (Majority Report) proposed to replace the bill. It proposed to authorize a civil suit against an employer outside of the Workers' Compensation Act of 1992 in limited circumstances: If the employer engages in an intentional act that is punishable under the Maine Criminal Code, Title 17-A, chapter 9 (dealing with offenses against the person) or section 253 (dealing with gross sexual assault) and the intentional act causes an injury or death. (Not adopted)

LD 76

An Act to Amend the Uniform Health Care Decisions Law

**DIED BETWEEN
HOUSES**

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

LD 76 proposed to adopt the language of the Uniform Health-care Decisions Act concerning the authority of a surrogate to make a health-care decision for a patient if the patient has been determined by the primary physician to lack capacity and no agent or guardian has been appointed.

Committee Amendment "A" (H-942) (Majority Report) proposed to replace the bill. It proposed to authorize a surrogate to make any health care decision for a patient other than withholding or withdrawing life-sustaining treatment for a patient in any circumstance as long as there is no guardian or agent. The amendment also proposed to expand the list of persons who can act as a surrogate for a patient to include, after immediate family members, an adult who shares with the patient a relationship that is similar to a spousal relationship, i.e., an emotional, physical and financial relationship. (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-967) proposed to prevent surrogates from withholding or withdrawing life-saving treatment. (Not adopted)

LD 253 **An Act Concerning Entry to Investigate Private Property for the Purpose of Forestry Examinations** **PUBLIC 694**

<u>Sponsor(s)</u> SNOWE-MELLO BENNETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-975
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LD 253 was referred to the Judiciary Committee from the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed to require agents of the Department of Conservation, Bureau of Forestry to 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.

Committee Amendment "A" (H-975) proposed to replace the bill. It proposed to amend the "right of entry" provision in the forest practices law to remove the sentence exempting agents of the Department of Conservation, Bureau of Forestry from the application of trespass laws.

House Amendment "A" to Committee Amendment "A" (H-985) proposed to prohibit agents of the Department of Conservation, Bureau of Forestry from entering upon parcels of land less than 200 acres in size if the owner of that parcel resides there without first obtaining either the permission of the owner or a search warrant. (Not adopted)

Enacted law summary

Public Law 1997, chapter 694 amends the "right of entry" provision in the forest practices law to remove the sentence exempting agents of the Department of Conservation, Bureau of Forestry from the application of trespass laws.

LD 582 **An Act to Amend the Procedures for Medical Malpractice Screenings** **ONTP**

<u>Sponsor(s)</u> JABAR	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 582 proposed 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 proposed to change the current law's confidentiality provisions concerning testimony and other evidence presented to screening panels. See also LD 1050 and LD 1784.

LD 869 **An Act to Amend the Statute of Limitations for Health Care Providers and Health Care Practitioners to Include a Discovery Rule** **ONTP**

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

LD 869 proposed to enact a discovery rule with respect to the statute of limitations relating to health care providers and health care practitioners. The bill would have required an action for professional negligence to be commenced within 3 years after a plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury and its causal relationship to the act of professional negligence of which the plaintiff complains.

Committee Amendment "A" (S-541) (Minority Report) proposed to replace the bill. It proposed to create a modified discovery rule for medical malpractice actions. It proposed that an action for professional negligence be brought within 3 years after the cause of action accrues, but not more than 6 years after the date of the act or omission of the health care provider or the health care practitioner that caused the injury. The cause of action would accrue when the plaintiff discovers or reasonably should have discovered the injury and the fact that the injury was caused by the act or omission of the health care provider or the health care practitioner. The 6-year maximum limitation would have applied in all cases other than causes of action related to foreign objects and cases in which a minor is the injured party. (Not adopted)

LD 916 **An Act to Allow Physician-assisted Deaths for the Terminally Ill** **ONTP**

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

LD 916 proposed to create the Death with Dignity Act. It would have allowed 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. The bill proposed safeguards to ensure that the patient's request is voluntary and based on an informed decision.

Committee Amendment "A" (H-788) (Minority Report) proposed to require that the counseling in which a patient participates include a discussion of choosing to die. It would have expanded the definition of "next of kin" to include an adult who has exhibited special concern for the patient and who is familiar with the patient's personal values. The amendment proposed to allocate appropriate authority to spouses and partners of a patient covered by the bill. The amendment would have given the physician the option of being present when the medication to end the patient's life is administered or ensuring that a member of the patient's next of kin is present. (Not adopted)

House Amendment "A" (H-790) proposed to make the bill contingent upon the approval of the voters at the next general election. (Not adopted)

LD 964 **An Act to Transfer Certain Tribal Holdings into a Trust** **ONTP**

<u>Sponsor(s)</u> MOORE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 964 would have allowed lands in Albany Township that are contiguous to the current Passamaquoddy Tribe's trust land to be included in Passamaquoddy Indian Territory. The bill also proposed 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.

LD 1050 **An Act to Revise the Prelitigation Malpractice Screening Panel Procedures, Criteria and Composition** **INDEF PP**

<u>Sponsor(s)</u> SAVAGE		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1050 proposed to amend the procedures for mandatory prelitigation screening and mediation panels by changing the composition of the panel, changing the standard for the panel's decision to whether there are genuine issues of material fact, and prohibiting the use of panels in cases not involving a health care practitioner.

Committee Amendment "A" (H-1077) (Minority Report) proposed to replace the bill. It proposed to prohibit a health care practitioner who is insured by the same professional liability insurance company as the person accused of professional negligence from serving on the prelitigation screening panel. The amendment proposed that, unless the plaintiff has requested that a time period be extended, the hearing may be bypassed completely if it has not been held within 4 months. It proposed to shorten certain time periods and allow experts to submit written statements rather than testify in person. It proposed to allow the panel chair to require the parties to make their presentations of the case in writing. It proposed to change the standard of proof used by the panel to whether the evidence presented to the panel and the permissible inferences from the evidence raise issues of fact as to negligence and causation. It proposed to allow the use of testimony made under oath in the panel proceedings to be used in subsequent proceedings for the purpose of impeachment. (Not adopted)

LD 1057 **An Act to Amend the Laws Regarding Wrongful Death and Recoveries for Wrongful Death** **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1057 proposed to rewrite the provision of law governing actions for wrongful death to make the law more understandable.

LD 1062

An Act to Implement the Recommendations of the Judicial Compensation Commission

INDEF PP

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

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 in 1997, the House and Senate recommitted the bill to the Joint Standing Committee on Appropriations and Financial Affairs, which carried over the bill. During the Second Regular Session, LD 1062 was recommitted to the Judiciary Committee, which reported out the bill as Ought to Pass as Amended by Committee Amendment "B" (Majority Report). The bill was eventually indefinitely postponed because the recommendations contained in Committee Amendment "B" were incorporated as Part M of Public Law 1997, chapter 643 (Supplemental Budget).

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. (First Regular and First Special Sessions) (Not adopted)

Committee Amendment "B" (S-542) (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. It differs from Committee Amendment "A" by proposing that the cost of living adjustment not take effect until 1999. (Second Regular and Second Special Sessions) (Not adopted)

LD 1181

An Act to Change the Comparative Negligence Laws

ONTP

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

LD 1181 proposed 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.

LD 1193

An Act to Permit a Suit Against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death

ONTP

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

LD 1193 proposed to allow the heirs or the estate of an employee to bring an action for wrongful death against an employer who intentionally required that employee to work when the employer knew that there was a risk of serious bodily injury or death. This bill was referred to the Judiciary Committee from the Labor Committee. See also LD 30.

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** **ONTP**

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

LD 1208 proposed 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. The bill proposed license suspension if the person does not appear in court as directed by the court after having been adjudicated as having committed the civil violation. See also LD 1481(First Regular Session) and LD 1482.

LD 1328 **An Act to Enact the Uniform Transfer on Death Security Registration Act** **PUBLIC 627**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS LIBBY	OTP-AM	H-860

LD 1328 proposed to establish the Uniform Transfer on Death Security Registration Act.

Committee Amendment "A" (H-860) proposed several changes to the Uniform Transfer on Death Security Registration Act, including technical changes consistent with the Maine Probate Code. It proposed language to ensure that registration of securities in beneficiary form does not defeat the elective share and statutory allowances. It proposed language governing the cancellation of registrations by references in a testator's will.

Enacted law summary

Public Law 1997, chapter 627 establishes the Uniform Transfer on Death Security Registration Act with some modifications consistent with the Maine Probate Code. The Act allows the owners of securities to ensure that the securities will be transferred to the designated beneficiaries upon the owners' deaths, without going through the probate process. Chapter 627 differs from the Uniform Act by allowing the cancellation by will of a beneficiary designation.

LD 1372

Resolve, Directing the Judicial Department to Develop Recommendations to Implement Court Unification

RESOLVE 107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR	OTP-AM	H-861 H-962 THOMPSON

LD 1372 proposed to unify the trial courts in this State into one trial court, called the Superior Court, effective January 1, 2000.

Committee Amendment "A" (H-861) proposed to replace the bill and direct the Chief Justice of the Supreme Judicial Court to convene a task force to develop recommendations to implement the unification of the Superior and District Courts. The amendment proposed that the task force report periodically to the Chief Justice and the Chief Justice submit an interim report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by March 15, 1999 and a final report by December 15, 1999, including any necessary legislation.

Committee Amendment "A" to House Amendment "A" (H-962) proposed to remove Legislators from the list of suggested members of the task force.

Enacted law summary

Resolve 1997, chapter 107 directs the Chief Justice of the Supreme Judicial Court to convene a task force to develop recommendations to implement the unification of the Superior and District Courts. The task force shall report periodically to the Chief Justice and the Chief Justice shall submit an interim report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by March 15, 1999 and a final report by December 15, 1999, including any necessary legislation.

LD 1384

An Act to Reform Procedure in Multiparty Lawsuits

ONTP

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

LD 1384 proposed to restructure the comparative negligence laws and define how they should apply in cases with multiple defendants. LD 1384 also proposed to restructure the laws dealing with release of joint tortfeasors when settlement is not reached and clarify how the judge applies offsets against subsequent verdicts when there have been prejudgment settlements. The bill also proposed to authorize the courts to approve Pierringer release procedures in complex litigation.

LD 1482

Resolve, to Establish a Plan to Enhance the Enforcement of Civil and Criminal Violations

RESOLVE 103

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-549
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LD 1482 proposed to expand the jurisdiction of the violations bureau of the District Court to include all civil violations, beginning July 1, 1998.

Committee Amendment "A" (S-549) proposed to replace the bill and create a planning task force to develop a plan to enhance the enforcement of criminal and civil violations and the collection of fines and other charges imposed by a court.

Enacted law summary

Resolve 1997, chapter 103 creates a planning task force to develop a plan to enhance the enforcement of criminal and civil violations and the collection of fines and other charges imposed by a court. The plan will include a central credentialing registry and may include the expansion of the jurisdiction of the District Court Violations Bureau to include all civil violations. The planning task force will consist of the Chief Justice, the Governor, the Secretary of State, the Commissioner of Inland Fisheries and Wildlife, the Commissioner of Marine Resources, the Commissioner of Human Services and the Commissioner Public Safety, or their designees. The planning task force will report back to the Legislature by December 15, 1998.

LD 1583

An Act to Establish the Uniform Anatomical Gift Act

ONTP

<u>Sponsor(s)</u> TAYLOR		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1583 proposed 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.

LD 1636

An Act to Make Mediation Mandatory in Medical Malpractice Proceedings

ONTP

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1636 proposed to repeal the mandatory prelitigation screening panel process for medical malpractice cases and replace that process with a mandatory mediation process.

LD 1670

An Act to Limit Indemnification in Construction Contracts

ONTP

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

LD 1670 proposed to prohibit broad form and intermediate hold harmless provisions in construction contracts.

Committee Amendment "A" (H-973) (Minority Report) proposed to replace the bill. It proposed to prohibit the use of indemnification clauses in construction contracts that require the contractor or subcontractor to indemnify another party for the results of that party's own negligence. The contractor would be liable for the negligence of the contractor's employees or agents, and the subcontractor would be liable for the negligence of the employees and agents of the subcontractor. The new language would not affect a valid insurance contract, workers' compensation agreement or other insurance agreement, therefore eliminating the possibility that the provision would allow a suit against a party for injuries otherwise covered by workers' compensation. (Not adopted)

LD 1728

An Act to Promote Professional Competence and Improve Patient Care

PUBLIC 697

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM	S-543

LD 1728 proposed to expand physician peer review beyond hospital settings to include other types of settings where health care services are provided.

Committee Amendment "A" (S-543) proposed to replace the bill and amend the Maine Health Security Act to recognize that new health care entities have arisen since the adoption of the Act. The amendment proposed to make the Act and its obligations and protections applicable to these new types of health care entities. It proposed to provide confidentiality for written professional competence review records.

Enacted law summary

Public Law 1997, chapter 697 amends the Maine Health Security Act to recognize that new health care entities have arisen since the adoption of the Act. It makes the Act and its obligations and protections applicable to these new types of health care entities. Chapter 697 also provides confidentiality for written professional competence review records.

LD 1729 **An Act to Require Health-care Providers to Honor Do Not Resuscitate Orders** **ONTP**

<u>Sponsor(s)</u> GOLDTHWAIT TUTTLE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1729 proposed to repeal the existing law governing advanced health-care directives and enact instead a new Part concerning "do not resuscitate" orders or "DNR" orders. The purpose of the bill was to require emergency medical services personnel to honor DNR orders.

LD 1784 **An Act to Expedite the Operation of Prelitigation Screening Panels under the Maine Health Security Act** **ONTP**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1784 proposed to expedite and reduce costs related to the operation of prelitigation screening panels under the Maine Health Security Act. The bill proposed to require that, unless the plaintiff has requested that a time period be extended, the hearing be bypassed completely if it has not been held within 4 months. The bill proposed to shorten certain time periods and require that experts submit written statements rather than testify in person. It would have allowed the panel chair to require the parties to make their presentations of the case in writing. The bill proposed to clarify the role of the prelitigation screening panels by changing the standard of proof used by the panel. Under this bill, the panel would have determined whether the evidence presented to it and the permissible inferences from the evidence raise issues of fact as to negligence and causation. See also LD 582 and LD 1050.

LD 1786 **An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act** **ONTP**

<u>Sponsor(s)</u> LANE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1786 proposed 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. The bill was based on a draft, rather than final, version of the National Conference of Uniform Law Commissioners uniform legislation.

LD 1793 **An Act Regarding the Activities of Nonprofit Corporations** **ONTP**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1793 proposed a procedure that all nonprofit corporations would have to 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 have been in addition to any other review, analysis or approval required by law.

LD 1807 An Act to Provide for Commitment of Sexually Violent Predators INDEF PP

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

LD 1807 proposed 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.

Committee Amendment "A" (H-974) proposed to replace the bill. It proposed to create a 13-member study commission of legislators to develop a plan for the control, care and treatment of sexually violent predators. The amendment proposed a reporting date of October 15, 1998. The bill as amended was indefinitely postponed because the Senate and the House of Representatives passed HP 1653, Joint Order Creating the Joint Select Committee to Create a Program for the Control, Care and Treatment of Sexually Violent Predators. (Not adopted)

LD 1913 An Act to Clarify the Confidentiality of Public Employee Information PUBLIC 770

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM MAJ ONTP MIN	H-998 S-718 MICHAUD

LD 1913 proposed to revise the law concerning confidentiality relating to public employee discipline cases resulting from a 1997 state court decision, Doe v. Department of Mental Health, Mental Retardation and Substance Abuse Services, 1997 ME 195, 699 A.2d 422 (1997). The bill proposed that information concerning disciplinary action against a state, county or municipal employee remain confidential unless a final written decision relating to that action involves a finding of guilt.

Committee Amendment "A" (H-998) (Majority Report) proposed to replace the bill. It proposed to provide that the final written decision governing a disciplinary action is no longer confidential once it is completed if the decision imposes or upholds discipline. It proposed that if a disciplinary action is appealed to an arbitrator, the arbitrator's decision is the final written decision, and that if the arbitrator completely overturns or removes disciplinary action from an employee's personnel file, the employee's name is confidential and must be deleted from the final written decision before it is released.

Senate Amendment "A" to Committee Amendment "A" (S-718) proposed to include a General Fund appropriation to the Department of Administrative and Financial Services of \$100 in fiscal year 1998-99 to provide additional funds for the local costs associated with deleting references to an employee's name from certain files.

Enacted law summary

Public Law 1997, chapter 770 overturns Doe v. Department of Mental Health, Mental Retardation and Substance Abuse Services, 1997 ME 195, 699 A.2d 422 (1997). It provides that the final written decision governing a public employee's disciplinary action is no longer confidential once it is completed if the decision imposes or upholds discipline. If a disciplinary action is appealed to an arbitrator, the arbitrator's decision is the final written decision. If the arbitrator completely overturns or removes disciplinary action from an employee's personnel file, the employee's name is confidential and must be deleted from the final written decision before it is released.

LD 1916 An Act to Provide for the Termination of Spousal Support upon the Death of the Payor PUBLIC 629

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-862

LD 1916 is a recommendation of the Maine Family Law Advisory Commission. It proposed that spousal support terminate upon the death of the spouse ordered to pay that support, unless the order expressly states that the support obligation continues even after the payor spouse dies.

Committee Amendment "A" (H-862) proposed to make the changes in the bill effective for court orders issued on or after September 1, 1998.

Enacted law summary

Public Law 1997, chapter 629 provides that, unless a court order expressly provides otherwise, spousal support terminates upon the death of the payor spouse. This applies to court orders issued on or after September 1, 1998.

LD 1919 An Act to Inform Crime Victims about the Disposition of Charges PUBLIC 615

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

LD 1919 proposed to require a prosecutor to make a good faith effort to notify the victim of a crime before dismissing charges or "filing" the indictment, information or complaint without prosecuting the charges.

Committee Amendment "A" (H-840) proposed to add a mandate preamble to eliminate the requirement that the State reimburse local governmental units for the costs of informing crime victims when the charges against the perpetrator will not be pursued.

Enacted law summary

Public Law 1997, chapter 615 requires the prosecutor to make a good faith effort to notify the victim of a crime before dismissing charges or "filing" the indictment, information or complaint without prosecution pursuant to Rule 48 of the Maine Rules of Criminal Procedure.

LD 1930

An Act to Protect the Privacy of Alternative Dispute Resolution Participants

ONTP

Sponsor(s)
LONGLEY

Committee Report
ONTP

Amendments Adopted

LD 1930 proposed to protect communications and acts that occur during alternative dispute resolutions from disclosure in any subsequent adjudication between the parties.

LD 1938

Resolve, Directing the Preparation of a Bill to Make Technical Changes to the State's Criminal Statutes

**RESOLVE 105
EMERGENCY**

Sponsor(s)
THOMPSON

Committee Report
OTP-AM

Amendments Adopted
H-943

LD 1938 proposed to authorize the Maine Criminal Justice Information System Policy Board to convene a task force to prepare a revision to the State's statutes to create a one-to-one relationship between each crime or civil violation contained in the Maine Revised Statutes and a unique statutory citation. The bill proposed that the board submit a nonsubstantive revision of the Maine Revised Statutes to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 1, 1999.

Committee Amendment "A" (H-943) proposed to change the bill into a Resolve, clarify the role of Legislative Council staff and provide for the involvement of the joint standing committee having jurisdiction over criminal justice matters.

Enacted law summary

Resolve 1997, chapter 105 authorizes the Maine Criminal Justice Information System Policy Board to convene a task force to prepare a revision to the State's statutes to create a one-to-one relationship between each crime or civil violation contained in the Maine Revised Statutes and a unique statutory citation. The board shall submit a nonsubstantive revision of the Maine Revised Statutes to the joint standing committee of the Legislature having jurisdiction over judiciary matters and criminal justice matters by January 1, 1999.

LD 1953

An Act to Implement the Recommendations of the Maine Indian Tribal-State Commission Relating to the Names of Geographic Features in Passamaquoddy Territory

PUBLIC 650

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-944

LD 1953 is a recommendation of the Maine Indian Tribal-State Commission pursuant to Resolve 1997, chapter 45. It proposed to recognize the right of the Passamaquoddy Tribe to change the names of geographic features within its territory, require the tribe to notify entities responsible for changing names of places and require the State to employ its good efforts to assist the tribe in notifying the necessary entities to accomplish the name changes in official maps and documents. The bill proposed to direct the Maine Indian Tribal-State Commission to review

tribal concerns about offensive names of geographic features outside Indian territory and to report back to the Legislature with recommendations for name changes.

Committee Amendment "A" (H-944) proposed to replace the bill. It proposed the state policy concerning the naming of geographic features within Passamaquoddy Indian territory.

Enacted law summary

Public Law 1997, chapter 650 establishes the state policy concerning the naming of geographic features within Indian territory. When the Joint Tribal Council of the Passamaquoddy Tribe changes the name of a geographic feature within its Indian territory, the State shall assist in notifying the appropriate entities, including the United States Board on Geographic Names, to ensure that the new name is included in official maps and documents.

LD 1961 **An Act to Implement the Recommendations of the Maine Indian Tribal-State Commission Relating to Tribal Land Use Regulation** **DIED IN CONCURRENCE**

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

LD 1961 was submitted by the Maine Indian Tribal-State Commission pursuant to Resolve 1997, chapter 45. The bill proposed to establish, consistent with the Act to Implement the Maine Indian Claims Settlement, the process by which the Passamaquoddy Tribe and the Penobscot Nation may control land use and development and protect natural resources within their respective Indian territory acquired from within the unorganized and deorganized areas of the State.

Committee Amendment "A" (H-997) (Majority Report) proposed to replace the bill. The amendment proposed to establish, consistent with the Act to Implement the Maine Indian Claims Settlement, the process by which the Passamaquoddy Tribe and the Penobscot Nation may control land use and development and protect natural resources within their respective Indian territory acquired from within the unorganized and deorganized areas of the State. It proposed to apply to blocks of contiguous lands that contain at least 500 acres. The tribal reservations and any Indian territory not included in contiguous blocks of land of at least 500 acres would remain subject to State laws and regulations. The amendment proposed that the Passamaquoddy Tribe and the Penobscot Nation each may submit a comprehensive land use plan and implementing ordinances to the Maine Indian Tribal-State Commission. Upon receipt of a plan, the Maine Indian Tribal-State Commission would have been required to solicit public review and comment, including the comments of the Maine Land Use Regulation Commission, to hold a public hearing if the proposal is of public interest and to determine whether the plan satisfies planning and land use management criteria set forth in this amendment. Land covered by an approved plan and ordinances would not be within the jurisdiction of the Maine Land Use Regulation Commission. The amendment proposed that the application of other state environmental and land use laws to Indian territory would not be affected. The amendment also proposed that, in considering zoning changes or development permits elsewhere in the unorganized and deorganized areas of the State, the Maine Land Use Regulation Commission must provide notice to the tribe or nation when the action is located in the same or an adjacent township as the Indian territory. The amendment proposed that the new provisions be repealed January 1, 2004. The amendment proposed that it would not apply to the Passamaquoddy Tribe unless the Passamaquoddy Tribe agrees to its provisions, and that it would not apply to the Penobscot Nation unless the Penobscot Nation agrees to its provisions. (Not adopted)

Two Committees of Conference failed to agree.

LD 1978 **An Act to Extend Legal Counsel in Child Protection Cases** **ONTP**

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

LD 1978 proposed to extend the appointment of counsel to represent an indigent parent or custodian in child protection proceedings to areas of divorce and actions for parental rights and responsibilities.

LD 1988 **An Act to Amend the Laws Governing Liability Associated with Juvenile Offenders Who Participate in Community Service Programs** **PUBLIC 619**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH PINGREE	OTP-AM	H-863

LD 1988 proposed to provide coverage under the Maine Tort Claims Act for juveniles performing community service or restitution.

Committee Amendment "A" (H-863) proposed to replace the bill. It proposed to eliminate reference to the Maine Tort Claims Act and limit the liability of charitable organizations for claims arising from death or injury to a person or damage to property caused by a juvenile participating in a community service program. The amendment proposed to define "charitable organization" and clarify that juveniles participating in community service programs would not be covered by the Workers' Compensation Act.

Enacted law summary

Public Law 1997, chapter 619 limits the liability of charitable organizations for claims arising from death or injury to a person or damage to property caused by a juvenile participating in a community service program. Juveniles participating in community service programs are not covered under the Workers' Compensation Act.

LD 2036 **An Act to Amend the Act to Implement the Maine Indian Claims Settlement** **PUBLIC 595**

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

LD 2036 proposed to amend the Act to Implement the Maine Indian Claims Settlement by defining the jurisdiction of the Penobscot Nation over certain crimes committed on their reservation. An omission of legislative language in Public Law 1995, chapter 388 created the need to restore the original intent of Public Law 1991, chapter 766.

Enacted law summary

Public Law 1997, chapter 595 amends the Act to Implement the Maine Indian Claims Settlement by extending the jurisdiction of the tribal court of the Penobscot Nation over victimless crimes committed on the reservation. The law is effective upon ratification by the Penobscot Nation.

LD 2058 **An Act to Ensure That Lump-sum Workers' Compensation Settlements Are Credited to Child Support Obligations** **PUBLIC 654 EMERGENCY**

<u>Sponsor(s)</u> BRAGDON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-864
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LD 2058 proposed to ensure that child support obligations are met by applying a lump-sum settlement from a workers' compensation claim to any outstanding child support obligation.

Committee Amendment "A" (H-864) proposed to replace the bill. It proposed to require the sharing of information between the Department of Human Services and the Workers' Compensation Board to ensure DHS notification when a lump sum workers' compensation settlement is pending and the recipient is a child support obligor with accrued child support debts.

Enacted law summary

Public Law 1997, chapter 654 requires the sharing of information between the Department of Human Services and the Workers' Compensation Board to ensure that DHS is notified when a lump sum workers' compensation settlement is pending and the recipient is a child support obligor with accrued child support debts. Chapter 654 is effective April 1, 1998.

LD 2067 **An Act to Prevent Employment Discrimination Due to Medical History** **ONTP**

<u>Sponsor(s)</u> LAWRENCE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2067 proposed to prohibit employment discrimination on the basis of the applicant's or employee's medical history or the medical history of an applicant's or employee's dependent unless the applicant or employee is unable to meet job-related standards or is unable to perform the job without endangering the health or safety of that individual or others.

LD 2079 **An Act to Clarify the Role of Design Professionals under the Maine Human Rights Act** **PUBLIC 630**

<u>Sponsor(s)</u> JABAR		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-855
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LD 2079 proposed to resolve a conflict between a definition in the Maine Human Rights Act and professional licensing laws of the Maine Revised Statutes, Title 32. The bill proposed to add certified interior designers and landscape architects who are registered and regulated pursuant to Title 32 to the definition of "design professional" in the public accommodations provisions of the Maine Human Rights Act in order to increase the number of professionals available to review and approve plans for building renovations for compliance with the Maine Human Rights Act and the federal Americans with Disabilities Act.

Committee Amendment "A" (H-855) proposed to replace the bill. It proposed to delete the definition of "design professional" and replace the term in the text of the statute with a listing of the specific professions of architect, professional engineer, certified interior designer and landscape architect as appropriate. The amendment proposed that each of these professionals must be licensed, certified or registered under the Maine Revised Statutes, Title 32 and practicing within the scope of that individual's profession in order to certify that a plan is in compliance with accessibility requirements. The amendment proposed to clarify that services of an architect or professional engineer would still be required for all mandatory plan review.

Enacted law summary

Public Law 1997, chapter 630 amends the Maine Human Rights Act to make voluntary plan review for accessibility requirements easier by allowing the reviews to be done by additional categories of design professionals. It removes the definition of "design professional" and replaces the term in the text of the statute with a listing of the specific professions of architect, professional engineer, certified interior designer and landscape architect as appropriate. Each of these professionals must be licensed, certified or registered under the Maine Revised Statutes, Title 32 and practicing within the scope of that individual's profession in order to certify that a plan is in compliance with accessibility requirements. The services of an architect or professional engineer are still required for all mandatory plan review.

LD 2081 **An Act to Amend the Charter of the State Young Men's Christian Association of Maine** **ONTP**

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

LD 2081 proposed to amend the law under which the State Young Men's Christian Association of Maine was formed to allow the organization to change its name, to add to the law the organization's mission statement and to repeal the provision limiting its assets to \$500,000 in value. The YMCA of Maine may undertake those changes without legislative action.

LD 2090 **An Act to Protect Victims of Domestic Abuse from Eviction** **ONTP**

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

LD 2090 proposed to prohibit the eviction of a tenant due solely to the fact that the person is or may become a victim of domestic abuse. The bill also proposed to give victims of domestic abuse access to the Victims' Compensation Fund, on a loan basis, to be used by those victims to avoid eviction due to economic circumstances.

LD 2097 An Act to Simplify Corporate Filings PUBLIC 633

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-854
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LD 2097 proposed changes concerning the use of a mark by a corporation, limited partnership, limited liability company or limited liability partnership, the required fee for changing the name or address of a contact partner, the minimum number of members to create a limited liability company and statements of authority for limited liability companies.

Committee Amendment "A" (H-854) proposed to remove a section from the bill concerning the assignment of marks.

Enacted law summary

Public Law 1997, chapter 633 revises the laws concerning business entities in several ways. It allows the use of certain marks by a corporation, limited partnership, limited liability company or limited liability partnership; it establishes different fees for changing the name or address of a contact partner of a limited liability partnership; it clarifies the minimum number of members required to create a limited liability company; and it repeals the requirement of statements of authority for limited liability companies.

LD 2132 An Act to Repeal the Sunsets on Certain Child Support Enforcement Remedies PUBLIC 669 EMERGENCY

<u>Sponsor(s)</u> NASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-865 H-916 THOMPSON
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LD 2132 proposed to repeal the sunset provisions on several child support collection provisions.

Committee Amendment "A" (H-865) proposed to incorporate all changes necessary to comply with the Uniform Interstate Family Support Act, as mandated in 42 United States Code, Section 666(f). The amendment also proposed to add an emergency to the bill because of federally imposed deadlines.

House Amendment "A" to Committee Amendment "A" (H-916) proposed to change the time period within which payors must send withheld income to the Department of Human Services to be consistent with the rest of the bill and the Committee Amendment.

Enacted law summary

Public Law 1997, chapter 669 repeals sunsets on several child support enforcement provisions. It also incorporates all changes necessary to comply with the Uniform Interstate Family Support Act, as mandated in 42 United States Code, Section 666(f).

LD 2168 **An Act to Encourage Adoptions and Reduce the Number of Children in Foster Care in the State** **ONTP**

<u>Sponsor(s)</u> BRAGDON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2168 proposed to allow the birth family and adoptive parents to enter into agreements for continuing contact between the birth family and the child or adoptive parents. The bill would have allowed, prior to adoption, the birth family and the Department of Human Services or the licensed child-placing agency to enter into continuing contact agreements that could be changed after adoption by the adoptive family. The bill would have required a report from the Department of Human Services on progress in increasing adoptions of children within the care and custody of the department.

LD 2173 **An Act to Correct Errors and Inconsistencies in the Laws of Maine** **PUBLIC 683
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-622
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LD 2173, the “Errors Bill,” proposed to make technical corrections in Maine laws.

Committee Amendment "A" (S-622) proposed to make additional technical corrections and several substantive corrections and changes.

Enacted law summary

Public Law 1997, chapter 683 makes technical and substantive corrections in Maine laws. The original bill (Part A) and Part B of the Committee Amendment make technical corrections. Part C makes substantive corrections of errors. Part D reconciles laws enacted last year concerning the Maine Jobs Council and the duties it has assumed with the repeal of various labor and job training councils. Part E contains substantive changes, including: authorizing the Chief Justice of the Supreme Judicial Court to assign Supreme Court Justices to sit in District Court and Administrative Court; adding to the list of exceptions to the unauthorized practice of law to carry out the intent of PL 1997, chapter 466 to allow humane agents and state veterinarians to enforce the animal welfare laws in court even if they are not attorneys; and correcting maximum age for those who are required to receive permission from the Probate Court before a marriage can proceed.

LD 2183 **An Act to Amend the Laws Regarding Intellectual Property Rights** **ONTP**

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

LD 2183 proposed, in concept draft form, to ensure that an employee, as opposed to an employer, is entitled to property rights in an invention. The sponsor indicated that the purpose behind the bill was to authorize the use of intellectual property as collateral for research and development loans.

LD 2234 Resolve, Regarding Legislative Review of Rules Governing the RESOLVE 111
Implementation of Hypodermic Apparatus Exchange Programs, a
Major Substantive Rule of the Department of Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-940
	OTP-AM MIN	H-1059 ETNIER

LD 2234 proposed to provide for legislative review of rules governing the implementation of hypodermic apparatus exchange programs, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-940) (Majority Report) proposed to provide for amendments to the rules regarding the certification of needle exchange programs. The rule amendments proposed to clarify who signs the program application form and that program certification cannot be transferred.

Committee Amendment "B" (H-941) (Minority Report) proposed to specifically not authorize final adoption of the rules regarding the certification of needle exchange programs. (Not adopted)

House Amendment "A" (H-996) proposed to remove the emergency preamble and emergency clause from the resolve. (Not adopted)

House Amendment "B" (H-105) proposed to remove the emergency preamble and emergency clause from the resolve.

Enacted law summary

Resolve 1997, chapter 111 authorizes the final adoption of rules by the Department of Human Services governing the certification of hypodermic apparatus exchange programs.

LD 2246 An Act to Require Expeditious Action in Child Protection Cases PUBLIC 715

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-560

LD 2246 proposed to require expeditious action in child protection cases. It proposed summary preliminary hearings, shortened time periods, an expanded list of aggravating factors in child protection cases leading to termination, procedural safeguards for foster and preadoptive parents and relatives providing care and revised reunification responsibilities of the Department of Human Services.

Committee Amendment “A” (S-560) proposed additional recommendations from the Committee to Study the Role of the Courts in Protecting Children, including:

1. Excluding scheduling problems as a reason to delay the issuance of a jeopardy order within 120 days of the filing of a child protection petition;
2. Adding as an aggravating circumstance the fact that the parent has refused for 6 months to comply with treatment required in a reunification plan;
3. Making changes consistent with the legal roles of the legal guardian and custodian;
4. Deleting unnecessary sections concerning the contents of the petition;
5. Clarifying the standard for when the Department of Human Services may be excused from presenting plans or decisions to the court;
6. Revising the procedure the department must follow when it decides to terminate reunification efforts; and
7. Clarifying when the department is not required to file a termination petition;

The amendment also proposed to require the Department of Human Services to notify both the District Court in which the child protection action is pending and the guardian ad litem when the department consents to the adoption of a child within the department's custody.

Enacted law summary

Public Law 1997, chapter 715 requires expeditious action in child protection cases. It provides for summary preliminary hearings, shortened time periods, an expanded list of aggravating factors in child protection cases leading to termination of parental rights, and procedural safeguards for foster and preadoptive parents and relatives providing care, and it alters the reunification responsibilities of the Department of Human Services. Chapter 715 also requires DHS to notify the child's guardian ad litem when the department consents to the adoption of a child within the department's custody.

Joint Standing Committee on Labor

LD 174 **An Act to Increase Health Insurance Benefits for Retired Educators** **INDEF PP**

<u>Sponsor(s)</u> LEMAIRE NUTTING		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 174 which was considered by the Labor Committee last session, carried over from the First Session by the Appropriations Committee and rereferred to the Labor Committee this year, proposed to increase the State's contribution for the cost of health insurance premiums for retired educators from 25 percent to 30 percent. Again, this year the bill was reported out of the Labor Committee with a divided report, enacted in the House and engrossed and sent to the Special Appropriations Table in the Senate. From there the bill was folded into LD 1950, the Governor's Supplemental Budget bill (see PL 1997, chapter 643, Part OO), and this bill was then indefinitely postponed.

LD 196 **An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers** **ONTP**

<u>Sponsor(s)</u> HATCH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 196 proposed to require the state to pay Medicare Part B premiums for state retirees and retired teachers who are Medicare eligible.

LD 300 **An Act to Prohibit an Employer from Hiring Replacement Workers during a Strike** **ONTP**

<u>Sponsor(s)</u> SAMSON CATHCART		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 300 was carried over from the First Session and proposed to prohibit an employer from hiring replacement workers during a labor dispute, strike or lockout. The bill also proposed to repeal the provision of current law that makes it a Class D crime for a person involved in a labor dispute, strike or lockout to be armed with a dangerous weapon at a site where an employer involved in a labor dispute, strike or lockout is accepting applications from, conducting interviews of or performing medical examinations of potential employees.

LD 568

An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Raising the Minimum Wage

**VETO
SUSTAINED**

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

LD 568 was carried over from the First Session and proposed to establish a new state minimum wage that is 25 cents per hour more than the federal minimum wage. The bill also proposed an annual adjustment in the state minimum wage, based on the increase in the state average weekly wage.

Committee Amendment "A" (H-829) was the majority report of the Joint Standing Committee on Labor and proposed to replace the bill. The amendment proposed to establish a minimum wage of \$5.40 per hour, beginning January 1, 1999, and to maintain the current requirement that the state minimum wage be at least as high as the federal minimum wage. The amendment also proposed to add an appropriation and a fiscal note to the bill.

LD 633

An Act to Provide a Cost-of-living Adjustment to Minimum Wage Earners

INDEF PP

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

LD 633 was carried over from the First Session and proposed to increase the state's minimum wage each year by the amount of the percent increase in the Consumer Price Index.

Committee Amendment "A" (H-828) was the majority report of the Joint Standing Committee on Labor and was not adopted. The amendment proposed to establish a minimum wage of \$5.40 beginning January 1, 1999. The amendment also proposed to automatically increase the state minimum wage every three years thereafter, by the cumulative increase in the Consumer Price Index over the three previous Septembers.

LD 688

An Act to Increase Maine's Minimum Wage

ONTP

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

LD 688 was carried over from the First Session. The bill proposed to raise the state minimum wage to \$5.60 per hour effective January 1, 1998 and to \$6.05 per hour effective January 1, 1999. The bill also proposed to maintain the current requirement that the state minimum wage be at least as high as the federal minimum wage.

Resolve, Instructing the Workers' Compensation Board to Study and Make Recommendations Regarding the Occupational Disease Law

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR	OTP-AM MAJ ONTP MIN	H-814

LD 835 was carried over from the First Session. The resolve proposed to direct the Workers' Compensation Board to study the unique issues involved in providing workers' compensation benefits to employees under the Occupational Disease Law and to make recommendations for ensuring that the purposes of the Workers' Compensation Act of 1992 are achieved with respect to occupational diseases. The specific issues proposed to be studied included proof of causation when the occupational disease is thought to arise from exposure to hazardous materials, long latency periods, the apportionment of liability and the handling of benefits when the employee has not lost any work time. The resolve also proposed to require the board to report to the Legislature by January 1, 1999, with a discussion of the issues studied, approaches for handling any problems identified, recommendations and any necessary implementing legislation.

Committee Amendment "A" (H-814) proposed to require the Bureau of Health, the Bureau of Insurance and the Bureau of Labor Standards to participate in the occupational disease study with the Workers' Compensation Board. It proposed to require the groups to recommend a definition for occupational disease and to recommend a means of tracking occupational disease data. The amendment proposed to change the reporting date from January 1, 1999 to January 15, 1999. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Resolve 1997, chapter 94 requires the Workers' Compensation Board, the Bureau of Health, the Bureau of Insurance and the Bureau of Labor Standards to study the unique issues involved in providing workers' compensation benefits to employees under the Occupational Disease Law and to make recommendations for ensuring that the purposes of the Workers' Compensation Act of 1992 are achieved with respect to occupational diseases. The issues to be studied must include proof of causation when the occupational disease is thought to arise from exposure to hazardous materials, long latency periods, the apportionment of liability and the handling of benefits when the employee has not lost any work time. The groups must report to the Legislature by January 15, 1999, with a discussion of the issues studied, approaches for handling any problems identified, recommendations, including a recommended definition for occupational disease and a recommended means of tracking occupational disease data, and any necessary implementing legislation.

LD 999 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System** **DIED BETWEEN BODIES**

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

LD 999 proposed to amend the Constitution of Maine to establish a contractual relationship between the State and teachers and state employees for pension benefits that may not be diminished or impaired. Pension benefits could be reduced only for teachers or state employees hired after the effective date of a law diminishing benefits. See also LD 1962 which proposed statutory protection for public pension benefits.

LD 1100 **An Act to Amend the Laws Relating to Vesting in the Maine State Retirement System** **DIED ON ADJOURNMENT**

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

LD 1100 which was carried over from the First Session, proposed to lower the vesting period from 10 to five years for state employees, teachers and Legislators.

Committee Amendment "A" (H-1092) replaced the bill and was enacted in the House but died on adjournment in the Senate. Effective January 1, 1999, the amendment proposed to lower from 10 to five years the amount of creditable service needed by state employees, teachers, judges and Legislators who are not in service at the time of retirement to be eligible to receive service retirement benefits at the applicable normal retirement age. This amendment also would have added an appropriation, an allocation and a fiscal note to the bill.

LD 1192 **An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers** **VETO SUSTAINED**

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

LD 1192 was carried over from the First Session. The bill proposed an annual adjustment to workers' compensation benefits for both total and partial disability, so that benefits would keep pace with cost-of-living increases.

Committee Amendment "A" (H-1005) was the majority report of the Joint Standing Committee on Labor and proposed to replace the bill. The amendment proposed to provide annual cost-of-living adjustments to workers' compensation benefits, based on the state average weekly wage, for employees who were injured on or after January

1, 1993, experienced total incapacity or partial incapacity that met certain statutory thresholds and had reached the sixth anniversary of the injury.

Senate Amendment "A" to Committee Amendment "A" (S-639) proposed to cap the annual cost-of-living adjustment at three percent per year.

LD 1318 **An Act to Clarify the Application of Law in Workers' Compensation Cases** **PUBLIC 647**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM	H-907

LD 1318 was carried over from the First Session. The bill proposed to permit an employee to seek restoration of workers' compensation benefits if the Workers' Compensation Board determines that the effects of a compensable injury have ended and the employee obtains medical information that was not previously known to the parties or litigated before the board.

Committee Amendment "A" (H-907) was the majority report of the Joint Standing Committee on Labor and proposed to replace the bill and change the title. It proposed to overrule the Maine Supreme Judicial Court's decisions in *Ray v. Carland Construction, Inc.* and *Pelletier v. Maine Medical Center*, 703 A.2d 648 (Me. 1997), in which the court ignored the legislative directive in Public Law 1991, chapter 885, Part A, section 10 prohibiting retroactive application of the Workers' Compensation Act of 1992. The amendment proposed to affirmatively state that if an employee suffers a work-related injury that aggravates a prior work-related injury, the portion of the resulting disability that is attributable to the prior injury is governed by the law in effect at the time of that injury.

Enacted law summary

Public Law 1997, chapter 647 overrules the Maine Supreme Judicial Court's decisions in *Ray v. Carland Construction, Inc.* and *Pelletier v. Maine Medical Center*, 703 A.2d 648 (Me. 1997), in which the court ignored the legislative directive in Public Law 1991, chapter 885, Part A, section 10 prohibiting retroactive application of the Workers' Compensation Act of 1992. The law states that if an employee suffers a work-related injury that aggravates a prior work-related injury, the portion of the resulting disability that is attributable to the prior injury is governed by the law in effect at the time of that injury.

LD 1370 **Resolve, to Create Pension Portability for State and Local Government** **ONTP**

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

LD 1370 was carried over from the First Session and proposed to establish a commission to study pension portability for public sector employees.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WRIGHT	OTP-AM MAJ	H-804
LAWRENCE	ONTP MIN	S-475 CATHCART
		S-772 MICHAUD

LD 1454 was considered by the Labor Committee in the First Session, carried over from the First Session by the Appropriations Committee, and rereferred to the Labor Committee this year. The bill proposed to require that workers employed in the construction of public works be given at least the prevailing rate of benefits given for work of a similar nature performed in the state, in addition to the current requirement that they be paid at least the prevailing hourly rate of wages. The bill proposed to require the Bureau of Labor Standards to determine prevailing wages and benefits in September 1997, at which time they would become effective. This bill also proposed to give the Office of the Attorney General jurisdiction to investigate and enforce violations of the wage and benefits provisions.

Committee Amendment "B" (H-804) was the majority report of the Joint Standing Committee on Labor and proposed to eliminate the requirement that the Office of the Attorney General investigate violations of the wage and benefit provisions in Maine Revised Statutes, Title 26, chapter 15. Under current law, the Department of Labor, Bureau of Labor Standards is responsible for investigations, and the Office of the Attorney General is responsible for bringing enforcement actions. The amendment also proposed to add an appropriation and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "B" (S-475) proposed to remove the appropriation section.

Senate Amendment "A" (S-772) proposed to change the date the Bureau of Labor Standards must determine from September 1997 to September 1999.

Enacted law summary

Public Law 1997, chapter 757 requires workers employed in the construction of public works to be given at least the prevailing rate of benefits given for work of a similar nature performed in the state, in addition to the current requirement that they be paid at least the prevailing hourly rate of wages. The law requires the Bureau of Labor Standards to determine the prevailing wages and benefits in September 1999, at which time they will become effective. The law does not require the Office of the Attorney General to investigate violations of the wage and benefit chapter.

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

LD 1457 proposed to extend the period of payment for workers' compensation benefits for partial incapacity from 260 weeks to 520 weeks.

LD 1567

An Act to Require the Workers' Compensation Board to Evaluate Rehabilitation in the Workers' Compensation System and to Develop a System for Collecting Rehabilitation Data

PUBLIC 649

Sponsor(s)
MILLS

Committee Report
OTP-AM

Amendments Adopted
S-519

LD1567 was carried over from the First Session and proposed to reinstate limited rehabilitation benefits under the Maine Workers' Compensation Act of 1992 for people with long-term disabilities. It proposed to make a rehabilitation evaluation available to an employee whose period of disability is likely to exceed 90 days; require an employer adjudicated as liable for the underlying claim to pay up to two times the state's average weekly wage toward the cost of the evaluation; require the Workers' Compensation Board to act on a rehabilitation application within 30 days; authorize a hearing only if the board finds it necessary to resolve issues not adequately addressed in the written material; authorize the board to order a rehabilitation plan to be implemented immediately; increase the maximum rehabilitation period from 52 weeks to 104 weeks; allow the board to suspend review rights and order total disability benefits for the duration of a rehabilitation plan; and require the board to conduct a hearing to enforce, modify, suspend or terminate a plan when either party is not meeting the plan requirements or when the employer is found not responsible for the disability.

Committee Amendment "A" (S-519) proposed to replace the bill. It proposed to require the Workers' Compensation Board to develop a system for collecting data regarding rehabilitation. The amendment also proposed to require the board to report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 1999, with an analysis of the progress made toward developing a data-collection system and an evaluation of the existing rehabilitation program. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 649 requires the Workers' Compensation Board to develop a system for collecting data regarding rehabilitation. It also requires the board to report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 1999, with an analysis of the progress made toward developing the data-collection system and an evaluation of the existing rehabilitation program.

LD 1708

Resolve, Establishing the Commission to Study the Issue of Discrimination against Veterans in Workers' Compensation Cases

ONTP

Sponsor(s)
LANE
RUHLIN

Committee Report
ONTP

Amendments Adopted

LD 1708 proposed to establish the Commission to Study the Issue of Discrimination against Veterans in Workers' Compensation Cases, to examine whether insurance companies discriminate against veterans when processing workers' compensation cases in which the injured worker is a veteran.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	OTP-AM MAJ	S-717 MICHAUD
CAREY	OTP-AM MIN	

LD 1847 proposed to change the cutoff date for qualification for retirement benefits after 20 years of creditable service under the special retirement plan for state police officers from September 1 to September 16, 1984. The purpose of this bill is to give members of the Maine State Police 38th Training Troop the same benefits that were available when applications were being accepted for that class.

Committee Amendment "A" (H-858)

The majority report of the committee proposed to add an appropriation section and a fiscal note to the bill.

Senate Amendment "A" (S-512) proposed to provide that the Maine State Retirement System retirement benefit of Maine State Police Sergeant David McPherson must be calculated under the requirements of the so-called "25/50 special retirement plan" that Sergeant McPherson was covered by when he began law enforcement service as a forest ranger. Although approved in both Houses, this amendment was not adopted.

Senate Amendment "C" (S-717) proposed to authorize the creation of the General Fund Service Retirement Benefit Reserve for the purpose of accumulating the funds necessary to pay the full actuarial costs of the change in the retirement plan for the Maine State Police 38th Training Troop. The amendment proposed to divert unappropriated surplus otherwise payable to the Retirement Allowance Fund under the Maine Revised Statutes, Title 5, section 1517 to this reserve fund in an amount up to \$2,820,000 or any greater amount certified by the Maine State Retirement System as the full actuarial cost of this change.

The amendment also established that those retirement plan changes will not take effect unless and until the Legislature takes additional action to direct payment of the full actuarial costs to the Maine State Retirement System. No contractual claim or right or any other claim is created by this law for any state employee.

Enacted law summary

Public Law 1997, chapter 740 reopens the closed special retirement plan for state police officers that permitted retirement with full benefits after 20 years of service regardless of age in order to permit members of the 38th training troop to qualify for the "20-year" plan. Currently, that special retirement plan is available only to state police officers hired before September 1, 1984. Troop 38 members were hired on or about September 3, 1984, making them the first training class to miss the eligibility date for the 20 year plan. Apparently, most members of the 38th training troop were unaware of the fact that a law change affecting their eligibility for the special plan had been enacted until they had already committed to entering the training class.

LD 1910

An Act to Grant the Treasurer of State Full Voting Rights on the Board of Trustees of the Maine State Retirement System

PUBLIC 625

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM MAJ	H-868
TREAT	ONTP MIN	

LD 1910 proposed to give the Treasurer of State voting rights on the Board of Trustees of the Maine State Retirement System.

Committee Amendment "A" (H-868) proposed to increase from four to five the number of trustees on the board necessary to constitute a quorum and the number of votes necessary for the board to conduct business.

Enacted law summary

Public Law 1997, chapter 625 gives the Treasurer of State voting rights on the Board of Trustees of the Maine State Retirement System and increases from four to five the number of trustees on the eight-member board that constitutes a quorum and the number of votes necessary for the board to conduct business.

LD 1936

An Act Regarding Pension Benefits for Former Governors

ONTP

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

LD 1936 proposed to provide a pension benefit to a former Governor or the spouse of a former Governor equal to 3/8 of the current Governor's salary.

LD 1949

An Act to Allow Maine Technical College System Employees Represented by the Maine Education Association Faculty and Administrative Units to Participate in a Defined Contribution Retirement Plan

PUBLIC 763

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	H-1027
CATHCART		S-720 MICHAUD

LD 1949 proposed to authorize the option of participating in a defined contribution retirement plan instead of the Maine State Retirement System for new employees of the Maine Technical College System in the faculty and administrative bargaining units and would provide an opportunity for existing employees in those units to elect to participate in a defined contribution retirement plan to be offered by the Technical College System.

Committee Amendment "A" (H-1027) proposed to clarify application of the bill. The amendment proposed to:

1. Establish that the option is a one-time, irrevocable choice for eligible employees and that employees must be members in either the retirement system or the defined contribution plan, but may not be members of both;
2. Prohibit membership in the defined contribution plan from being counted as creditable service under the retirement system;
3. Describe the process for current and future employees to exercise their option;
4. Prescribe the respective responsibilities, if any, for the technical college system and the retirement system for education of employees regarding exercise of their option, recording and reporting the results of employee elections and settling any disputes that may arise;
5. Provide for continued membership in the state group health insurance plan for participants in the defined contribution plan after retirement with the premium costs to be paid by the technical college system;
6. Require the technical college system to provide a disability benefit program for employees who participate in the defined contribution plan;
7. Provide for the payment of the unfunded liability and administrative costs of the retirement system on behalf of technical college system employees who opt out of the retirement system with contributions at the current rate to be made by the technical college system until June 30, 1999. After that date those costs will be absorbed by other state funds; and
8. Add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-720) proposed to require the Maine Technical College System to continue to contribute toward the payment of certain fixed costs of the Maine State Retirement System and the Department of Administrative and Financial Services on behalf of system employees who elect to participate in a defined contribution plan rather than ending those contributions on June 30, 1999.

The amendment also proposed to direct the Department of Administrative and Financial Services, the Maine Technical College System and representatives of the system's bargaining units to work to develop strategies to create funding methods for future collectively bargained salary increases.

Enacted law summary

Public Law 1997, chapter 763 establishes an option for Maine Technical College System employees in the faculty and administrative bargaining units to participate in a defined contribution retirement plan offered by the Board of Trustees of the TCS instead of the Maine State Retirement System. Participants in the defined contribution plan are eligible for coverage under the state group health insurance plan with premiums to be paid by the technical college system. The technical college system must provide a disability benefit program for employees who participate in the defined contribution plan. The technical college system is also responsible for the payment of fixed costs of the retirement system and the Department of Administrative and Financial Services associated the increase in the unfunded liability of the retirement system and costs of administering this law.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT HATCH	OTP-AM	S-550

LD 1954 proposed to restore the definition of "earnable compensation", the previous higher cap on earnable compensation and the exclusions to income being counted as earnable compensation that were in place prior to the benefit changes in the Maine State Retirement System that were enacted by P.L. 1991, chapter 591 and P.L. 1993, chapter 410.

Committee Amendment "A" (S-550) replaced the bill. The amendment proposed to change the title of the bill, add an emergency preamble and emergency clause and make the following technical changes to retirement laws:

1. Repeal the current law that limits to the first five years after termination of service the length of time on which interest is paid on members' contributions to the Maine State Retirement System that are refunded to the member upon termination of membership in the system.
2. Change the date on which the retirement system is required to submit a report to the Joint Standing Committee on Labor from January 15th to March 1st of each year.
3. Expand the potential membership on the Early Retirement Incentives Panel established in the Maine Revised Statutes, Title 5, section 17159, subsection 4 to include any member of the Board of Trustees of the Maine State Retirement System, except members who are active or retired teachers or school administrators.

Enacted law summary

Public Law 1997, chapter 651 repeals the current law that limits to the first five years after termination of service the length of time on which interest is paid on members' contributions to the Maine State Retirement System that are refunded to the member upon termination of membership in the system. It also changes the date on which the retirement system is required to submit a report to the Joint Standing Committee on Labor from January 15th to March 1st of each year. Finally, chapter 951 expands the potential membership on the Early Retirement Incentives Panel established in the Maine Revised Statutes, Title 5, section 17159, subsection 4 to include any member of the Board of Trustees of the Maine State Retirement System, except members who are active or retired teachers or school administrators. Public Law 1997, chapter 651 was enacted as an emergency measure with the part of the amendment covering the membership of the Early Retirement Incentives Panel takes effect April 1, 1998 and the other provisions going into effect July 1, 1998.

LD 1955

An Act to Amend the Health Insurance Benefits of State Employees and Teachers Who Retire or Terminate Service

PUBLIC 652

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART HATCH	OTP-AM MAJ ONTP MIN	S-623

LD 1955 proposed to restore the normal retirement age for state employees and teachers in the Maine State Retirement System to 60 years of age.

Committee Amendment "A" (S-623) was used as a vehicle for one piece of committee's package of retirement changes. This amendment proposed to replace the bill and eliminate the requirement that in all cases state employees and teachers must be enrolled for at least one year immediately before retirement in order to qualify for continued participation in group health insurance coverage after retirement. The amendment proposed to provide a one-time option for state employees and teachers with 25 years of service who terminate employment but do not retire at that time to continue participation in their group health insurance plan until retirement if they pay the cost of that coverage. Regardless of whether that option is exercised, under the amendment, a state employee or teacher with 25 years of service who retires following a break in employment would be able to choose to rejoin the group health insurance plan at retirement.

Enacted law summary

Public Law 1997, chapter 652 provides an option for state employees and teachers with 25 years of service who terminate covered employment but do not retire at that time to continue participation in the state or teacher group health plan if they pay the cost of that coverage. Regardless of whether that option is exercised, state employees or teachers with 25 years of creditable service who retire following a break in service may choose to rejoin their group health plan at retirement.

LD 1956

An Act to Extend the Prevailing Wage Laws to the Maine Turnpike Authority

PUBLIC 743

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM MAJ ONTP MIN	S-463

LD 1956 proposed to require that all workers engaged in construction projects for the Maine Turnpike Authority be paid no less than the prevailing wage, which is determined by the hourly wage paid to the median number of workers employed in the construction industry on the second and third weeks in September of each year.

Committee Amendment "A" (S-463) was the majority report of the Joint Standing Committee on Labor. It proposed to reorder the reference to the Maine Turnpike Authority and to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 743 requires all workers engaged in construction projects for the Maine Turnpike Authority to be paid no less than the prevailing wage, which is determined by the hourly wage paid to the median number of workers employed in the construction industry on the second and third weeks in September of each year.

LD 1962 **An Act to Apply ERISA Standards to Pension Benefits for Teachers and State Employees to Clarify that They Are Nonforfeitable Once Accrued** **ONTP**

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

LD 1962 proposed to prohibit the reduction of benefits under the Maine State Retirement System once an employee has accrued the minimum creditable service requirements for receipt of retirement benefits.

Committee Amendment "A" (S-611) which was not adopted, replaced and clarified the intent of the bill. The amendment proposed to establish in statute that the retirement benefits of state employees, teachers and judges under the Maine State Retirement System represent a solemn contractual commitment of the State the value of which may not be reduced once those benefits are earned. This amendment was intended to specifically supplant, with respect to the accrued retirement benefits of retirement system members, the holding of the United States Court of Appeals for the First Circuit in *Parker v. Wakelin et al.*, (CA 1, No. 96-2225, 8/11/97). In that case, the court held that Maine public pension law creates no enforceable private contractual right against the modification of teacher members' retirement benefits until those benefits are actually receivable. Under this amendment, public employee retirement benefits, once earned, may not be reduced because the accrued value of those benefits is protected under the contract clauses of the Constitution of Maine and the United States Constitution. See also LD 999, which proposed constitutional protection for public pension benefits.

LD 1964 **Resolve, to Ensure that Services for the Deaf and Hard of Hearing Are Provided in an Efficient, Accessible and Cost-effective Manner** **RESOLVE 90 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	S-460

LD 1964 proposed to direct the Commissioner of Labor to assess the mission and services of the Division of Deafness within the Bureau of Rehabilitation Services, Department of Labor. The resolve also proposed to require the Commissioner, in consultation with a subcommittee comprised of the Joint Standing Committee on Labor, the Deaf Advisory Council and other interested parties, to make recommendations by September 15, 1998, regarding any proposed structural, statutory or funding changes. The resolve proposed to authorize the Joint Standing Committee on Labor to report out implementing legislation to the First Regular Session of the 119th Legislature.

Committee Amendment "A" (S-460) proposed to eliminate the formation of an official subcommittee and to add the Governor Baxter School for the Deaf and all affected agencies, including the Department of Corrections, the Department of Education, the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Public Safety, the Department of Transportation, the

Maine Emergency Management Agency, the Maine Turnpike Authority and the Public Utilities Commission, to the list of entities with which the Commissioner of Labor must consult when making recommendations regarding the Division of Deafness. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Resolve 1997, chapter 90 directs the Commissioner of Labor to assess the mission and services of the Division of Deafness within the Bureau of Rehabilitation Services, Department of Labor. The resolve requires the Commissioner, in consultation with the Joint Standing Committee on Labor, the Deaf Advisory Council, the Governor Baxter School for the Deaf, all affected agencies, including the Department of Corrections, the Department of Education, the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Public Safety, the Department of Transportation, the Maine Emergency Management Agency, the Maine Turnpike Authority and the Public Utilities Commission, and other interested parties, to make recommendations by September 15, 1998, regarding any proposed structural, statutory or funding changes. The resolve also authorizes the Joint Standing Committee on Labor to report out implementing legislation to the First Regular Session of the 119th Legislature. Resolve 1997, chapter 90 was passed as an emergency measure effective March 12, 1998.

LD 1977 An Act to Revise the Hazardous Occupations Provisions of the PUBLIC 597
Child Labor Laws

<u>Sponsor(s)</u> HATCH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-813
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LD 1977 proposed to strike the current list of occupations considered hazardous to minors and to require the Director of the Bureau of Labor Standards to develop, by rule, a list of occupations not suitable for minors. The bill also proposed to prohibit minors under 18 years of age from working in the occupations specified by the Director. The bill proposed to make the rules routine technical and to require them to conform as far as practicable to the child labor provisions enforced by the United States Department of Labor.

Committee Amendment "A" (H-813) proposed to require the Director of the Bureau of Labor Standards to brief the joint standing committee of the Legislature having jurisdiction over labor matters on the proposed rules regarding hazardous occupations for minors, prior to adopting the rules. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 597 strikes the current list of occupations considered hazardous to minors and requires the Director of the Bureau of Labor Standards to develop, by rule, a list of occupations not suitable for minors. It prohibits minors under 18 years of age from working in the occupations specified by the Director. The law states that the rules are routine technical and requires the rules to conform as far as practicable to the child labor provisions enforced by the United States Department of Labor. The law also requires the Director to brief the joint standing committee of the Legislature having jurisdiction over labor matters on the proposed rules prior to their adoption.

LD 1994

An Act to Establish a Migrant and Immigrant Worker Assistance Office in Central Maine

PUBLIC 620

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMAIRE	OTP-AM MAJ	H-869
RAND	ONTP MIN	

LD 1994 proposed to require the Bureau of Labor Standards, within the Department of Labor, to establish and fund a migrant and immigrant worker outreach project to assist migrant and immigrant workers in understanding and exercising their employment rights and responsibilities.

Committee Amendment "A" (H-869) was the majority report of the Joint Standing Committee on Labor, and it proposed to replace the bill and change the title. The amendment proposed to require the Department of Labor, rather than the Bureau of Labor Standards, to establish a migrant and immigrant worker assistance outreach project to the extent possible within existing resources and to report back to the joint standing committee of the Legislature having jurisdiction over labor matters by January 2, 1999, with an evaluation of the project. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 620 requires the Department of Labor, to the extent possible within existing resources, to establish a migrant and immigrant worker outreach project to assist migrant and immigrant workers in understanding and exercising their employment rights and responsibilities. The law also requires the Department of Labor to report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 2, 1999, with an evaluation of the project.

LD 1997

An Act to Expand Access to Employment Security Data to Authorized Agents of Child Support Enforcement Agencies

PUBLIC 687

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

LD 1997 proposed to bring Maine’s unemployment compensation law in to conformity with the federal welfare reform act, Public Law 104-193, by granting access to employment security records to child support enforcement agencies and their authorized agents, as well as to agencies (and their agents) under contract with the state employment and job training agency. The bill also proposed to make it a Class E crime for any of those agencies or agents to make an unauthorized disclosure of confidential information contained in employment security records.

Enacted law summary

Public Law 1997, chapter 687 brings Maine’s unemployment compensation law into conformity with the federal welfare reform act, Public Law 104-193, by granting access to employment security records to child support enforcement agencies and their authorized agents, as well as to agencies (and their agents) under contract with the

state employment and job training agency. The bill also makes it a Class E crime for any of those agencies or agents to make an unauthorized disclosure of confidential information contained in employment security records.

LD 1999 An Act Requiring the State to Pay a Portion of the Health Insurance Premium for Dependents of Retired State Employees ONTP

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

LD 1999 proposed to require the State to pay 60 percent of the health insurance premium for dependent coverage for retired state employees.

LD 2007 An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1999 P & S 73 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	H-870

LD 2007 proposed the annual operating budget of the Maine State Retirement System for fiscal year 1998-99. The retirement system is required by law to present its annual operating budget to the Legislature for approval. The bill identified the retirement 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 accounts.

Committee Amendment "A" (H-870) proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1997, chapter 73 is the Maine State Retirement System’s annual operating budget for the 1998-99 fiscal year. Legislative approval of the annual budget is required by law. P & S Law chapter 73 was enacted as an emergency measure effective July 1, 1998.

LD 2096 An Act to Give Collective Bargaining Rights to Legislative Employees PUBLIC 741

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LINDAHL	OTP-AM MAJ ONTP MIN	H-950 HATCH H-1166 HATCH

LD 2096 proposed to amend the State Employees Labor Relations Act by authorizing legislative employees to collectively bargain regarding all matters relating to the relationship between the Legislature and its employees. The bill proposed to exclude from the definition of legislative employee any employee who:

1. Is elected by popular vote;
2. Is appointed to office pursuant to law by the Governor or the Legislature;
3. Is employed in the office of the Secretary of the Senate, the Clerk of the House of Representatives or the majority or minority offices of the Senate or the House of Representatives;
4. Has duties as a deputy, administrative assistant or secretary that necessarily imply a confidential relationship regarding matters subject to collective bargaining, as between that person and the Legislative Council;
5. Is a temporary, on-call employee; or
6. Has been employed less than 30 days.

House Amendment "C" (H-950) proposed to exclude from the definition of legislative employee those employees in the office of the President of the Senate and the office of the Speaker of the House. The amendment proposed to make a technical correction and to state that no expenses may be incurred in carrying out the purposes of the bill unless the legislative employees decide to collectively bargain. The amendment also proposed to add an appropriation and a fiscal note to the bill.

House Amendment "A" to House Amendment "C" (H-1166) proposed to make the bill effective on July 1, 1999, and to remove the 1998-99 appropriation.

Enacted law summary

Public Law 1997, chapter 741 amends the State Employees Labor Relations Act by authorizing legislative employees to collectively bargain regarding all matters relating to the relationship between the Legislature and its employees. The law excludes from the definition of legislative employee any employee who:

1. Is elected by popular vote;
2. Is appointed to office pursuant to law by the Governor or the Legislature;
3. Is employed in the office of the President of the Senate, the Speaker of the House, the Secretary of the Senate, the Clerk of the House of Representatives or the majority or minority offices of the Senate or the House of Representatives;
4. Has duties as a deputy, administrative assistant or secretary that necessarily imply a confidential relationship regarding matters subject to collective bargaining, as between that person and the Legislative Council;
5. Is a temporary, on-call employee; or
6. Has been employed less than 30 days.

The law takes effect July 1, 1999 and prohibits the expenditure of any money unless the legislative employees elect to collectively bargain.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND	OTP-AM MAJ ONTP MIN	S-518 S-627 CLEVELAND S-731 MICHAUD

LD 2116 proposed to prohibit an employer from requiring an employee to work more than 32 hours of overtime in a calendar week or to work overtime on more than 6 days in a calendar week. The bill proposed to define “employee” to exclude seasonal employees, and it proposed to define “overtime” as anything over eight hours in a day or 40 hours in a calendar week.

Committee Amendment "A" (S-518) was the majority report of the Joint Standing Committee on Labor and proposed to replace the bill. The amendment proposed to prohibit an employer from requiring an employee to work more than 96 hours of overtime in any consecutive three-week period. The amendment proposed to define "overtime" as anything over 40 hours in a calendar week. The amendment proposed to create exceptions for work performed in response to a declared emergency, employees who perform essential services for the public, employees whose work is necessary for the public health or safety and individuals exempt from the definition of employee in Maine Revised Statutes, Title 26, section 663, which includes employees of seasonal employers. The amendment also proposed to add an appropriation and a fiscal note to the bill.

Senate Amendment "B" to Committee Amendment "A" (S-627) proposed to exclude employees of seasonal employers from the limitation on mandatory overtime. The amendment proposed to define “seasonal employer” as an employer in an industry that operates in a regularly recurring period or periods of less than 26 weeks in a calendar year.

The amendment also proposed to provide temporary relief from the mandatory overtime limit in emergency situations by allowing an employer to apply to the Commissioner of Labor for an emergency waiver. The amendment proposed to permit the commissioner to grant the waiver if unforeseen or uncontrollable events occurred that, without the waiver, would result in significant adverse harm to the employer's business and if the commissioner determined that the waiver was not sought to abuse the limits on mandatory overtime. The amendment proposed to require the commissioner to determine the duration of the waiver, up to a maximum of three weeks. The amendment proposed to require the commissioner to send a written notice of the waiver, including findings of fact and the dates for which the waiver is in effect, to an employer whose waiver has been granted. The amendment also proposed to require the employer to immediately post the notice in the same place and manner as other employment-related notices are required to be posted.

Senate Amendment "C" to Committee Amendment "A" (S-731) proposed to strike the General Fund appropriation for the Department of Labor.

LD 2121

An Act to Repeal Certain Changes Made to State Employee and Teacher Retirement Benefits

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D	OTP-AM MAJ ONTP MIN	H-1054

LD 2121 proposed to repeal the 1.15 percent increase in employee contributions and reinstate the cost-of-living adjustment for retirement system members retiring before normal retirement age which were enacted in 1993.

Committee Amendment "A" (H-1054) proposed to strike from the bill the section that reinstates the cost-of-living adjustment of Maine State Retirement System members retiring before normal retirement age and to retain the provisions of the bill that restore the contribution level required of members to the pre-1993 rate and makes the change effective January 1, 1999. The amendment also adds an appropriation, an allocation and a fiscal note to the bill. The amended bill died on the Appropriations Table.

LD 2125

An Act to Improve Public Sector Labor Relations

PUBLIC 773

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM	H-937 S-569 MILLS S-776 MICHAUD

LD 2125 proposed to amend the Municipal, State and Judicial Employees Labor Relations Acts by stating that the terms of an expired contract between a public employer and a bargaining agent remain in effect until the parties agree upon a new contract.

Committee Amendment "A" (H-937) proposed to replace the bill and to require the grievance arbitration provisions of an expired contract to remain in effect until the parties execute a new contract. The amendment proposed to specify that the bill applies to all contracts that expire on or after August 1, 1998. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-569) proposed to specify that the grievance arbitration provisions of expired contracts that must remain in effect until the parties execute a new contract are only those that pertain to disciplinary action.

Senate Amendment "D" to Committee Amendment "A" (S-776) proposed to remove persons who are employed by a person who has contracted to perform services for the Bureau of Revenue Services from the definition of persons who are not state employees for the purpose of the State Employees Labor Relations Act, effective retroactively to April 2, 1998. The amendment also proposed to add a mandate preamble and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 773 amends the Municipal, State and Judicial Employees Labor Relations Acts by stating that, when a contract between a public employer and a bargaining agent expires, the grievance arbitration provisions of the expired contract that pertain to disciplinary action remain in effect until the parties agree upon a new contract. The law also amends the State Employees Labor Relations Act by eliminating from the definition of state employee a person employed by a person who has contracted to perform services for the Bureau of Revenue Services.

LD 2135

An Act to Establish a Uniform Special Retirement Plan for State Law Enforcement Personnel, Maine State Prison Personnel, Emergency Personnel, Other Employee Groups That, Prior to September 1, 1984, Had Special Retirement Plans and Certain Emergency Personnel and to Revise the Restoration to Service Requirements

**PUBLIC 769
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND PINGREE	OTP-AM	H-1118

LD 2135 proposed to establish a uniform special retirement plan for state police officers, game wardens, Marine Patrol officers and employees of correctional facilities who have contact with prisoners. Full service retirement benefits would be available to employees in these positions after completing 20 years of service and reaching age 50.

Committee Amendment "A" (H-1118) replaced the bill. The amendment proposed to establish a uniform special retirement plan for marine patrol officers, game wardens, forest rangers, state police, Maine State Prison employees having direct prisoner contact, state airplane pilots, liquor inspectors and firefighters at the Bangor International Airport. With the exception of the firefighters, all these categories of employees were eligible before 1984 for some type of special retirement plan that provided for early retirement with full benefits based on a requirement for years of service that was less than the regular retirement plan for state employees and teachers. In 1984, the special plans for state police and prison guards were modified; and all the others were eliminated. The result has been different treatment for employees in different categories of employment and within the same category depending on date of hire.

The uniform special retirement plan, called the 1998 Special Plan, proposed in this amendment is patterned on the regular retirement plan for state employees and teachers. Under the special plan, the retirement benefit is computed based on the member's average final compensation and years of service and members qualify for a service retirement benefit at normal retirement age after 10 years of service as under the regular plan. The normal retirement age under the special plan is 55, as compared to 60 or 62 under the regular plan. Members of the special plan may retire before normal retirement age with a reduction in benefits as under the regular plan.

As proposed in the amendment beginning June 30, 1998, all the eligible employees would be covered by the special retirement plan provided in this amendment. Provisions are made for the incorporation into the new plan of members who have service under current plans. Members with service under both the special plan established in

this amendment and under other plans administered by the Maine State Retirement System will receive a split retirement benefit with the amount prorated based on service under each plan.

The amendment proposed to amend existing law governing transfer from special plans to the regular retirement plan to account for the existence of the 1998 Special Plan. The amendment also proposed to amend the restoration to service provisions of existing law to reduce the penalty for returning to covered service. Finally, the amendment proposed to add a new title, an emergency preamble and emergency clause and a fiscal note.

Enacted law summary

Public Law 1997, chapter 769 establishes a uniform special retirement plan for marine patrol officers, game wardens, forest rangers, state police, Maine State Prison employees having direct prisoner contact, state airplane pilots, liquor inspectors and firefighters at the Bangor International Airport.

The uniform special retirement plan is patterned on the regular retirement plan for state employees and teachers. Under the special plan, the retirement benefit is computed based on the member's average final compensation and years of service and members qualify for a service retirement benefit at normal retirement age after 10 years of service as under the regular plan. The normal retirement age under the special plan is 55, as compared to 60 or 62 under the regular plan. Members of the special plan may retire before normal retirement age with a reduction in benefits as under the regular plan.

After June 30, 1998, all the eligible employees will be covered by the special retirement plan. Provisions are made for the incorporation into the new plan of members who have service under current plans. Members with service under both the special plan established in this law and under other plans administered by the Maine State Retirement System will receive a split retirement benefit with the amount prorated based on service under each plan.

The law amends existing law governing transfer from special plans to the regular retirement plan to account for the existence of the 1998 Special Plan. The law also amends the restoration to service provisions of existing law to reduce the penalty for returning to covered service. Public Law 1997, chapter 769 was enacted as an emergency measure effective July 1, 1998, except that the section dealing with restoration to service is effective January 1, 1999.

LD 2146

An Act to Amend the Laws Concerning Participating Local Districts in the Maine State Retirement System

PUBLIC 709

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM MAJ OTP-AM MIN	H-1009

LD 2146 was a proposal by the Participating Local District Advisory Committee of the Maine State Retirement System. The bill proposed to establish guidelines and procedures under which employees of participating local districts that do not have Social Security section 218 agreements would be able to choose to be covered by a defined contribution or a deferred compensation plan instead of the retirement system's PLD plan, provided by the PLD offers such an alternative plan or plans.

Committee Amendment "A" (H-1009) proposed to make several technical changes in the bill that were recommended by the Participating Local District Advisory Committee regarding the election of PLD employees to participate in a defined contribution or deferred contribution plan. The amendment proposed to revise the requirements for a disability benefit program that the employer is required to offer and clarified that the employer is required to pay the cost of the disability plan. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 709 authorizes participating local districts that do not have Social Security section 218 agreements to offer defined contribution or deferred compensation retirement plans to their employees, establishes the procedures by which employees will exercise their option to participate in those plans and establishes the requirements for such plans. A PLD must provide a disability benefit plan for employees who participate in the defined contribution or deferred compensation plan.

LD 2186 An Act to Create the Maine Temporary Disability Benefits Law ONTP

<u>Sponsor(s)</u> CAMERON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2186 proposed to establish, effective October 1, 1999, a temporary disability benefits plan administered by the Bureau of Unemployment Compensation in the Department of Labor. The bill proposed to provide temporary benefits to persons unable to work because of an illness or injury that is not compensable under the workers' compensation laws. The bill also proposed to require the Bureau of Unemployment Compensation to recommend levels for employer and employee contributions to the State Temporary Disability Fund.

LD 2201 An Act to Clarify the Responsibilities of Certain Divisions in the Department of Labor ONTP

<u>Sponsor(s)</u> DONNELLY PARADIS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2201 proposed to clarify the operation of the preference currently given to blind persons in the establishment and operation of vending facilities and the placement of vending machines. The bill proposed to define "preference" as the final determining factor when all other competitive factors are equal and to clarify that the preference applies to newly constructed, remodeled, leased, acquired or improved public property. The bill also proposed to require vending facilities installed by the Division for the Blind and Visually Impaired to be operated by a "manager", currently defined as the blind person licensed by the Division for the Blind and Visually Impaired who personally operates a vending facility.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1101
	OTP-AM MIN	S-771 CLEVELAND

LD 2230 proposed to implement the majority report recommendations of the Commission to Study the Unemployment Compensation System. Specifically, it proposed to do the following:

1. State the Legislature’s intent to maintain a certain level of reserves in the Unemployment Compensation Fund.
2. Replace the existing experience rating system for assigning tax rates to employers with an “array contribution” system.
3. Generate enough additional revenue that, by the year 2003, there will be 12 months of reserves in the Unemployment Compensation Fund, based on the average of the three most expensive benefit years in the past 20 years.
4. Raise the taxable wage base from \$7,000 to \$12,000.
5. Impose an employee tax of 0.2 percent per year on the first \$12,000 of wages, for the five years from 1999 through 2003.
6. Maintain the current six percent reduction in maximum weekly benefits until December 27, 2003.
7. Authorize benefits for claimants who seek part-time work and are willing to work at least enough hours to earn \$5 more than their weekly benefit amount.
8. Eliminate the seasonality provision.
9. Dedicate \$10,000,000 in cigarette tax relief money to the Unemployment Compensation Fund for each of the five years from 1999 through 2003.
10. Require the Department of Labor to collect data on claimants who seek part-time work, have child care problems or have transportation problems.
11. Require the Department of Labor to report on the changes implemented by this bill no later than January 31, 2003.

Committee Amendment "A" (H-1100) was the majority report of the Joint Standing Committee on Labor and was not enacted. It proposed to strike the provisions in the bill regarding cigarette tax relief money, data collection and reporting, seasonality, eligibility for benefits when seeking part-time work, the employee tax and minimum reserves in the Unemployment Compensation Fund.

The amendment also proposed to do the following.

1. Change benefit amounts to 1/22 of the average of the claimant's wages in the two quarters of the base period in which the claimant earned the highest wages. Current law pays benefits equal to 1/22 of the claimant's wages in the single highest quarter of the base period.
2. Cap maximum benefit amounts at 50.5 percent of the annual average weekly wage, rather than the current 52 percent.
3. Extend the six percent reduction in maximum benefit amounts through December 31, 1998. The reduction currently sunsets on September 26, 1998.
4. Create an "array contribution" experience rating system that generates the same amount of unemployment tax revenue that will be generated in 1998, which is approximately \$111,000,000. The amendment proposed to prohibit an increase in tax revenues until the Legislature takes affirmative action to do so. Additionally, the amendment proposed to adjust tax rates in the amended array system so that changes in individual employers' tax rates would not be as dramatic as some would be under the array system proposed in the bill.

The amendment also proposed structural changes to the unemployment program, to improve the state's ability to address solvency issues in the future. The amendment proposed tax revenues and benefit cuts approximately the same in total dollar value as those under current law, which are, until the end of 1998, a 0.4 percent surtax, Schedule P tax rates, (the highest permissible rates) a six percent reduction in maximum benefits and a \$3 reduction in all benefits.

Committee Amendment "B" (H-1101) was the minority report of the Joint Standing Committee on Labor and proposed to replace the bill. The amendment proposed to maintain through December 31, 1999, the solvency measures that will sunset by the end of 1998: a 0.4 percent surtax; Schedule P tax rates, the highest permissible rates; a 6 percent reduction in maximum benefit amounts; and a \$3 reduction in all benefit amounts.

The amendment also proposed to require the Department of Labor to conduct public hearings across the State to inform the public of and to solicit comments on the condition of the Unemployment Compensation Fund. The amendment proposed to require the department to report to the First Regular Session of the 119th Legislature by January 1, 1999, with recommendations for ensuring the long-term solvency of the fund. The amendment also proposed to add an appropriation, an allocation and a fiscal note to the bill.

Senate Amendment "C" to Committee Amendment "B" (S-771) proposed to strike the requirement that the Department of Labor hold public hearings on the condition of the Unemployment Compensation Fund. The amendment also proposed to revise the reporting requirement by requiring the department to develop a solvency plan to ensure the long-term solvency of the Unemployment Compensation Fund. The amendment proposed to require the department to consider the following factors in developing the solvency plan:

1. Equitable tax structures, including the array system;
2. Adjustments to the taxable wage base;
3. A recommended target for reserve levels in the Unemployment Compensation Fund;
4. A schedule within which the solvency plan will be achieved;

5. Other revenue sources for solvency;
6. Benefit structures consistent with the purpose of the unemployment insurance program; and
7. The administration of the Unemployment Compensation Fund.

The amendment also proposed to require the department to include a detailed report of the basis upon which the evaluation was performed, including the projected impacts of the solvency plan, both during and after the life of the plan. Finally, the amendment proposed to strike the appropriation section.

Enacted law summary

Public Law 1997, chapter 745 maintains through December 31, 1999, the current solvency measures that were scheduled to sunset by the end of 1998: a 0.4 percent surtax; Schedule P tax rates, the highest permissible rates; a six percent reduction in maximum benefit amounts; and a \$3 reduction in all benefit amounts.

The law also requires the Department of Labor to report to the 119th Legislature by January 1, 1999, with legislation to implement a solvency plan designed to ensure the long-term solvency of the Unemployment Compensation Fund. The department must evaluate the following factors when developing the solvency plan:

1. Equitable tax structures, including the array system;
2. Adjustments to the taxable wage base;
3. A recommended target for reserve levels in the Unemployment Compensation Fund;
4. A schedule within which the solvency plan will be achieved;
5. Other revenue sources for solvency;
6. Benefit structures consistent with the purpose of the unemployment insurance program; and
7. The administration of the Unemployment Compensation Fund.

The department must provide a detailed report of the basis upon which it performed the evaluation, including the projected impacts of the solvency plan, both during and after the life of the plan.

LD 2231

An Act to Implement the Minority Report Recommendations of the Commission to Study the Unemployment Compensation System

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2231 proposed to implement the minority recommendations of the Commission to Study the Unemployment Compensation System. The bill proposed to do the following:

1. Raise the taxable wage base from \$7,000 to \$9,000.
2. Replace the existing experience rating system for assigning tax rates to employers with an “array contribution” system.
3. Generate enough additional revenue that, by the year 2005, there will be approximately six months of reserves in the Unemployment Compensation Fund, based on the average of the three most expensive benefit years in the past 20 years.
4. Change the weekly benefit formula from 1/22 to 1/26 of high quarter earnings.
5. Reduce the maximum weekly benefit from 52 percent to 48 percent of the average weekly wage.

LD 2266

An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities

**PUBLIC 751
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
S-572
S-744 MICHAUD

LD 2266 proposed to implement the recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities.

Part A proposed to amend the statutory provisions in Maine Revised Statutes, Title 26, section 1419-A, governing the telecommunications equipment plan and the Telecommunications Equipment Fund, to include other specialized customer telecommunications equipment besides teletypewriters and to expand eligibility for assistance to persons with disabilities. Part A proposed to require the telecommunications equipment plan to ensure that eligible persons have access to telecommunications equipment appropriate to their individual needs. Part A also proposed an additional \$85,000 appropriation from the General Fund for the Telecommunications Equipment Fund.

Part B proposed to amend the enabling legislation of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities to allow the commission to continue its study after the adjournment of the Second Regular Session of the 118th Legislature and to submit a final report by November 30, 1998.

Part C proposed to require the Division of Deafness within the Bureau of Rehabilitation Services in the Department of Labor and the Telecommunications Relay Services Advisory Council, in consultation with a telephone association in this state, to develop recommendations and a comprehensive plan for a request-for-proposal process to provide direct access to telephone networks for deaf, hard-of-hearing, speech-impaired and disabled persons.

Committee Amendment "A" (S-572) proposed to specify that the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities could hold two additional meetings to further its study. The amendment proposed to authorize the commission to report out legislation, and it proposed to require the commission to report to the First Regular Session of the 119th Legislature by January 15, 1999.

The amendment also proposed to require the Division of Deafness to consult with the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities and with other advisory councils representing the interests of persons with disabilities when developing its comprehensive plan for providing direct access to specialized customer telecommunications equipment. The amendment proposed to specify that Division of Deafness must report to the First Regular Session of the 119th Legislature by January 15, 1999. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-744) proposed to require the Public Utilities Commission to levy an assessment on telephone companies to provide funding for the Telecommunications Equipment Fund. This amendment also proposed to delete the General Fund appropriation for the Department of Labor, provide an Other Special Revenue allocation for the Department of Labor, and reduce the General Fund appropriation to the Legislature. The amendment also proposed to reduce to one the number of authorized meetings for the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities.

Enacted law summary

Public Law 1997, chapter 751 implements the recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities.

Part A amends the statutory provisions in Maine Revised Statutes, Title 26, section 1419-A, governing the telecommunications equipment plan and the Telecommunications Equipment Fund, to include other specialized customer telecommunications equipment besides teletypewriters and to expand eligibility for assistance to persons with disabilities. Part A requires the telecommunications equipment plan to ensure that eligible persons have access to telecommunications equipment appropriate to their individual needs. Part A creates an Other Special Revenue allocation of \$85,000 for the Telecommunications Equipment Fund and requires the Public Utilities Commission to levy an assessment on telephone companies to provide further funding for the Telecommunications Equipment Fund.

Part B amends the enabling legislation of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities to allow the commission to conduct one additional meeting after the Second Regular Session of the 118th Legislature adjourns. Part B also requires the commission to submit a final report to the First Regular Session of the 119th Legislature by January 15, 1999.

Part C requires the Division of Deafness within the Bureau of Rehabilitation Services in the Department of Labor and the Telecommunications Relay Services Advisory Council, in consultation with a telephone association in this state, the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities and other advisory councils representing the interests of persons with disabilities, to develop recommendations and a comprehensive plan for a request-for-proposal process to provide direct access to telephone networks for deaf, hard-of-hearing, speech-impaired and disabled persons. The Division of Deafness must present the plan to the First Regular Session of the 119th Legislature by January 15, 1999. Public Law 1997, chapter 751 was enacted as an emergency measure effective April 15, 1998.

LD 2274

An Act to Permit Employees to Resume Receiving Unemployment Benefits in Certain Cases

ONTP

Sponsor(s)
TUTTLE
CATHCART

Committee Report
ONTP

Amendments Adopted

LD 2274 proposed to prohibit a person from being disqualified from receiving unemployment benefits if the person left employment within five weeks after beginning that employment.

Joint Standing Committee on Legal and Veterans' Affairs

LD 341

**An Act to Open a Discount State Liquor Store in Calais and
Conduct a Study Concerning the Opening of a Store in Fort Kent**

PUBLIC 755

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DRISCOLL CASSIDY	OTP-AM	H-934 S-636 PARADIS

LD 341 proposed to require the location of a discount state liquor store in Calais.

Committee Amendment "B" (H-934) proposed to establish a study commission to explore the feasibility and benefits of locating a discount state liquor store in Fort Kent. It would also change the title of the bill.

Senate Amendment "B" to Committee Amendment "B" (S-636) proposed to change the makeup of the Joint Select Commission to Study the Opening of a Discount State Liquor Store in Fort Kent.

Enacted law summary

Public Law 1997, chapter 755 requires the location of a discount state liquor store in Calais, Maine, and establishes the Joint Select Commission to Study the Opening of a Discount Liquor Store in Fort Kent.

LD 708

**An Act to Protect Small, Independent Businesses Not Meeting
Minimum Lottery Sales Requirements**

ONTP

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

LD 708 proposed to require that a state lottery agent be notified immediately when the Director of Alcoholic Beverages and Lottery Operations recommends that the agent's license be suspended or revoked and that the agent be given an opportunity to file a statement of opposition to the recommendation. The bill also proposed 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.

LD 989 **An Act to Grandfather Existing Structures in Relation to Fire Doors and Exits** **ONTP**

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

LD 989 proposed to exempt structures existing before September 1, 1994 from Life Safety Code 101 requirements regarding fire doors and exits.

LD 1072 **An Act Pertaining to the Sanford National Guard Armory** **ONTP**

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

LD 1072 proposed to require the State to offer to sell the Sanford Armory to the Town of Sanford for \$1.

LD 1676 **An Act to Preserve Live Harness Racing in the State** **DIED BETWEEN BODIES**

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

LD 1676 proposed to authorize the operation of video lottery terminals at harness horse racing tracks and at off-track betting facilities. The Harness Racing Commission would license video gaming terminals and terminal manufacturers, distributors, wholesalers and operators. Forty percent of terminal income, after payback to players, would go to the State for administrative expenses and for distribution through municipal revenue sharing. Other amounts would be distributed to the agricultural fairs, harness horse racing purse supplements, the distributor and operator of the terminals, the Sire Stakes Fund and the Harness Racing Promotional Fund.

Committee Amendment "A" (H-1094) proposed to replace the bill. It would have provided for licensing of video gaming terminals and terminal manufacturers, distributors, wholesalers and operators by the Chief of the State Police, following background investigations of the applicants and their major business partners. The maximum number of terminals allowed would be 250 at a commercial racetrack and 50 at an off-track betting parlor. Terminals would be connected to a computer system operated by the Director of the State Lottery and providing for continuous on-line monitoring of video gaming machine activity. Persons under 18 are not allowed to use the machines. Each game on each machine must return at least 90 percent of wagers to players, calculated on an annual basis.

A single distributor would not have been allowed to own more than 300 machines or 15 percent of the total number of machines in the State, whichever is less. A person could not hold more than one type of license, e.g., a distributor may not also be a licensee or a manufacturer, except that a licensee may hold a distributor license solely

for the purpose of obtaining terminals from the manufacturer or wholesaler for placement on that licensee's premises.

Net terminal income, which is income after payback to players, would have been divided as follows: 40 percent to the State for payment of administrative expenses, municipal revenue sharing, compulsive gambling treatment and General Fund revenue; 22 percent to the distributor; 24 percent to the licensee; nine percent to the State Harness Racing Commission to used for purse supplements; one percent to the Sire Stakes Fund; two percent to the Agricultural Fair Support Fund to be divided among all fairs as specified in the bill; and two percent to the Harness Racing Promotional Fund.

LD 1799 **An Act to Privatize Liquor Sales** **ONTP**

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

LD 1799 proposed to remove the State from the liquor business including both retail and wholesale sales. The current system used for the sale of spirits would be replaced with the 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.

This bill proposed to require the State to close all liquor related operations by January 1, 1998. All existing restrictions on location and number of agency stores would be repealed. Any retailer would be able to apply for a license. The initial license fee for the first year would be \$1,200 and \$1,000 annually for renewals for those retailers with annual sales greater than or equal to \$400,000. For those retailers with annual sales less than \$400,000 the initial license fee would be \$600 and \$500 annually for renewal. Existing agency stores would be granted a one-year exemption from the renewal fee. Wholesalers that have had a presence in Maine for five years would 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.

LD 1827 **An Act to Authorize the Operation of Video Gaming Terminals by
Certain Nonprofit Organizations** **ONTP**

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

LD 1827 proposed to authorize the operation of video gaming terminals in certain nonprofit establishments and establishments that sell liquor.

Committee Amendment "A" (S-632) would have replaced the bill. It proposed to allow operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under Internal Revenue Code sections 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) and 501(c)(19). These sections of the tax code refer to charitable organizations, civic leagues, fraternal benefit societies, domestic fraternal societies and association, and veterans organizations.

Video gaming terminal manufacturers, distributors, wholesalers and operators and video gaming terminals would be licensed by the Chief of the State Police. Local approval is required for a license to operate video gaming terminals. A maximum of five terminals would be allowed per licensee. Terminals would be connected to an on-line computer system operated and monitored by the Director of the State Lottery.

Net terminal income, which is income after payback to players, is divided as follows: 33-1/3 percent to the State for payment of administrative expenses, municipal revenue sharing, compulsive gambling treatment and General Fund revenue; 33-1/3 percent to the distributor; 33-1/3 percent to the licensee.

LD 1828 **An Act to Preserve Financial Integrity of the Bureau of Alcoholic Beverages and Lottery Operations** **ONTP**

<u>Sponsor(s)</u> MICHAUD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1828 proposed to change the structure of the Bureau of Alcoholic Beverages and Lottery Operations. It would eliminate the State Liquor Commission and place the powers of the commission regarding administration of state liquor stores and the purchase and sale of spirits under the authority of the Bureau. An Alcoholic Beverages Advisory Board would be established by this bill.

State liquor stores would be required to maintain a minimum inventory of 4,000 bottles of liquor plus three weeks inventory. The bill would require relocation of the Kittery discount store and placement of megabucks machines in all state liquor stores. The Bureau would be required to establish special price allowance programs that would permit them to match vendor discounts and increase revenue generated by sales promotions.

LD 1846 **An Act to Prohibit the Opening of Liquor Stores on the Maine Turnpike** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> DONNELLY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 1846 proposed to repeal the provision authorizing the establishment of two discount liquor stores at Exit 3 of the Maine Turnpike and to enact law prohibiting the location or operation of a liquor store on the Maine Turnpike.

Committee Amendment "A" (H-830) made technical corrections to the emergency preamble and added a retroactivity clause and a fiscal note to the bill.

LD 1876

Resolve, to Allow Certain Employees to Continue to Sue the State to Recover Wages Improperly Denied under Federal Wage and Hour Laws

ONTP

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

LD 1876 proposed 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 certain state employees claim payment for overtime under the federal Fair Labor Standards Act.

LD 1915

An Act to Amend the Law Governing the Filing of Municipal Campaign Reports

PUBLIC 567

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

LD 1915 amends the law governing campaign reports in municipal elections and referenda in towns or cities of 15,000 or more to require that political action committees file their actual registrations and reports with the municipal clerk rather than copies of their registration and report.

Enacted law summary

Public Law 1997, chapter 567 requires that political action committees file actual registrations and reports, not copies, with the municipal clerk.

LD 1917

An Act to Amend the Election Laws

PUBLIC 581

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-451

LD 1917 proposed to make several changes to the laws governing the filing of petitions, as follows.

1. It would clarify that the petition form for organization of a new party must be approved by the Secretary of State and printed by the voter or voters proposing to form the new party.
2. It would change "working" days to "business" days, which is a term defined in the law.
3. It would change the time for the initial review of an application for a citizen's initiative or people's veto referendum from 15 working days to 10 business days and clarifies that the Secretary of State must either reject the application or respond to the applicant with a revised draft of the legislation within that time.

4. The bill would also propose to provide an additional 10 business days for the Secretary of State to review each change or subsequent draft of a citizen's initiative and respond to the applicant with a revised draft or suggested revisions to the draft within that time. Once the applicant has approved the final language of the proposed legislation, the Secretary of State would have 10 business days to provide the ballot question to the applicant.
5. This bill would clarify that referendum questions may be printed on a state candidate election ballot or municipal election ballot if approved by the Secretary of State.
6. This bill would establish the order of questions on a ballot to include a carry-over measure from a previous election, such as a competing measure or citizen initiative that did not receive the majority of votes required to be enacted.

Committee Amendment "A" (S-451) proposed to clarify the procedure for submitting an application for a citizen's initiative to include submission of written consent to the final language of the proposed law. This amendment would clarify that written consent to the final language is needed for a citizen's initiative but not for a people's veto referendum.

Enacted law summary

Public Law 1997, chapter 581 makes several changes to the laws governing the filing of petitions including: changing the term “working” days to “business” days; clarifying that new party organization forms are approved by the Secretary of State but printed by voters proposing the new party; changing the time frame for application review of citizen’s initiative or people’s veto referendum from 15 to 10 business days; allows for 10 business days for the Secretary of State to review each subsequent draft of a citizen’s initiative or people’s veto; providing that referendum questions may be printed on state candidate or municipal election ballots if approved by the Secretary of State and; establishes the order of ballot questions to include carry-over measures.

LD 1932 **An Act to Promote Competition in the State's Liquor Industry** **ONTP**

<u>Sponsor(s)</u> DAGGETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1932 proposed to repeal the section of law that imposes pricing limits on agency liquor stores.

LD 1940 **An Act to Standardize Poll Opening Times** **ONTP**

<u>Sponsor(s)</u> TRUE	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1940 proposed to standardize the opening times for polling places.

LD 2016 **An Act to Allow an Agency Liquor Store to Exchange Products with a State Liquor Store** **ONTP**

<u>Sponsor(s)</u> BENNETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2016 proposed to allow an agency liquor store to exchange inventory with a state liquor store.

LD 2028 An Act to Clarify the Authority of the Chief of the Bureau of Liquor Enforcement to Conduct Appeal Hearings PUBLIC 571

<u>Sponsor(s)</u> DAGGETT	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2028 proposed to allow the Chief of the Bureau of Liquor Enforcement to conduct hearings or appoint a hearings officer to conduct appeal hearing pertaining to licensing decisions made by municipal officers.

Enacted law summary

Public Law 1997, chapter 571 provides that the Chief of the Bureau of Liquor Enforcement may conduct hearings or appoint a hearings officer to conduct appeal hearings pertaining to licensing decisions made by municipal officers.

LD 2046 An Act to Improve Voter Participation DIED BETWEEN BODIES

<u>Sponsor(s)</u> TESSIER DAGGETT	<u>Committee Report</u> OTP MAJ ONTP MIN	<u>Amendments Adopted</u>
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LD 2046 proposed to amend the election laws by making it easier for a person to vote by absentee ballot. The bill would allow any voter to vote by absentee ballot at any election. The bill would further allow a voter whose physical incapacity prevents the voter from going to the polls, to obtain an absentee ballot for all elections during a calendar year, after submission of a properly completed application. The bill also allows municipalities to conduct elections by mail for municipal officers or a municipal referendum

LD 2047

**An Act to Implement the Recommendations of the Governor's
Advisory Committee on Gambling**

PUBLIC 684

<u>Sponsor(s)</u> TRUE FERGUSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-965
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LD 2047 proposed to amend the statutes pertaining to the enforcement of beano, bingo, Lucky 7 and games of chance laws as recommended by the Governor's Advisory Committee on Gambling as follows.

1. It proposed to give the Chief of the State Police the authority to investigate alleged violations of the laws pertaining to beano, bingo, Lucky 7 and games of chance in the Maine Revised Statutes, Title 17 and gambling laws in the Maine Criminal Code and authority to administratively suspend or revoke licenses for violations.
2. License fees would be increased to cover the costs associated with enforcement and the administrative regulation of the licensees.
3. Organizations licensed to conduct beano, bingo and Lucky 7 would prohibited from renting space to conduct a game from a member of the licensed organization or an immediate family member of a member of a licensed organization.
4. Organizations licensed to conduct beano, bingo, Lucky 7 and games of chance would be required to post net revenues and donations to charitable and nonprofit activities.

Committee Amendment “A” (H-965) proposed to change the yearly fees for beano, bingo and games of chance licenses from \$432 to \$400 and \$720 to \$700, respectively. This amendment would add a special license fee of \$5 per game. This amendment would remove the proposed renting restrictions placed upon licensed organizations as applied to the operation of beano and bingo games, and clarify that a request for a hearing must be granted to a licensee by the Commissioner of Public Safety in accordance with the Maine Administrative Procedure Act.

Senate Amendment “A” (S-608), which was not adopted, proposed to permit a federally recognized Indian tribe to conduct high-stakes beano or bingo at the site of the Scarborough Downs race-track in the Town of Scarborough.

Enacted law summary

Public Law 1997, chapter 684 authorizes the Chief of the State Police to investigate alleged violations of the laws pertaining to beano, bingo, Lucky 7 and games of chance and administratively suspend or revoke licenses for violations in accordance with the Maine Administrative Procedures Act. Weekly, monthly and yearly fees for beano, bingo and games of chance and a special per-game license fee for beano or bingo are established by this law. In addition, this law requires organizations licensed to conduct beano, bingo, Lucky 7 and games of change to post net revenues and donations to charitable and nonprofit activities.

LD 2052

**Resolve, Compensating Dan Corey and Nu Seed Corporation of
Monticello for Claims Against the State**

INDEF PP

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

LD 2052 proposed to authorize Dan Corey and Nu Seed Corporation to sue the State for the damages that they allegedly suffered in connection with the decertification of the 1996 seed potato crop.

Committee Amendment "A" (H-933) proposed to change the resolve from a resolve that authorizes suit against the State to a resolve that requires payment of \$250,000 to Dan Corey and Nu Seed Corporation in settlement of losses suffered as a result of the decertification of the 1996 seed potato crop.

The bill was not enacted, but the supplemental budget bill (Public Law 1997, chapter 643, section ZZ-1) authorized payment to Dan Corey and Nu Seed Corporation of \$125,000 from the Risk Management Fund in settlement of claims.

LD 2054 An Act to Make Voting Places Handicapped Accessible ONTP

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

LD 2054 proposed to require that all voting places be accessible to persons with physical disabilities.

LD 2075 Resolve, to Allow David Prentiss to Sue the State of Maine UNSIGNED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL KIEFFER	OTP-AM MAJ ONTP MIN	H-841 H-851 WHEELER E

LD 2075 proposed to authorize David Prentiss to sue the State and certain employees of the Department of Environmental Protection to recover damages up to \$250,000 that were allegedly incurred due to the listing of his property as an uncontrolled hazardous waste site by the Department of Environmental Protection.

Committee Amendment "A" (H-841) proposed to remove authorization for Mr. Prentiss to sue individual past and present employees of the Department of Environmental Protection.

House Amendment "A" (H-851) proposed to limit the amount of money that David Prentiss can receive from the State to \$70,000 and to remove the emergency preamble and emergency clause.

LD 2082

An Act to Improve the Integrity of the Citizen Initiative Process

PUBLIC 637

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS DAGGETT	OTP-AM	H-938

LD 2082 proposed to change the time period for submission of a direct initiative and the validity of the application for a direct initiative from three years to one year, to correspond to the time for validity of petition signatures set forth in the Constitution of Maine.

Committee Amendment "A" (H-938) clarifies that the bill does not apply to petitions issued before April 1, 1998.

Enacted law summary

Public Law 1997, chapter 637 changes the time period for submission of a direct initiative and the validity of the application for a direct initiative from three years to one year, to correspond to the time for validity of petition signatures set forth in the Constitution of Maine.

LD 2091

**An Act Providing for Additional Meetings in the Event of a Tie
Vote at Town Meetings**

PUBLIC 733

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WRIGHT LAWRENCE	OTP-AM	H-988 H-1072 WRIGHT

LD 2091 proposed to require a municipality to hold a run-off election for school elections if the initial election resulted in a tie vote and the winner of the election cannot otherwise be determined.

Committee Amendment "A" (H-988) proposed to make the bill applicable to all municipal elections. It requires that the moderator of a town meeting adjourn the meeting to a date certain if a tie vote is discovered during the meeting. It requires that an additional town meeting be called if the tie vote is discovered after adjournment of the meeting or if the moderator adjourns the meeting without a day for the next meeting. The committee amendment also adds a mandate preamble.

House Amendment "A" to Committee Amendment "A" (H-1072) proposed to remove the mandate preamble from the bill.

Enacted law summary

Public Law 1997, chapter 733 requires the moderator of a town meeting to adjourn the meeting to a date certain if a tie vote in a candidate election is discovered during the meeting. It requires that an additional town meeting be called to break a tie if the tie vote is discovered after adjournment of the meeting or if the moderator adjourns the meeting without a day for the next meeting.

LD 2113

An Act to Establish Ethical Standards for the Office of Governor

DIED BETWEEN BODIES

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

LD 2113 proposed to expand the authority of the existing Commission on Governmental Ethics and Election Practices to include investigating and making advisory recommendations relative to any apparent violations of the ethical standards required of the Governor and would require the Governor to adhere to similar ethical standards that apply to Legislators.

It proposed to require the Governor to disclose conflicts of interest and would require the Governor to meet the disclosure of income standards that currently apply to Legislators. Similarly, it would require the Governor to disclose gifts and honoraria.

Committee Amendment "A" (S-586) proposed to change which party may call an organizational meeting of the Commission on Governmental Ethics and Election Practices from the President of the Senate and the Speaker of the House to the Secretary of State. This amendment would remove the requirement that the commission conduct an ethics seminar for the Governor, clarify the definition of "honorarium" and define "legislative matter." It would provide that the commission has the authority to issue advisory opinions to the Governor and investigate complaints by the Governor against a Legislator.

This amendment would add the Governor and the Secretary of State to the list of those to whom the commission reports when dealing with complaints against the Governor. It also proposed to remove the requirement of a press release when presenting findings of an investigation of complaints against the Governor.

This amendment proposed to require that commission advisory opinions and findings regarding complaints be filed with the Office of the Governor in addition to the Clerk of the House. It would also add a section that defines abuse of executive office.

LD 2124

An Act to Allow Liquor Licenses for Commercial Vessels

PUBLIC 656 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM MAJ	H-915
	ONTP MIN	

LD 2124 proposed to permit commercial vessels licensed for carrying 25 or more passengers on inland waters to obtain liquor licenses.

Committee Amendment "A" (H-915) proposed to add commercial vessels navigated on inland waters to the liquor licensing provisions of the statutes and provide that a commercial inland vessel does not require municipal or county approval to obtain a liquor license.

Enacted law summary

Public Law 1997, chapter 656 permits commercial vessels licensed to carry 25 or more passengers on inland waters to obtain a liquor license without municipal or county approval. This license would permit the distribution of liquor only after leaving and prior to reaching its dock. This law was enacted as an emergency measure effective April 1, 1998.

LD 2155 An Act to Encourage Hospitality Industry Development in the State PUBLIC 659

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT VIGUE	OTP-AM	S-532

LD 2155 proposed to carve out specific exceptions to the prohibition against retail liquor licenses having direct or indirect financial interest in a certificate of approval holder if the retail licensee is a hotel and the certificate of approval holder has no interest in a wholesale licensee.

Committee Amendment "A" (S-532) clarifies legislative intent regarding separation of interest between liquor manufacturing, wholesaling or retailing. It also clarifies the Legislature's commitment to the three-tier system by enacting a provision governing statutory construction of the exception contained in the bill.

Enacted law summary

Public Law 1997, chapter 659 provides specific exceptions to the prohibition in the liquor licensing laws against a certificate of approval holder having a direct or indirect financial interest in a retail licensee.

LD 2157 Resolve, to Allow the Estate of Barbara Maxfield to Sue the State RESOLVE 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL SHIAH	OTP-AM MAJ ONTP MIN	S-494 S-529 SMALL

LD 2157 proposed to direct the Governor to pay \$500,000 from the General Fund in full settlement of any and all claims against the State, the Department of Public Safety and the Maine State Police for damages resulting from the March 23, 1997 accident at the Maine Turnpike, Exit 6-A tollbooth in Scarborough in which Barbara Maxfield was killed.

Committee Amendment "A" (S-494) reduces the amount of the appropriation to the estate of Barbara Maxfield from \$500,000 to \$275,000.

Senate Amendment "A" to Committee Amendment "A" (S-529) replaces the bill. It proposed to authorize the estate of Barbara Maxfield to sue the State on behalf of Allan Maxfield for damages due to alleged negligence on the part of the State for failure to intercept a drunken driver who killed Barbara Maxfield at the Maine Turnpike Exit 6-A tollbooth.

Enacted law summary

Resolve 1997, chapter 126 authorizes the estate of Barbara Maxfield to sue the State on behalf of her son, Allan Maxfield, for damages due to alleged negligence on the part of the State for failure to intercept a drunken driver who killed Barbara Maxfield at the Maine Turnpike Exit 6-A tollbooth.

LD 2159 An Act to Establish an Advisory Commission on Women Veterans PUBLIC 742

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE DAGGETT	OTP-AM	H-964

LD 2159 proposed to establish the Advisory Commission on Women Veterans to advise the Department of Defense and Veterans' Services on issues affecting women veterans and to serve as a liaison between women veterans and the Veterans Administration Hospital at Togus.

Committee Amendment "A" (H-964) proposed to correct the title of the Department of Defense, Veterans and Emergency Management and to add language to allow the Advisory Commission on Women Veterans to serve as liaison to the federal veterans agency on a variety of veterans' issues, not just medical care.

Enacted law summary

Public Law 1997, chapter 742 establishes the Advisory Commission on Women Veterans to advise the Department of Defense, Veterans and Emergency Management on issues affecting women veterans and to serve as a liaison between women veterans and the federal Department of Veterans Affairs Medical and Regional Office Center at Togus.

LD 2165 An Act to Promote the Expansion of Pari-mutuel Simulcast Wagering ONTP

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

LD 2165 proposed to permit interstate simulcasting of dog races and pari-mutuel wagering on those races.

LD 2169

An Act Regarding the Employment of Harness Race Track Officials

PUBLIC 735

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KERR	OTP-AM	H-981 S-583 DAGGETT

LD 2169 proposed to change the law pertaining to harness racing, focusing on the hiring of race meet officials and the Harness Racing Promotional Fund.

This bill would provide that a licensee may hire race meet officials that are licensed by the commission. Licensees would only be authorized to fire an official with the consent of the commission. This bill proposed to remove the Harness Racing Promotional fund from the list of recipients of race track's commission. It would require that the portion of the fund - what is left over after administrative costs and not including money raised by the board - be paid to the licensees as reimbursement for promotional expenses. The bill proposed to repeal the Harness Racing Promotional Board effective July 1, 1999.

Committee Amendment "A" (H-981) proposed to strike the entire bill, replacing it with provisions for hiring and firing race track officials and a requirement that the Harness Racing Promotional Board report to the joint standing committee of the Legislature having jurisdiction over matters of harness racing.

Senate Amendment "A" (S-583) proposed to provide that the State Harness Racing Commission may impose conditions on a license for an off-track betting facility if those conditions are requested both by the applicant and by the municipality in which the off-track betting facility is to be located.

Enacted law summary

Public Law 1997, chapter 735 establishes provisions for hiring race track officials. Licensees may only hire officials licensed by the State Harness Racing Commission and may not terminate employees without consent of the commission. This law outlines the membership requirements of the Harness Racing Promotional Board and requires the board to report to the Joint Standing Committee of the Legislature having jurisdiction over matters of harness racing each year before the 15th of February. This law also provides that a conditional license may be issued to an off-track betting facility if those conditions are requested both by the applicant and the municipality in which the facility is to be located.

LD 2202

An Act Regarding Veterans' Benefits

ONTP

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

LD 2202 proposed to provide that persons cohabiting and acknowledging each other as husband and wife, and generally reputed to be such, for a period of at least three years and until one of them dies thereafter are deemed to have been legally married for the purpose of determining eligibility for any type of veterans' benefit.

LD 2212

An Act to Amend the Authority of the Adjutant General to Sell Armories, to Increase the Authorized Size of the Veterans' Memorial Cemetery and to Authorize the Department of Administrative and Financial Services to Purchase Land in Houlton for a New Public Safety Facility

PUBLIC 783

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT POVICH	OTP-AM	S-556 S-581 DAGGETT S-582 DAGGETT

LD 2212 proposed to remove the authority of the Adjutant General to sell the Sanford Armory. It would authorize the Adjutant General to sell the Bath, Brunswick and Millinocket armories, a six and one-half acre parcel of land across the road from the Belfast Armory and a two-acre parcel west of the Augusta Armory building.

The bill proposed to remove the acreage restriction for land acquisition at the Veterans' Memorial Cemetery and would authorize the Department of Administrative and Financial Services to purchase land in Houlton for a new public safety facility.

Committee Amendment "A" (S-556) proposed to clarify that the Adjutant General may sell the Bath or the Brunswick armory, but not both, and would add a feasibility study on the advisability of locating a veterans' cemetery in Aroostook County to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-581) proposed to make technical corrections to the committee amendment.

Senate Amendment "B" (S-582) proposed to remove the authority granted by the bill to the Adjutant General to sell a two-acre parcel of land west of the Augusta Armory building.

Enacted law summary

Public Law 1997, chapter 783 removes the authority of the Adjutant General to sell the Sanford Armory. It authorizes the Adjutant General to sell the Bath or Brunswick and Millinocket armories and a six and one-half acre parcel of land across the road from the Belfast Armory. This law removes the acreage restriction for acquiring land at the Veteran's Memorial Cemetery and directs a study to examine the feasibility of locating a veteran's cemetery in Aroostook County. This law also authorizes the Department of Administrative and Financial Services to purchase land in Houlton for a new public safety facility.

LD 2242

An Act to Enter into the Emergency Management Assistance Compact

PUBLIC 780

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE WINGLASS	OTP-AM	S-591 S-741 MICHAUD

LD 2242 proposed to adopt the Emergency Management Assistance Compact, providing a framework for mutual assistance between the states that adopt the compact in managing any emergency or disaster that is declared by the governor of an affected state.

Committee Amendment "A" (S-591) proposed to revise the language of the compact to restore the language to its original form with minor technical changes.

Senate Amendment "A" to Committee Amendment "A" (S-741) proposed to increase from \$5,000,000 to \$8,000,000 the amount to be transferred from the Maine Rainy Day Fund to the Maine Emergency Management Agency.

Enacted law summary

Public Law 1997, chapter 780 enacts the Emergency Management Assistance Compact, providing a framework for mutual assistance between the states that adopt the compact in managing any emergency or disaster that is declared by the governor of an affected state.

LD 2296

An Act Concerning Legislative Review of Rules Adopted under the Maine Clean Election Act

DIED BETWEEN BODIES

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

LD 2296 proposed to designate the rules to be adopted by the Commission on Governmental Ethics and Election Practices under the Maine Clean Election Act as major substantive rules, requiring legislative review prior to final adoption. This bill was considered without reference to committee.

Joint Standing Committee on Marine Resources

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

PUBLIC 693

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM MAJ ONTP MIN	H-1028

LD 1445 proposed that holders of Class I, Class II and Class III lobster and crab fishing licenses 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 would not apply to persons who, on the effective date of this Act, held a Class I, Class II or Class III license and were fishing from a vessel not owned or controlled by the license holder.

Committee Amendment "A" (H-102) proposed to replace the bill. It proposed to establish requirements regarding the use of boats to harvest lobsters and provide exemptions to those requirements. The amendment also proposed that the requirements would not go into effect unless the Department of Marine Resources were provided by August 1, 1999 dedicated revenues to fund the registration of marine resources license holders and other persons under laws that restrict participation in a fishery conducted in the coastal waters of the State. The amendment also proposed to require the Commissioner of Marine Resources to report by January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the use of dedicated revenues for such registrations.

Regarding requirements on the use of boats to harvest lobsters, the amendment proposed that starting January 1, 2000, a person who harvests lobsters must fish from a boat that has on board an individual who harvests lobsters and who is the registered or documented owner of that boat, or who is a family member of that registered or documented owner. The amendment also proposed to make certain exemptions from the requirements for boats that are owned by partnerships, corporations or other entities. Under those exemptions, the Commissioner of Marine Resources could authorize a person to use a vessel to harvest lobsters in the following cases:

1. If the owner, because of an illness or disability, were temporarily unable to harvest lobsters, a person who was not the owner or a family member could use the boat to harvest lobsters and to tend the owner's lobster traps;
2. If the owner's boat were temporarily inoperable, the owner could utilize another person's boat to harvest lobsters;
3. If a person harvested lobsters for 46 days during a 3-month period in each of calendar years 1995, 1996 and 1997 from a boat upon which an owner or family member of the owner was not on board, that person could continue to harvest lobsters from that boat, or a boat that replaces that boat. The person would be required to document to the Commissioner of Marine Resources the facts required for the exemption by December 31, 2000; or

4. If an individual or business made available a boat to a person for the purpose of harvesting lobsters for 46 days during a 3-month period in each of calendar years 1995, 1996 and 1997, that individual or business could continue to make that boat, or a replacement boat, available to a person for the purpose of harvesting lobsters. The individual or business would be required to document to the Commissioner of Marine Resources the facts required for the exemption by December 31, 2000.

It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 693 establishes requirements regarding the use of boats to harvest lobsters and it provides exemptions to those requirements. It also provides that the requirements will not go into effect unless the Department of Marine Resources is provided by August 1, 1999 dedicated revenues to fund the registration of marine resources license holders and other persons under laws that restrict participation in a fishery conducted in the coastal waters of the State. The law requires the Commissioner of Marine Resources to report by January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the use of dedicated revenues for such registrations.

Regarding requirements on the use of boats to harvest lobsters, the law provides that starting January 1, 2000, a person who harvests lobsters must fish from a boat that has on board an individual who harvests lobsters and who is the registered or documented owner of that boat, or who is a family member of that registered or documented owner. The law makes provisions for boats that are owned by partnerships, corporations or other entities. It provides exemptions from these requirements under which the Commissioner of Marine Resources may authorize a person to use a vessel to harvest lobsters in the following cases:

1. If the owner, because of an illness or disability, is temporarily unable to harvest lobsters, a person who is not the owner or a family member may use the boat to harvest lobsters and to tend the owner's lobster traps;
2. If the owner's boat is temporarily inoperable, the owner may utilize another person's boat to harvest lobsters;
3. If a person harvested lobsters for 46 days during a 3-month period in each of calendar years 1995, 1996 and 1997 from a boat upon which an owner or family member of the owner was not on board, that person may continue to harvest lobsters from that boat, or a boat that replaces that boat. The person must document to the Commissioner of Marine Resources the facts required for this exemption by December 31, 2000; or
4. If an individual or business made available a boat to a person for the purpose of harvesting lobsters for 46 days during a 3-month period in each of calendar years 1995, 1996 and 1997, that individual or business may continue to make that boat, or a replacement boat, available to a person for the purpose of harvesting lobsters. The individual or business must document to the Commissioner of Marine Resources the facts required for this exemption by December 31, 2000.

LD 1478

An Act to Clarify Various Marine Resources Violations and Enhance the Collectibility of Associated Penalties

PUBLIC 628

Sponsor(s)
MILLS

Committee Report
OTP-AM

Amendments Adopted
S-493

LD 1478 proposed to enhance enforcement of marine resources laws by making enforcement easier and reducing the number of contested cases. It proposed to redefine several criminal violations as civil violations to allow efficient processing by the courts. The bill also proposed to make the general penalty for violation of the marine resources law a civil violation for which a forfeiture of not less than \$100 and not more than \$500 would be adjudged. Violations that the bill proposed to leave as crimes were amended to specifically state that they are Class D crimes.

Committee Amendment "A" (S-493) proposed to strike the bill. It proposed to clarify that a violation of the State's soft-shell clam management provisions is a Class D crime. It proposed to remove the maximum amount that a person could be fined for a violation. It also proposed to clarify that greater penalties for violations committed after the first violation of the State's soft-shell management provisions apply for a period of 10 years from the date of conviction of the first violation.

Enacted law summary

Public Law 1997, chapter 628 clarifies that a violation of the State's soft-shell clam management provisions is a Class D crime. It removes the maximum amount that a person may be fined for a violation. It also clarifies that greater penalties for violations committed after the first violation of the State's soft-shell management provisions apply for a period of 10 years from the date of conviction of the first violation.

LD 1968

An Act to Implement a Reorganization of the Maine Sardine Council by the Maine Sardine Industry

**PUBLIC 706
EMERGENCY**

Sponsor(s)
GOLDTHWAIT
ETNIER

Committee Report
OTP-AM

Amendments Adopted
S-557
S-595 GOLDTHWAIT

LD 1968 proposed to repeal the council's authority to certify the quality and grade of sardines and to embargo any lot of sardines that is not in conformance with labeling standards. It also proposed to reduce the rate of the Maine sardine excise tax and raise the excise tax on kippers, steaks and other canned herring products.

Committee Amendment "A" (S-557) proposed to strike from the bill an increase from 10¢ to 15¢ in the per-case tax paid on the packaging of kippers, steaks and other canned sardine products. It also proposed to make retroactive to January 1, 1998 the reduction in the bill from 30¢ to 15¢ in the per-case tax on the packaging of sardines. It also proposed to add a retroactivity clause, an allocation section and a fiscal note to the bill.

Senate Amendment "A" (S-595) proposed to make employees of the Maine Sardine Council state employees for the purposes of retirement benefits. It proposed to transfer all of the council's assets, liabilities and accounts from its consolidated retirement participating local districts plan under the state retirement system to the state regular plan under the state retirement system. It also proposed to require that any costs associated with coverage of

employees of the Maine Sardine Council under the state employee health insurance program for the purposes of retirement health insurance for the period from July 1, 1994 to March 1, 1998 be paid by the Maine Sardine Council pursuant to an agreement between the council and the Department of Administrative and Financial Services.

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

Enacted law summary

Public Law 1997, chapter 706 repeals the council's authority to certify the quality and grade of sardines and to embargo any lot of sardines that is not in conformance with labeling standards. This bill also reduces the rate of the Maine sardine excise tax from 30¢ to 15¢, retroactive to January 1, 1998.

It also makes employees of the Maine Sardine Council state employees for the purposes of retirement benefits. It transfers all of the council's assets, liabilities and accounts from its consolidated retirement participating local districts plan under the state retirement system to the state regular plan under the state retirement system. It also requires that any costs associated with coverage of employees of the Maine Sardine Council under the state employee health insurance program for the purposes of retirement health insurance for the period from July 1, 1994 to March 1, 1998 be paid by the Maine Sardine Council pursuant to an agreement between the council and the Department of Administrative and Financial Services. Chapter 706 was enacted as an emergency measure effective April 13, 1998.

LD 1998 An Act to Increase the Cap on the Total Acreage of Aquaculture PUBLIC 609
Leases That May Be Held by One Person

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM MAJ	H-802
PINGREE	ONTP MIN	

LD 1998 proposed to raise to 250 acres the cap for total acreage of aquaculture leases in which a person can hold an interest. Under current law, a person may not hold an interest in aquaculture leases that cover an aggregate of more than 150 acres unless the leases are used exclusively for the aquaculture of marine organisms by methods other than suspended culture.

Committee Amendment "A" (H-802) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 609 raises from 150 acres to 250 acres the total acreage of aquaculture leases in which a person can hold an interest.

LD 2011

An Act to Correct Certain Inconsistencies in the Marine Resources Laws

PUBLIC 572

Sponsor(s)
GOLDTHWAIT
ETNIER

Committee Report
OTP

Amendments Adopted

LD 2011 proposed to clarify that terms on the Department of Marine Resources Lobster Advisory Council of members representing lobster management policy councils are coterminous with their terms on the policy council.

The bill also proposed to clarify eligible activities under the scallop boat license.

Enacted law summary

Public Law 1997, chapter 572 clarifies that terms on the Department of Marine Resources Lobster Advisory Council of members representing lobster management policy councils are coterminous with their terms on the policy council. It also clarifies eligible activities under the scallop boat license.

LD 2014

An Act Concerning Elver Fishing

**PUBLIC 575
EMERGENCY**

Sponsor(s)
GOLDTHWAIT
ETNIER

Committee Report
OTP-AM

Amendments Adopted
S-454

LD 2014 proposed the following changes to the laws regarding elver fishing:

1. That the excluder panel required in the elver fyke net may have a mesh that is smaller than 1/2 inch bar mesh.
2. Further define the term "fyke net" to mean a net that consists of not more than one funnel end, one cod end and 2 wings.
3. Specify that an elver trap tag must be affixed to the net at the shoreside wing and be clearly visible.
4. Add an additional closed period to the weekly fishery closure.
5. Amend the laws regarding where it is unlawful to use an elver dip net.
6. Restore the provision that the time of measurement of the middle 1/3 of a stream for purposes of placement of elver nets is at high tide. The bill also proposed to make it unlawful to obstruct more than 1/3 of the width of any river, stream, brook or other watercourse at mean low tide.

Committee Amendment "A" (S-454) proposed to change the definition of an elver fyke net to include that an elver fyke net may not have more than one funnel end, one cod end and 2 wings. It also proposed to make the prohibition on setting nets in the middle of a watercourse apply any time as measured at high tide. In addition, it proposed to

prohibit the obstruction of the middle 1/3 of a watercourse as measured at low tide. The amendment also proposed to add an emergency preamble, emergency clause and a fiscal note.

Enacted law summary

Public Law 1997, chapter 575 makes several changes to the laws regarding elver fishing. It provides that the excluder panel required in the elver fyke net may have a mesh that is smaller than 1/2 inch bar mesh. It further defines the term "fyke net" to mean a net that consists of not more than one funnel end, one cod end and 2 wings. It specifies that an elver trap tag must be affixed to the net at the shoreside wing and be clearly visible. It adds an additional closed period to the weekly fishery closure. It amends the laws regarding where it is unlawful to use an elver dip net. It makes the prohibition on setting nets in the middle of a watercourse apply any time as measured at high tide. In addition, it prohibits the obstruction of the middle 1/3 of a watercourse as measured at low tide. Chapter 575 was enacted as an emergency measure effective February 27, 1998.

LD 2021 An Act Concerning Commercial Fishing in the Vicinity of PUBLIC 574
Monhegan Island

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM MAJ	S-464
HONEY	OTP-AM MIN	

LD 2021 proposed to establish in statute the Monhegan Lobster Conservation Area surrounding Monhegan Island and limit lobster fishing in that area by limiting the number of participants to those who registered to fish in the area under Department of Marine Resources rules in 1996 and who fished in the area between January 1, 1997 and June 30, 1997. A person would be allowed into the Monhegan Fishery as a new participant only if the person completes a 2-year apprenticeship and an existing participant leaves the fishery. The purpose of the training program would be to foster stewardship through knowledge of local environmental and ecological conditions and local fishing practices.

Committee Amendment "A" (S-464) was the majority report and it replaced the bill. It proposed to create the Monhegan Lobster Conservation Area in the state waters surrounding Monhegan Island. It would prohibit a person from harvesting lobsters from the area unless the person used lobster traps fitted with tags designated for use in the area.

It proposed to limit fishing in the area during the initial 1998-99 open season to people who were registered under Department of Marine Resources rules for harvesting in the area from January 1, 1997 to June 25, 1997; harvested lobsters from the area any time between January 1, 1997 to June 25, 1997; and possess Class I, Class II or Class III lobster and crab fishing licenses. A person who not initially eligible to harvest lobsters in the area could become eligible if the person completes a minimum 2-year apprenticeship and if a harvester left the area's lobster fishery. A person who holds a student lobster license could fish up to 15 traps in the Monhegan Lobster Conservation Area provided the person fished with a person who is registered to harvest lobsters in the area.

The amendment proposed that the open season for the Monhegan Lobster Conservation Area be a 180-day period between December 1st and June 25th of the following year established annually by the Commissioner of Marine Resources.

The amendment proposed that a person who harvests lobsters in the Monhegan Lobster Conservation Area could not fish in any other state waters at any time and could not harvest lobsters in federal waters during the area's closed season.

The amendment also proposed to create a 13-member task force to study the use of subzones within the current lobster zone structure. The task force would be required to report its findings and recommendations by January 1, 1999.

The amendment also proposed to strike the emergency preamble and clause. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 574 creates the Monhegan Lobster Conservation Area in the state waters surrounding Monhegan Island. It prohibits a person from harvesting lobsters from the area unless the person uses lobster traps fitted with tags designated for use in the area.

It limits fishing in the area during the initial 1998-99 open season to people who were registered under Department of Marine Resources rules for harvesting in the area from January 1, 1997 to June 25, 1997; harvested lobsters from the area any time between January 1, 1997 to June 25, 1997; and possess Class I, Class II or Class III lobster and crab fishing licenses. A person who is not initially eligible to harvest lobsters in the area may become eligible if the person completes a minimum 2-year apprenticeship and if a harvester leaves the area's lobster fishery.

A person who holds a student lobster license may fish up to 15 traps in the Monhegan Lobster Conservation Area provided the person fishes with a person who is registered to harvest lobsters in the area.

The open season for the Monhegan Lobster Conservation Area is a 180-day period between December 1st and June 25th of the following year established annually by the Commissioner of Marine Resources.

A person who harvests lobsters in the Monhegan Lobster Conservation Area may not fish in any other state waters at any time and may not harvest lobsters in federal waters during the area's closed season.

The law also creates a 13-member task force to study the use of subzones within the current lobster zone structure. The task force must report its findings and recommendations by January 1, 1999.

LD 2026 An Act Concerning Lobster Policy Management Council Referenda ONTP

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

LD 2026 proposed that a ballot in a referendum held by a lobster policy management council must have the voter's lobster and crab license number on it to establish it as a legitimate ballot from an eligible voter. It also proposed to provide that a ballot, once submitted, can not be identified with an individual.

LD 2127 An Act to Amend the Nonresident Municipal Shellfish License Fee PUBLIC 589

Sponsor(s)
CHARTRAND
KILKELLY

Committee Report
OTP-AM

Amendments Adopted
H-800

LD 2127 proposed to change the maximum fee that a municipality can charge a nonresident for a shellfish license from twice the resident fee to 1 1/2 times the resident fee.

Committee Amendment "A" (H-800) proposed to strike the fee provisions of the bill and substitute the following: If a shellfish conservation ordinance charges \$200 or less for a resident license, the fee for a nonresident license may not exceed twice the resident fee. If the ordinance charges more than \$200 for a resident license, the fee for a nonresident license may not exceed 1 1/2 times the resident fee.

Enacted law summary

Public Law 1997, chapter 589 provides that if a shellfish conservation ordinance charges \$200 or less for a resident license, the fee for a nonresident license may not exceed twice the resident fee. It also provides that if the ordinance charges more than \$200 for a resident license, the fee for a nonresident license may not exceed 1 1/2 times the resident fee.

LD 2145

An Act Concerning the Taking of Marine Resources by Members of the Passamaquoddy Tribe

**PUBLIC 708
EMERGENCY**

Sponsor(s)
MOORE

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-983
S-599 RUHLIN

LD 2145 proposed to exempt Passamaquoddy tribal members from regulation by the State when taking marine resources for sustenance use or for ceremonial tribal use under a special tribal permit.

The bill also proposed that the taking of marine resources for commercial uses by resident members of the Passamaquoddy Tribe be done so in accordance with a licensing compact that would be negotiated by the tribe and the state and approved by the legislative bodies of both. Until such a compact were approved, any member of the tribe could harvest marine resources in Maine's coastal waters, provided the harvesting were in accordance with a tribal regulatory program. The tribal regulatory program would be required to consist of either the same conservation-based restrictions as apply to persons who hold state licenses or an alternative regulation determined by the Maine Indian Tribal-State Commission to be of cultural significance to the Passamaquoddy tribal community or licensee yet sufficiently restrictive when limited to the tribal licensees as to have no significant impact on the marine resource.

Committee Amendment "A" (H-983) proposed to strike the language in the bill and exempt Passamaquoddy tribal members who are residents of Maine from licensing by the State when taking marine resources for commercial use, for sustenance use or for tribal ceremonial use under a special tribal permit. Tribal members would be subject to the same laws and rules and enforcement as are people who hold a state license, except that seasons would not apply to tribal members who harvest marine organisms for sustenance use or tribal ceremonial use. Tribal licenses would be required to be filed with the Commissioner of Marine Resources.

The amendment also proposed to allow the tribe to issue an initial number of up to 24 licenses in the restricted lobster fishery and an annual number of up to 24 licenses in the restricted sea urchin fishery.

The amendment also proposed to direct the Maine Indian Tribal-State Commission to study any questions or issues regarding the taking of marine resources by members of the Passamaquoddy Tribe and the Penobscot Nation. The commission would be required to report any findings and recommendations to the Joint Standing Committee on Marine Resources by December 15, 1998.

The amendment also proposed to state that the Act is not an amendment to the Maine Indian Claims Settlement Act and that ratification by the Passamaquoddy Tribe would not be required. In the event a court found that the Act or a portion of it is an amendment to the Maine Indian Claims Settlement Act, the Act or that portion of it, if separable, would be void.

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

Senate Amendment "A" to Committee Amendment "A" (S-599) proposed to require that members of the Passamaquoddy Tribe who fish for sea urchins for sustenance use, as would be allowed in Committee Amendment "A", could not harvest sea urchins during periods in which holders of state licenses may not harvest sea urchins. In addition, the amendment proposed to remove language from Committee Amendment "A" that required a member of the tribe who fishes for elvers to utilize elver fishing gear that is tagged with sustenance use elver tags issued by the tribe in a manner that is consistent with tags required for elver gear used by holder of state elver licenses.

Enacted law summary

Public Law 1997, chapter 708 exempts Passamaquoddy tribal members who are residents of Maine from licensing by the State when taking marine resources for commercial use, for sustenance use or for tribal ceremonial use under a special tribal permit. Tribal members are subject to the same laws and rules and enforcement as are people who hold a state license; however, a tribal member who harvests sea urchins for sustenance purposes must comply with state sea urchin seasons. Tribal licenses and permits must be filed with the Commissioner of Marine Resources.

The law also allows the tribe to issue an initial number of up to 24 licenses in the restricted lobster fishery and an annual number of up to 24 licenses in the restricted sea urchin fishery.

The law also directs the Maine Indian Tribal-State Commission to study any questions or issues regarding the taking of marine resources by members of the Passamaquoddy Tribe and the Penobscot Nation. The commission must report any findings and recommendations to the Joint Standing Committee on Marine Resources by December 15, 1998.

The law also states that the law is not an amendment to the Maine Indian Claims Settlement Act and that ratification by the Passamaquoddy Tribe is not required. In the event a court finds that the law or a portion of it is an amendment to the Maine Indian Claims Settlement Act, the law or that portion of it, if separable, is void. Chapter 708 was enacted as an emergency measure effective April 3, 1998.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM MAJ ONTP MIN	H-1026

LD 2176 proposed several measures regarding the sea urchin laws. It proposed to repeal the moratorium on new entrants into the sea urchin fishery on December 31, 1998 and replace it with a lottery system for new entrants to obtain sea urchin harvesting licenses. The lottery system would be in effect in calendar years 1999 and 2000. It would extend until January 1, 2003 the requirement that all sea urchin licenses issued to an individual be issued only for one of the two sea urchin harvesting zones. It would extend the sea urchin license surcharges through calendar year 2002. It also proposed that up to 30% of the license surcharge revenue be used for enforcement purposes. It also proposed two separate seasons for fishing in Zone 2 and would have required a Zone 2 harvester to fish in only one of those seasons. It also proposed to add a sea urchin boat tender to the Sea Urchin Zone Council. It also proposed to require the Commissioner of Marine Resources to report to the Legislature by February 1, 2000 on the sea urchin lottery system.

Committee Amendment "A" (H-1026) proposed to extend for one year, through 2001, the sea urchin license lottery system proposed in the bill. It proposed to allow the commissioner to include in rules establishing the system provisions allowing multiple entries into a lottery based upon prior licensed activity in the sea urchin fishery. It also proposed to clarify that under a license lottery system, lotteries must be held for each of the 2 sea urchin zones, a person may not enter more than one lottery each year and a combination lottery may be held for sea urchin handfishing, trapping and raking licenses.

The amendment proposed to extend through 2001 the surcharges on sea urchin licenses. It proposed to clarify the provisions of the bill under which 2 seasons are designated in Zone 2. A person who harvests sea urchins in Zone 2 could harvest during only one of the seasons.

The amendment proposed to require a report on the lottery system by January 15, 2001. It proposed to repeal the lottery system and other emergency sea urchin provisions on January 1, 2002.

The amendment also proposed to require a report by January 15, 1999 on the designation of zones to manage the sea urchin resource, the feasibility, practicality and methods of electing members to the Sea Urchin Zone Council, the establishment of separate councils for each sea urchin zone and any other matter of interest regarding the management and conservation of sea urchins.

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

Enacted law summary

Public Law 1997, chapter 685 repeals the moratorium on new entrants into the sea urchin fishery on December 31, 1998 and replace it with a lottery system for new entrants to obtain sea urchin harvesting licenses. The lottery system is in effect in calendar years 1999, 2000 and 2001. It allows the Commissioner of Marine Resources to include in rules establishing the system provisions allowing multiple entries into a lottery based upon prior licensed activity in the sea urchin fishery. Lotteries must be held for each of the 2 sea urchin zones, a person may not enter more than one lottery each year and a combination lottery may be held for sea urchin handfishing, trapping and raking licenses.

The law extends until January 1, 2002 the requirement that all sea urchin licenses issued to an individual be issued only for one of the two sea urchin harvesting zones. It extends the sea urchin license surcharges through calendar

year 2001. It allows up to 30% of the license surcharge revenue be used for enforcement purposes. It also provides for two separate seasons for fishing in Zone 2 and requires a Zone 2 harvester to fish during only one of those seasons. It also adds a sea urchin boat tender to the Sea Urchin Zone Council. It also requires the Commissioner of Marine Resources to report to the Legislature by January 15, 2001 on the sea urchin lottery system. The law also requires the Commissioner of Marine Resources to report by January 15, 1999 on the designation of zones to manage the sea urchin resource, the feasibility, practicality and methods of electing members to the Sea Urchin Zone Council, the establishment of separate councils for each sea urchin zone and any other matter of interest regarding the management and conservation of sea urchins.

LD 2226

An Act to Limit New Lobster and Crab Fishing Licenses

PUBLIC 747

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1004
	ONTP MIN	S-739 MICHAUD

LD 2226 proposed a moratorium on commercial lobster and crab fishing licenses. It proposed to provide that until December 31, 1999 commercial lobster and crab fishing licenses may only be issued to a person who held a license in the previous calendar year, who possessed an apprentice lobster and crab fishing license issued prior to February 13, 1998 and meets the requirements of the apprentice program or who did not possess a commercial lobster and crab fishing license in the previous calendar year because of a license suspension.

Committee Amendment " A " (H-1004) proposed to require the Lobster Advisory Council to study limited entry into lobster management zones and submit a report by January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over marine resources matters.

Senate Amendment "A" to Committee Amendment "A" (S-739) proposed to replace the fiscal note to Committee Amendment "A."

Enacted law summary

Public Law 1997, chapter 747 places a moratorium on commercial lobster and crab fishing licenses by requiring that until December 31, 1999 commercial lobster and crab fishing licenses may only be issued to a person who held a license in the previous calendar year, who possessed an apprentice lobster and crab fishing license issued prior to February 13, 1998 and meets the requirements of the apprentice program or who did not possess a commercial lobster and crab fishing license in the previous calendar year because of a license suspension. The laws also requires the Lobster Advisory Council to study limited entry into lobster management zones and submit a report by January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over marine resources matters.

LD 2235

Resolve, Regarding Legislative Review of Chapter 2.10: Aquaculture Lease Regulations, Lease Categories and Environmental Baseline, a Major Substantive Rule of the Department of Marine Resources

**RESOLVE 93
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2235 proposed that the Legislature approve major substantive rules developed by the Department of Marine Resources regarding regulations, categories and environmental baselines for aquaculture leases.

Enacted law summary

Resolve 1997, chapter 93 approves major substantive rules developed by the Department of Marine Resources regarding regulations, categories and environmental baselines for aquaculture leases. Chapter 93 was enacted as an emergency measure effective March 18, 1998.

Joint Standing Committee on Natural Resources

LD 80

An Act to Protect Internal Waters of the State

INDEF PP

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

LD 80 proposed 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.

Committee Amendment "A" (H-805) proposed to establish the Lakes Assessment and Protection Program within the Department of Environmental Protection. In implementing the program, the Commissioner of Environmental Protection would conduct activities including education and technical assistance, resource monitoring and research and compliance monitoring and enforcement. In establishing priorities for these activities, the commissioner would consider the recommendations of the Great Pond Task Force and the priorities established by the Land and Water Resources Council.

The amendment also proposed to appropriate \$451,516 from the General Fund to provide funds for 4 positions and support costs to carry out the Lakes Assessment and Protection Program. This amendment was not adopted, but it was incorporated into the supplemental budget bill (Public Law 1997, chapter 643).

LD 660

Resolve, Requiring the Department of Environmental Protection to Study Alternative Fuels

PUBLIC 791

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRIPP	OTP-AM MAJ	H-1037
CAREY	OTP-AM MIN	S-783 TREAT

LD 660 proposed 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 proposed to require sellers of gasoline or fuel to post material safety data sheets revealing all known chemical components of those fuels.

It also proposed to prohibit a state or federal authority from implementing any automobile testing policy, process or program without state legislative approval, and it proposed to provide that no aspect of Section 7545(k) of the federal Clean Air Act may be implemented in the State without state legislative approval.

It proposed 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 any financial sanctions, penalties or withholding of funds.

The bill also proposed 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.

Committee Amendment "A" (H-1037), the majority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill and change the title. The amendment proposed to require the Commissioner of Environmental Protection to evaluate and make recommendations regarding alternative fuels that would meet the requirements in the federal Clean Air Act for a 15% rate of progress plan for the reduction of volatile organic compound emissions. The amendment proposed to require the commissioner to submit an interim report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 15, 1999 and a final report by January 15, 2000. The amendment proposed to require the commissioner to hold at least one public hearing prior to developing the interim report.

The amendment also proposed to appropriate \$7,250 to the Department of Environmental Protection to conduct the study of alternative fuels and proposed to add a fiscal note.

Committee Amendment "B" (H-1038), the minority report of the Joint Standing Committee on Natural Resources, proposed to add a fiscal note to the bill. This amendment was not adopted.

Committee of Conference Amendment "B" to Committee Amendment "A" (S-783), the report of the Committee of Conference, proposed to provide a sales tax exemption for a portion of the sales or lease price of a clean fuel vehicle and an income tax credit for a portion of expenditures to modify filling stations to provide clean fuel. It also proposed to direct the Commissioner of Environmental Protection to evaluate the effectiveness of low emission vehicle incentives and to develop recommendations regarding alternative fuels to reformulated gasoline with methyl tertiary butyl ether. The amendment proposed to strike the General Fund appropriation of \$7,250 in fiscal year 1998-99 for the Department of Environmental Protection to study alternative fuels.

Enacted law summary

Public Law 1997, chapter 791 provides a sales tax exemption for a portion of the sale or lease price of a clean fuel vehicle and an income tax credit for a portion of expenditures to construct or modify filling stations to provide clean fuel. It also directs the Commissioner of Environmental Protection to evaluate the effectiveness of low emission vehicle incentives and to develop recommendations regarding alternative fuels to reformulated gasoline with methyl tertiary butyl ether.

LD 1730 An Act to Implement the Recommendations of the Great Pond Task Force PUBLIC 739

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM A	S-600
COWGER	OTP-AM B	S-686 KILKELLY
	OTP-AM C	S-691 KILKELLY
	ONTP D	

LD 1730 was carried over by the Joint Standing Committee on Natural Resources and was re-referred during the Second Regular Session as a joint referral to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Natural Resource.

LD 1730 proposed to implement the recommendations of the Great Ponds Task Force by:

1. Establishing 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 was to be administered by the Land and Water Resources Council and the council authorized to accept monetary contributions into the fund. The fund was to be capitalized in part from 2 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.
2. Redefining the term "personal watercraft" to include jet propelled watercraft 14 feet or less in length.
3. Directing 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 requires 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.
4. Increasing the registration fee for motorboats. The fee for the first motorboat registered by a person in a year was proposed to be increased from \$4 to \$15, with the fee for all subsequent registrations remaining at \$4.
5. Creating 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.
6. Creating a new recreational motorboat rental and leasing license with an annual fee of \$50.
7. Prohibiting the operation of a motorboat on certain waters on Mt. Desert Island and within 1000 feet of the intake of a public drinking water supply.
8. Prohibiting 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.
9. Prohibiting 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 proposed to allow the commissioner a 2-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 have been prohibited unless the commissioner had 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 were to be temporarily exempted from the prohibition until such time as the commissioner provided recommendations on the use of personal watercraft on great ponds to the Legislature.
10. Requiring the Commissioner of Inland Fisheries and Wildlife to establish a motorboat safety education program for persons from 12 to 16 years of age.
11. Limiting 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.
12. Changing 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 was targeted for

watercraft enforcement, education and training and the protection and enhancement of water quality in Maine lakes.

13. Assessing 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 targeted at education and training of code enforcement officers and for the Lakes Heritage Trust Fund.
14. Increasing from 200 to 1,000 feet the allowable radius of the protection zone around intakes of public drinking water supplies.

Committee Amendment "A" (S-600) was the majority report of the Inland Fisheries and Wildlife Committee and the Natural Resources Committee. It was one of four committee reports. The amendment replaced the bill.

This amendment prohibits the operation of personal watercraft on remote and undeveloped ponds having at least one outstanding resource value that are wholly or partly within the jurisdiction of the Maine Land Use Regulation Commission. That provision would currently affect 242 ponds. The amendment also prohibits personal watercraft from lakes that are more than 2/3 in the Maine Land Use Regulation Commission jurisdiction and that have more than 1/2 of their shoreline in conservation ownership for low-impact public recreation. That provision would currently affect 3 great ponds. The amendment also prohibits motorboats with internal combustion motors on 5 ponds on Mount Desert Island that are entirely within Acadia National Park and prohibits motors greater than 10 horsepower on 2 other great ponds wholly within the park.

The amendment also expands the authority of the Commissioner of Inland Fisheries and Wildlife to regulate surface waters uses in the State by allowing the commissioner to regulate, in addition to horsepower, the use, operation and type of watercraft on great ponds for reasons that include, in addition to public safety, wildlife or environmental concerns, noise and traditional uses of the water body. Under this amendment, the commissioner may initiate rulemaking without being petitioned to do so. The petition process is amended to require that petitions from organized areas of the State be signed by 50 persons from the affected town, rather than 25, and to allow a petition from an unorganized territory to have fewer than 25 signatures of residents of that territory if the majority of residents in that territory is less than 25.

The amendment also requires that motorboat rental and leasing agents obtain a certificate from the Department of Inland Fisheries and Wildlife in order to lawfully rent or lease motorboats after January 1, 1999, with the exception of commercial sporting camps and campgrounds. The amendment also grants immunity to lake associations from personal injury, property damage or death caused by the association's buoys and increases from 200 to 400 feet the maximum distance a water utility or municipality may place buoys and limit activities around intakes to public water supplies.

The amendment also authorizes the Maine Indian Tribal-State Commission to adopt rules to regulate horsepower and use of motors on waters less than 200 acres that are entirely within Indian territory. That authority does not take effect until approved by the Passamaquoddy Tribe and the Penobscot Nation, as required by the Indian land claims settlement.

The amendment also establishes 16 years of age as the minimum age to operate a personal watercraft and creates new civil penalties for operating a motorboat in excess of certain noise limits and for tampering with a motorboat muffler system.

The amendment also requires the Maine Land Use Regulation Commission, Department of Inland Fisheries and Wildlife and Department of Conservation, Bureau of Parks and Lands to report to the Legislature next session on

the scope of their authority to regulate surface water uses and to make recommendations for regulating water bodies within their jurisdiction. It also requires the Department of Inland Fisheries and Wildlife to report back separately on a proposal for a safety training and education program for motorboat operators on inland waters. The amendment also adds an appropriation section and a fiscal note to the bill.

Senate Amendment "C" to Committee Amendment "A" (S-686) proposed to remove the provision in the majority report authorizing the Commissioner of Inland Fisheries and Wildlife to regulate the use, operation and type of watercraft on great ponds. This would leave the department with its existing authority to regulate horsepower of watercraft based on safety issues when petitioned to do so.

The amendment also proposed to add an unallocated section to the bill requiring the Commissioner of Inland Fisheries and Wildlife to submit a report to the first and second regular sessions of the 119th Legislature on the use, operation and type of watercraft on great ponds within the organized areas of the State based on recommendations voluntarily submitted to the commissioner by the municipalities in 1998 and 1999. Each report must be accompanied by legislation to implement municipal recommendations supported by the department and may include additional proposals from the department itself. Municipalities that choose to submit recommendations must first hold a public hearing and must include a description of the resources the municipality or municipalities will use to enforce those regulations if enacted.

Senate Amendment "F" to Committee Amendment "A" (S-691) proposed to strike the motorboat rental and leasing agent certificate requirements proposed in Committee Amendment "A" and replace them with similar provisions that apply only to agents that rent or lease personal watercraft. The amendment also exempts property owners who offer renters the use of their registered personal watercraft from obtaining such a certificate.

Enacted law summary

Public Law 1997, chapter 739 does the following:

1. Prohibits the operation of personal watercraft on remote and undeveloped ponds having at least one outstanding resource value that are wholly or partly within the jurisdiction of the Maine Land Use Regulation Commission(242 ponds; 8% of all LURC ponds).
2. Prohibits personal watercraft from waters that are more than two thirds in LURC jurisdiction and that have more than half of their shoreline in conservation ownership for low impact public recreation (Currently Mooselookmeguntic Lake, Donnell Pond and Tunk Lake qualify under this provision)
3. Prohibits internal combustion motors on five ponds on Mount Desert Island that are entirely within Acadia National Park and prohibits motors greater than 10 horsepower on two other great ponds wholly within the Park;
4. Requires the Commissioner of Inland Fisheries and Wildlife to submit a report to the First and Second Regular Session of the 119th Legislature on the use, operation and type of watercraft on great ponds within the organized areas of the state based on recommendations voluntarily submitted to the commissioner by the municipalities. Each report must be accompanied by legislation to implement recommendations supported by the department, and may include additional proposals from the department itself. Municipalities that choose to submit recommendations must first hold a public hearing and must include a description of the resources the municipality or municipalities will use to enforce those regulations if enacted.

5. Requires that personal watercraft rental and leasing agents obtain a certificate from the Department of Inland and Fisheries and Wildlife in order to lawfully rent or lease personal watercraft after January 1, 1999, with the exception of commercial sporting camps, campgrounds and property owners who offer personal watercraft for use by people who rent or lease that property;
6. Grants immunity to lake associations from personal injury, property damage or death caused by the association's buoys;
7. Increases from 200 to 400 feet the maximum distance a water utility or municipality may place buoys and limit activities around intakes to public water supplies;
8. Authorizes the Maine Indian Tribal-State Commission to adopt rules to regulate horsepower and use of motors on waters less than 200 acres that are entirely within Indian Territory. (That authority does not take effect until approved by the Passamaquoddy Tribe and the Penobscot Nation, as required by the Land Claims Settlement Act.)
9. Establishes 16 as the minimum age to operate a personal watercraft;
10. Creates new civil penalties for operating a motorboat in excess of certain noise limits and for tampering with a motorboat muffler system.
11. Requires LURC, DIFW and BPL to report to the Legislature next session on the scope of their authority to regulate surface water uses and to make recommendations for regulating water bodies within their jurisdiction; and
12. Requires the DIFW to report back separately on a proposal for a safety training and education program for motorboat operators on inland waters.

LD 1836

An Act to Facilitate Delegation of the Federal Waste Discharge Permitting Program

PUBLIC 794

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	H-910 S-705 NUTTING

LD 1836 proposed 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.

The bill proposed to make 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. The bill proposed to make revisions to the waste discharge license 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 proposed to make allocations to realign some existing positions and add new positions. These new positions would be funded primarily through increased license fees.

Committee Amendment "A" (H-910) proposed to do the following.

1. It proposed to make a technical change to the language in the bill regarding an affirmative defense for a violation of a wastewater discharge license resulting from an unavoidable malfunction.
2. It proposed to require the Department of Environmental Protection to consult with the applicant for a discharge license and interested parties if the department establishes effluent limits on a case-by-case basis because no applicable standards exist.
3. It proposed to make a technical change to the language in the bill regarding licenses to treat public water supplies with copper sulfate or related compounds.
4. It proposed to authorize the Board of Environmental Protection rather than the Administrative Court to modify, revoke or suspend a waste discharge license.
5. It proposed to require that rules adopted by the department relating to permits issued under the Federal Water Pollution Control Act comply with the federal act.
6. It proposed to strike out language in the bill relating to fee adjustments that was enacted in previous legislation.
7. It proposed to make changes to the fee structure for annual waste discharge licenses to reflect General Fund support for the program.
8. It proposed to establish lower discharge fee rates to be used in computing waste discharge license fees during the first year after enactment of the legislation to reflect the deferred hiring of 2 positions.
9. It proposed to require the department to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 1, 2001 concerning the waste discharge licensing program and the department's handling of its increased responsibilities under the program.
10. It proposed to change the allocation section to reflect General Fund support for the program.

Senate Amendment "A" to Committee Amendment "A" (S-705) proposed to require the Commissioner of Environmental Protection to explore all available funding opportunities prior to the implementation of the 2nd tier of waste discharge fees.

Enacted law summary

Public Law 1997, chapter 794 makes a series of statutory changes to allow the State to apply for future delegation of the Federal Discharge Licensing and Management Program. The law revises the waste discharge license fee structure and establishes lower discharge fee rates to be used in computing waste discharge license fees during the first year after enactment. The law requires the Commissioner of Environmental Protection to explore all available funding opportunities prior to the implementation of the revised fee structure with the second tier of discharge fee rates. The law also allocates funds for 8 new positions.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES SL MCKEE	OTP-AM	S-658 NUTTING

LD 1918 proposed to amend the laws regarding mandatory shoreland zoning to provide that the definition of "functionally water-dependent uses" does not include accessory uses that do not require direct access to or location in coastal or inland waters such as boathouse, storage or parking facilities.

Committee Amendment "A" (H-838) proposed to clarify that recreational boat storage buildings are not functionally water-dependent uses for purposes of mandatory shoreland zoning, and that retaining walls are functionally water-dependent uses. The amendment also proposed to provide that the exclusion of recreational boat storage buildings from the definition of "functionally water-dependent uses" is deemed to be incorporated into each municipal shoreland zoning ordinance. Finally, the amendment proposed to clarify that functionally water-dependent uses are exempt from the water setback requirements approved by the Board of Environmental Protection, within the Department of Environmental Protection.

The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

Senate Amendment "A" (S-658) proposed to clarify that recreational boat storage buildings are not functionally water-dependent uses for purposes of mandatory shoreland zoning, and that retaining walls are functionally water-dependent uses. The amendment also proposed to provide that the exclusion of recreational boat storage buildings from the definition of "functionally water-dependent uses" is deemed to be incorporated into each municipal shoreland zoning ordinance. Finally, the amendment proposed to clarify that functionally water-dependent uses are exempt from the water setback requirements approved by the Board of Environmental Protection, within the Department of Environmental Protection.

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

Enacted law summary

Public Law 1997, chapter 726 clarifies that recreational boat storage buildings are not functionally water-dependent uses for purposes of mandatory shoreland zoning, and that retaining walls are functionally water-dependent uses. The law also provides that the exclusion of recreational boat storage buildings from the definition of "functionally water-dependent uses" is deemed to be incorporated into each municipal shoreland zoning ordinance. Finally, the law clarifies that functionally water-dependent uses are exempt from the water setback requirements approved by the Board of Environmental Protection, within the Department of Environmental Protection.

LD 1944

An Act to Encourage the Use of Environmental Fines for Environmental Benefits

PUBLIC 570

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ ONTP MIN	H-786

LD 1944 proposed to describe the situations in which environmental fines could be used for environmental projects such as research, habitat enhancement or protection, public education, pollution prevention or local emergency planning. The bill proposed to more clearly define and ratify many of the concepts in the Department of Environmental Protection's current policy governing supplemental environmental projects.

Committee Amendment "A" (H-786) proposed to clarify that supplemental environmental projects may not be used as part of a civil enforcement action settlement for repeat violations by the same person of the same or a substantially similar law administered by the Department of Environmental Protection. The amendment also proposed to specify that a project that the violator had previously planned and budgeted for may not be used as a supplemental environmental project. The amendment also proposed to clarify that supplemental environmental projects may not be used to offset any calculable economic benefit of noncompliance. Finally, the amendment proposed to strike reference to rules and any other terms and conditions that may be adopted by the Commissioner of Environmental Protection or the Attorney General.

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

Enacted law summary

Public Law 1997, chapter 570 authorizes the use of a portion of a fine resulting from a civil enforcement action settlement for a violation of the environmental laws for an environmental project such as pollution prevention or reduction projects, environmental enhancement projects, research projects or public health projects. The law specifies the situations in which supplemental environmental projects may be used to mitigate a portion of an assessed penalty.

LD 1972

An Act to Implement the Recommendations of the Interagency Committee on Outdoor Trash Burning

PUBLIC 672

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-797 H-995

LD 1972 proposed to make changes in the provisions of the Maine Revised Statutes, Title 12, chapter 807, Forest Fire Control and Title 38, chapter 24, Solid Waste Management and Recycling to:

1. Address citizen complaints about the numerous barrel incinerators in the State and the concern for public health impacts from localized emissions of backyard trash burning that include high levels of fine particulates, dioxin, furans and other hazardous air pollutants;

2. Provide incentives for municipalities to reduce the incidence of backyard trash burning through the implementation of recycling and municipal trash collection service; and
3. Establish a program of public education to be administered in conjunction with the Department of Environmental Protection and the State Planning Office.

Committee Amendment "A" (H-797) proposed to require a forest ranger or fire warden, when issuing a permit for residential out-of-door burning of highly combustible trash, to consider the public health risk from toxic chemicals in the smoke plume in accordance with guidelines issued by the Department of Environmental Protection, and the practicality of locating the incinerator at least 300 feet from any abutting property boundary and at least 150 feet from any residential dwelling.

The amendment also proposed to delete from the bill a requirement for the Department of Conservation to undertake a program of public education on the impacts of out-of-door burning. The amendment also proposed to allow the State Planning Office, when providing technical and financial assistance for waste reduction and recycling, to give preference to municipalities that provide a municipal trash collection service or that prohibit residential out-of-door trash burning. Finally, the amendment proposed to add a fiscal note to the bill.

Committee of Conference Amendment "A" to Committee Amendment "A" (H-995), the report of the Committee of Conference, proposed to provide that the Director of the Bureau of Forestry or a forest ranger or fire warden delegated by the director may not deny a permit for residential out-of-door burning based on the consideration of the practicality of locating the incinerator at least 300 feet from an abutting property boundary and at least 150 feet from a residential dwelling.

Enacted law summary

Public Law 1997, chapter 672 requires a forest ranger or fire warden, when issuing a permit for residential out-of-door burning of highly combustible trash, to consider the public health risk from toxic chemicals in the smoke plume in accordance with guidelines issued by the Department of Environmental Protection, and the practicality of locating the incinerator at least 300 feet from any abutting property boundary and at least 150 feet from any residential dwelling. The law prohibits a ranger or warden from denying a permit based on the setback criteria. The law also allows the State Planning Office, when providing technical and financial assistance for waste reduction and recycling, to give preference to municipalities that provide a municipal trash collection service or that prohibit residential out-of-door trash burning.

LD 2092

An Act to Clarify Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Land and Water Quality

PUBLIC 603

Sponsor(s)
COWGER

Committee Report
OTP-AM

Amendments Adopted
H-812

LD 2092 proposed to clarify the definition in the natural resources protection laws of coastal sand dune systems to provide that these systems may include areas containing coarser materials such as gravel. This bill proposed to amend the site location of development law's exemption for roundwood and lumber storage yards to specifically include split firewood. It also proposed to correct a substantive conflict in the site location of development laws by providing that a municipality may have delegated authority to review developments or developments in the same municipality may be exempt under the capacity exemption, but not both.

This bill proposed to clarify a provision in the performance standards for excavation for borrow, clay, topsoil or silt laws that allows a medium pit owner or operator not licensed under the site law on October 1, 1993 to reclaim certain areas as ponds. It proposed to provide that further excavation is not allowed, without a variance from the department, in areas previously excavated within 5 feet of the seasonal high water table, or at or below the seasonal high water table. The bill also proposed to change the effective date of the site location of development law's erosion and stormwater standards and the new stormwater management law from July 1, 1997 to September 19, 1997.

Committee Amendment "A" (H-812) proposed to clarify the definition of subdivision in the site location of development laws to provide that a subdivision is either the division of a parcel of land into 5 or more lots on more than 20 acres or the division of a parcel of land into 15 or more lots on more than 30 acres if all lots are for single-family residential housing, common areas or open space.

The amendment also proposed to clarify that certain structures are exempt from review under the site location of development laws if located wholly within a municipality or municipalities meeting the criteria for capacity. The amendment also proposed to provide that, when a municipality is delegated authority to substitute its review of certain types of development for review under the site location of development laws and the Department of Environmental Protection determines that the municipality meets the criteria for capacity, the municipality's delegated authority must be suspended for the type of development that is exempt from review under the capacity standard.

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

Enacted law summary

Public Law 1997, chapter 603 clarifies the definition in the natural resources protection laws of coastal sand dune systems to provide that these systems may include areas containing coarser materials such as gravel. The law also makes several changes to the site location of development laws. It clarifies the definition of subdivision to provide that a subdivision is either the division of a parcel of land into 5 or more lots on more than 20 acres or the division of a parcel of land into 15 or more lots on more than 30 acres if all lots are for single-family residential housing, common areas or open space. It amends the site location of development law's exemption for roundwood and lumber storage yards to specifically include split firewood. It clarifies that certain structures are exempt from review under the site location of development laws if located wholly within a municipality or municipalities meeting the criteria for capacity. It provides that, when a municipality is delegated authority to substitute its review of certain types of development for review under the site location of development laws and the Department of Environmental Protection determines that the municipality meets the criteria for capacity, the municipality's delegated authority must be suspended for the type of development that is exempt from review under the capacity standard.

The law clarifies a provision in the performance standards for excavation for borrow, clay, topsoil or silt laws that allows a medium pit owner or operator not licensed under the site law on October 1, 1993 to reclaim certain areas as ponds. It provides that further excavation is not allowed, without a variance from the department, in areas previously excavated within 5 feet of the seasonal high water table, or at or below the seasonal high water table.

The law also changes the effective date of the site location of development law's erosion and stormwater standards and the new stormwater management law from July 1, 1997 to September 19, 1997.

<u>Sponsor(s)</u> SHIAH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-866
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LD 2095 proposed to:

1. Extend the repeal date of the Maine Environmental Protection Fund fee schedule to 90 days after adjournment of the Second Regular Session of the 119th Legislature;
2. Clarify that license fees for solid waste disposal facilities are to be paid annually and that failure to pay the annual fee is grounds for license revocation;
3. Eliminate a loophole allowing nonconforming underground oil storage tanks installed after 1985 to remain in place until the manufacturer warranty expires;
4. Clarify the circumstances under which oil export fees may be reimbursed;
5. Clarify the statutory provision requiring all underground piping at aboveground oil storage facilities to be constructed of noncorrosive material;
6. Clarify the statutory provision requiring all underground piping at aboveground oil storage facilities to be installed and removed in accordance with applicable rules adopted by the Board of Environmental Protection;
7. Clarify certain definitions set forth in the statutes governing lead abatement;
8. Change the lead abatement laws to require that an unlicensed person must both own and occupy a dwelling in which the person performs abatement activities;
9. Require applicants seeking Department of Environmental Protection approval to expand a special waste landfill to pay the cost of municipal intervention in the department proceedings;
10. Broaden the rule-making authority of the Board of Environmental Protection for the purpose of adopting waste oil rules consistent with federal requirements; and
11. Require the Board of Environmental Protection to consider an applicant's financial capacity in issuing post-closure licenses for hazardous waste facilities.

Committee Amendment "A" (H-866) proposed to clarify that solid waste facility license fees must be paid annually and that failure to pay the fee within 30 days of the anniversary date of the license is grounds for modification, suspension or revocation of the license in accordance with the Maine Administrative Procedure Act.

The amendment proposed to clarify a provision in the bill to provide that tanks installed before December 31, 1985 be removed from service upon the expiration of the manufacturer's warranty, but not until January 1, 2008 if the tanks meet requirements for leak detection and overfill and spill prevention equipment.

The amendment proposed to make minor changes to the definitions of "lead hazard" and "risk assessment," as amended in the bill.

The amendment proposed to require the Department of Environmental Protection to hold a public hearing on an application for the construction or expansion of a commercial or a state-owned solid waste disposal facility that accepts special waste, if a hearing is requested by a resident or a property owner in the municipality in which the proposed facility is located, and proposed to require the applicant to pay the administrative expenses of the hearing. The amendment proposed to grant automatic intervenor status in a public hearing on an application for a license to an owner of property abutting a proposed solid waste disposal facility site. The amendment proposed to clarify that an applicant for a solid waste disposal facility license pays for municipal intervenor financial assistance grants according to department rules.

The amendment proposed to strike a change to an effective date that was not intended to be in the bill. The amendment proposed to delay the effective date of the section of the bill that prohibits the operation of aboveground oil storage facilities constructed before July 1, 1985 that have nonconforming underground piping. This delay would give the owners or operators of such facilities until July 1, 1999 to replace the nonconforming underground piping. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 624 makes several changes to the laws pertaining to the Department of Environmental Protection's Bureau of Remediation and Waste Management, including the following.

It extends the repeal date of the Maine Environmental Protection Fund fee schedule to 90 days after adjournment of the Second Regular Session of the 119th Legislature and clarifies that solid waste facility license fees must be paid annually and that failure to pay the fee within 30 days of the anniversary date of the license is grounds for modification, suspension or revocation of the license in accordance with the Maine Administrative Procedure Act.

It requires that underground oil storage tanks installed before December 31, 1985 be removed from service upon the expiration of the manufacturer's warranty, but not until January 1, 2008 if the tanks meet requirements for leak detection and overflow and spill prevention equipment. It prohibits the operation of aboveground oil storage facilities constructed before July 1, 1985 that have nonconforming underground piping, but gives the owners or operators of such facilities until July 1, 1999 to replace the nonconforming underground piping.

It clarifies certain definitions and provisions in the statutes governing lead abatement.

It requires the Department of Environmental Protection to hold a public hearing on an application for the construction or expansion of a commercial or a state-owned solid waste disposal facility that accepts special waste, if a hearing is requested by a resident or a property owner in the municipality in which the proposed facility is located, and requires the applicant to pay the administrative expenses of the hearing. The law grants automatic intervenor status in a public hearing on an application for a license to an owner of property abutting a proposed solid waste disposal facility site. The law clarifies that an applicant for a solid waste disposal facility license pays for municipal intervenor financial assistance grants according to department rules.

It broadens the rule-making authority of the Board of Environmental Protection for the purpose of adopting waste oil rules consistent with federal requirements.

It requires the Board of Environmental Protection to consider an applicant's financial capacity in issuing post-closure licenses for hazardous waste facilities.

<u>Sponsor(s)</u> NUTTING		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-488
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LD 2105 proposed to clarify the authority of the Finance Authority of Maine to make loans and grants to upgrade the condition of aboveground oil storage tanks and it proposed to authorize expenditures from the Ground Water Oil Clean-up Fund to prevent accidental discharges from aboveground oil storage tanks and to require the Commissioner of Environmental Protection to seek reimbursement of such expenditures.

Committee Amendment "A" (S-488) proposed to authorize the disbursement of \$250,000 from the Ground Water Oil Clean-up Fund during fiscal years 1998-99 and 1999-2000 for retrofitting, repairing or replacing aboveground oil storage tanks and facilities and \$750,000 during fiscal years 1998-99 and 1999-2000 for distribution to community action agencies for grants and loans to retrofit, repair or replace aboveground oil storage tanks at single-family residences. The amendment proposed to eliminate from the bill the requirement that the Commissioner of Environmental Protection seek reimbursement for such expenditures from the fund.

The amendment also proposed to require the Maine State Housing Authority to transfer to the Department of Environmental Protection, by October 1, 1998, the undistributed balance of funds previously transferred to the authority from the Ground Water Oil Clean-up Fund.

The amendment also proposed to require the Fund Insurance Review Board to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2000 on the disbursement of funds from the Ground Water Oil Clean-up Fund for the purpose of retrofitting, repairing or replacing aboveground oil storage tanks and facilities, and to recommend whether the law should be amended to allow further disbursements for those purposes.

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

Enacted law summary

Public Law 1997, chapter 613 authorizes the disbursement of \$250,000 from the Ground Water Oil Clean-up Fund during fiscal years 1998-99 and 1999-2000 for retrofitting, repairing or replacing aboveground oil storage tanks and facilities and \$750,000 during fiscal years 1998-99 and 1999-2000 for distribution to community action agencies for grants and loans to retrofit, repair or replace aboveground oil storage tanks at single-family residences. The law requires the Fund Insurance Review Board to report by January 15, 2000 with a recommendation on whether the law should be amended to allow further disbursements for those purposes. It also requires the Maine State Housing Authority to transfer to the Department of Environmental Protection, by October 1, 1998, the undistributed balance of funds previously transferred to the authority from the Ground Water Oil Clean-up Fund.

The law also clarifies the authority of the Finance Authority of Maine to make loans and grants to upgrade the condition of aboveground oil storage tanks. Chapter 613 was enacted as an emergency measure effective March 23, 1998.

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

LD 2111 proposed to amend the State's toxic use, toxic release and hazardous waste reduction laws by establishing new reduction goals through the year 2006 and focusing the program on water and air toxics. The bill proposed to continue planning requirements and to establish an approval process of plan summaries by the Department of Environmental Protection. The bill proposed to eliminate the fee requirement for small quantity generators and to establish a new fee structure. It also proposed to add the state toxicologist within the Department of Human Services and the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee to the Pollution Prevention Advisory Committee within the Department of Environmental Protection.

Committee Amendment "A" (S-662), the majority report of the Joint Standing Committee on Natural Resources, proposed to retain the provision in the bill that adds the state toxicologist and the Commissioner of Agriculture, Food and Rural Resources to the Pollution Prevention Advisory Committee within the Department of Environmental Protection and to strike the rest of the bill.

The amendment proposed to repeal the definition of "extremely hazardous substance" and amend the definitions of "toxic substance," "toxics releaser" and "toxics user." The amendment proposed to establish new toxics use, toxics release and hazardous waste reduction goals through the year 2006.

The amendment proposed to require the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters biennially beginning January 1, 2003 on progress toward meeting the reduction goals and to require an interim report by January 1, 2001 on the establishment of baselines, facilities that have achieved 51% reductions, exemptions and progress toward computerizing data.

The amendment proposed to make the toxics use reduction goals voluntary but to require a toxics user to examine, plan and implement means of reducing toxics use. The amendment proposed to specify that a facility that increased or did not reduce its use of toxics from the 1990 baseline must be put on a department priority list for technical assistance and must submit a reduction plan summary by July 1, 1999 for department approval. The amendment proposed to maintain the exemption from toxics use planning, reporting and fee requirements for drinking water supply treatment facilities and municipal wastewater treatment facilities and to add an exemption from the toxics use and toxics release requirements for retail and wholesale distribution facilities of refined petroleum products and an exemption from the toxics use, toxics release and hazardous waste requirements for pesticide distribution and application activities regulated by the Board of Pesticides Control.

The amendment proposed to require toxics releasers and hazardous waste generators that ship 1,320 pounds or more of hazardous waste in a calendar year to meet the revised reduction goals and to require those that did not meet the original reduction goals to meet them by January 1, 1999.

The amendment proposed to exempt from the reduction goals a facility that reduces by January 1, 2000 the aggregate amount of toxics used, toxics released or hazardous waste generated by 51% or more from the facility's original baseline amount but to require such a facility to meet the reporting and fee requirements. It also proposed to establish alternative projects that such a facility may perform. The amendment also proposed to specify that

such a facility may not increase the amount of toxics used, toxics released or hazardous waste generated per unit of product at the facility, whichever is applicable, using 1998 as the base year.

The amendment proposed to continue the requirement in current law that facilities develop plans for their own use in meeting the reduction goals and to specify requirements for employee involvement in developing the plans. It also proposed to require facilities to submit summaries of the plans to the Commissioner of Environmental Protection for approval and to specify a process for protecting confidential information in the plan summaries.

The amendment proposed to establish a revised fee structure for hazardous waste generators, toxics users and toxics releasers. It also proposed to establish penalty fees for failure to meet reduction requirements.

The amendment proposed to require the Department of Environmental Protection to develop, in consultation with the Bureau of Health within the Department of Human Services, a health-based ranking system for toxic substances and a graduated fee system for toxic substances based on the toxicity ranking. The amendment proposed to require the department to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters an interim report on the ranking system by January 1, 1999 and a final report on the ranking system and the fee system by January 1, 2000. The amendment also proposed to require the department to establish a biennial environmental awards program to reward facilities that are high achievers in meeting the toxics use reduction goals. This amendment was not adopted.

Committee Amendment "B" (S-663), the minority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill and change the title. The amendment proposed to extend the deadline for meeting the 30% reduction goals for toxics use, toxics release or hazardous waste generation from January 1, 1998 to January 1, 1999. The amendment proposed to clarify that the fee requirements for toxics users, toxics releasers and hazardous waste generators continue regardless of whether the goals are met. The amendment also proposed to require the Department of Environmental Protection to consult with interested parties and to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 1999 regarding the toxics use and hazardous waste reduction laws and any recommendations for changes. This amendment was not adopted.

**LD 2119 An Act to Clarify the Responsibilities of the Advisory Commission PUBLIC 700
on Radioactive Waste during the Decommissioning of Maine Yankee EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ ONTP MIN	S-514 S-540 KILKELLY

LD 2119 proposed to make the following changes to the laws that govern the Advisory Commission on Radioactive Waste.

1. It proposed to change the name of the commission to the Advisory Commission on Radioactive Waste and Decommissioning.
2. It proposed to specify that one of the Senators and one of the Representatives appointed to the commission must be members of the joint standing committee of the Legislature having jurisdiction over natural resource matters and one of the Senators and one of the Representatives appointed to the commission must be members of the joint standing committee of the Legislature having jurisdiction over utility and energy matters. It also proposed

to add the following 3 members to the commission: the Commissioner of Environmental Protection or the commissioner's designee; one member representing a local advisory group on nuclear power plants; and one member representing an environmental advocacy organization.

3. It proposed to provide that a duty of the commission is to study all issues relating to the decommissioning of nuclear power plants, including, but not limited to, economic impacts, ratepayer considerations and environmental issues and to advise the Governor, the Legislature and other state agencies on these matters. It also proposed that another duty of the commission is to monitor the decommissioning of nuclear power plants.
4. It proposed to provide additional staff support to the commission.

Committee Amendment "A" (S-514), the majority report of the Joint Standing Committee on Natural Resources, proposed to require that at least one, rather than 2, of the 3 Senators appointed to the Advisory Commission on Radioactive Waste and Decommissioning belong to the political party holding the largest number of seats in the Senate and at least one of the Senators belong to the political party holding the 2nd largest number of seats in the Senate, and that at least one, rather than 2, of the 3 Representatives appointed to the Advisory Commission on Radioactive Waste and Decommissioning belong to the political party holding the largest number of seats in the House of Representatives and at least one of the Representatives belong to the political party holding the 2nd largest number of seats in the House. The amendment also proposed to strike from the bill the addition to the commission of one member representing a local advisory group on nuclear power plants and the requirement that the chair of the commission be a Legislator.

The amendment proposed to strike from the bill the requirement that the Advisory Commission on Radioactive Waste and Decommissioning study economic impacts and ratepayer considerations relating to the decommissioning of nuclear power plants.

The amendment proposed to strike from the bill the authorization for the Department of Human Services to establish a part-time position to provide staff support to the Advisory Commission on Radioactive Waste and Decommissioning and to strike the allocation for that staff. The amendment also proposed to specify that the Maine Yankee Atomic Power Plant shall pay \$25,000 annually to the Department of Environmental Protection to support allocations to the department associated with providing support to the Advisory Commission on Radioactive Waste and Decommissioning. The requirement for this payment would end on the date of the final termination of Maine Yankee's operating license.

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

Senate Amendment "A" to Committee Amendment "A" (S-540) proposed to clarify that of the 4 public members, one must reside in the community in which the nuclear power plant is located and one must represent a local advisory group on nuclear power plants.

Enacted law summary

Public Law 1997, chapter 700 changes the name of the Advisory Commission on Radioactive Waste to the Advisory Commission on Radioactive Waste and Decommissioning. The law specifies that one of the Senators and one of the Representatives appointed to the commission must be members of the joint standing committee of the Legislature having jurisdiction over natural resource matters and one of the Senators and one of the Representatives appointed to the commission must be members of the joint standing committee of the Legislature having jurisdiction over utility and energy matters. It also adds to the commission a member representing an environmental advocacy

later gasoline-powered vehicles, beginning January 1, 1999, and an inspection of the on-board diagnostic system on 1996 and later vehicles, beginning January 1, 2000. The amendment proposed to require the State Police to adopt rules to establish procedures and standards for a fuel tank cap pressure test.

The amendment proposed to increase the fee for the current inspection to \$6.50 beginning January 1, 1999 and to set the fee for the enhanced inspection at \$9.50 beginning January 1, 1999 and at \$12.50 beginning January 1, 2000 for 1996 and later vehicles only. It proposed to retain the section in the bill that increases the fee paid by inspection stations for inspection stickers from \$1 to \$1.50 beginning January 1, 1999.

The amendment proposed to require all inspection stations in Cumberland County to offer the enhanced inspection only and to permit inspection stations outside of Cumberland County to offer both the current inspection and the enhanced inspection. It proposed to require an inspection station that offers enhanced inspections to employ an inspection mechanic certified to perform enhanced inspections.

The amendment proposed to define "diesel-powered motor vehicle," for purposes of the diesel testing program, as a diesel-powered motor vehicle that has a gross vehicle weight rating of 10,001 or more pounds and that is used in commerce. It proposed to exclude a truck registered as a farm truck from the diesel testing requirements. The amendment proposed to specify that only diesel-powered motor vehicles identified by certified inspectors as potential violators of the emission opacity standards are subject to testing under the diesel testing program and to require that inspectors be certified pursuant to the procedures for certification specified in the United States Environmental Protection Agency's Reference Method 9.

The amendment proposed to require the Department of Environmental Protection to implement a public education program in Cumberland County designed to enhance and facilitate the enforcement of state traffic laws governing automobile inspection and maintenance requirements. It proposed to require the Department of Environmental Protection and the Department of Public Safety to report jointly to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2000 regarding an evaluation of the enhanced inspection program and any recommendations for expanding the enhanced inspection program statewide.

The amendment proposed to allocate from the Highway Fund \$22,645 to the Department of Environmental Protection and \$185,400 to the State Police.

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

Committee Amendment "B" (H-1051), a minority report of the Joint Standing Committee on Natural Resources, proposed to clarify that the fuel tank cap is subject to inspection on gasoline-powered vehicles only and it proposed to require the State Police to adopt rules to establish procedures and standards for a fuel tank cap pressure test.

The amendment proposed to define "diesel-powered motor vehicle," for purposes of the diesel testing program, as a diesel-powered motor vehicle that has a gross vehicle weight rating of 10,001 or more pounds and that is used in commerce. It proposed to exclude a truck registered as a farm truck from the diesel testing requirements. The amendment proposed to specify that only diesel-powered motor vehicles identified by certified inspectors as potential violators of the emission opacity standards are subject to testing under the diesel testing program and to require that inspectors be certified pursuant to the procedures for certification specified in the United States Environmental Protection Agency's Reference Method 9.

The amendment proposed to require the Department of Environmental Protection to implement a public education program designed to enhance and facilitate the enforcement of state traffic laws governing automobile inspection

and maintenance requirements. The amendment proposed to allocate from the Highway Fund \$65,868 to the Department of Environmental Protection and \$185,400 to the State Police.

The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

House Amendment "C" to Committee Amendment "A" (H-1165) proposed to make a technical change to Committee Amendment "A".

House Amendment "D" to Committee Amendment "A" (H-1168) proposed to change the proposed Diesel-powered Motor Vehicle Emission Opacity Testing Program in the following ways.

It proposed to change the size of diesel-powered motor vehicles subject to the program to those with a gross vehicle weight rating of 26,001 or more pounds.

It proposed to require the Commissioner of Environmental Protection to establish procedures and standards to implement the program within 7 days of the effective date of the legislation.

It proposed to eliminate the punitive aspects of the program, instead requiring the department to give the operator of a vehicle that does not comply with the standards established in the program educational materials describing the benefits of a vehicle that does comply with the program.

It proposed to repeal the program on June 30, 1999.

Enacted law summary

Public Law 1997, chapter 786 amends the State's motor vehicle inspection program to require an enhanced inspection for motor vehicles required to be registered in Cumberland County. The enhanced inspection consists of an inspection of the equipment currently subject to inspection plus a fuel tank cap pressure test on model 1974 and later gasoline-powered vehicles, beginning January 1, 1999, and an inspection of the on-board diagnostic system on 1996 and later vehicles, beginning January 1, 2000.

The law increases the fee for the current inspection to \$6.50 beginning January 1, 1999 and sets the fee for the enhanced inspection at \$9.50 beginning January 1, 1999 and at \$12.50 beginning January 1, 2000 for 1996 and later vehicles only. It increases the fee paid by inspection stations for inspection stickers from \$1 to \$1.50 beginning January 1, 1999.

The law also establishes a one-year roadside diesel-powered motor vehicle emission opacity testing program to be administered by the Department of Environmental Protection in cooperation with the Department of Public Safety. The law requires the Department of Environmental Protection to give educational materials to a person who causes operation of a diesel-powered motor vehicle that does not comply with the program's emission opacity standards.

The law makes operating a motor vehicle that emits visible smoke in the exhaust emissions for a period of 5 or more consecutive seconds a traffic infraction subject to a fine of up to \$100.

LD 2233

Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services

**RESOLVE 114
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-993
	OTP-AM MIN	

LD 2233 proposed to provide for legislative review and authorization of final adoption of Chapter 231: Rules Relating to Drinking Water, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-993), the majority report of the Joint Standing Committee on Natural Resources, proposed to add a mandate preamble to the resolve. The amendment also proposed to require the Commissioner of Human Services to monitor issues relating to the contamination of drinking water by methyl tertiary-butyl ether, or MTBE, and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000 with a recommendation on whether to retain or lower the maximum contaminant level for MTBE. The amendment proposed to give the committee authority to report out legislation to the Second Regular Session of the 119th Legislature regarding the maximum contaminant level for MTBE.

The amendment also proposed to add a fiscal note.

Committee Amendment "B" (H-994), the minority report of the Joint Standing Committee on Natural Resources, proposed to require that prior to final adoption of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services, the rule must be amended to establish a maximum contaminant level for methyl tertiary-butyl ether of 15 parts per billion rather than the proposed maximum contaminant level of 35 parts per billion.

The amendment proposed to require the Commissioner of Human Services to monitor issues relating to the contamination of drinking water by methyl tertiary-butyl ether, or MTBE, and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000 with a recommendation on whether to retain or lower the maximum contaminant level for MTBE. The amendment proposed to give the committee authority to report out legislation to the Second Regular Session of the 119th Legislature regarding the maximum contaminant level for MTBE.

The amendment also proposed to add a mandate preamble and a fiscal note to the resolve. This amendment was not adopted.

Enacted law summary

Resolve 1997, chapter 114 authorizes the Department of Human Services to finally adopt rules that establish a maximum contaminant level for methyl tertiary-butyl ether of 35 parts per billion. The law also requires the Commissioner of Human Services to monitor issues relating to the contamination of drinking water by methyl tertiary-butyl ether, or MTBE, and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000 with a recommendation on whether to retain or lower the maximum contaminant level for MTBE.

This resolve was enacted as an emergency measure effective April 3, 1998.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COLWELL	OTP-AM	S-579 S-742 MICHAUD

LD 2247 proposed to provide the opportunity for municipalities considering taking over abandoned dams to petition the Department of Environmental Protection for a 180-day extension of time to complete their review of and arrangements for a takeover. It proposed to authorize, to the extent existing resources may be available, the State Planning Office to provide assistance when a takeover involves 3 or more municipalities.

Committee Amendment "A" (S-579) proposed to add a clarification to the proposal in the bill to allow a municipality to apply for an extension of the consultation period under the State's dam abandonment laws. The amendment proposed to clarify that the municipality must be one in which the dam is located. The purpose of the consultation period would be to provide time to find a new owner for a dam. The amendment also proposed to provide that the consultation period may not be extended for more than 180 days.

The amendment also proposed to require a report by the dam owner within 180 days of filing an abandonment petition that describes compliance with notice provisions. It also proposed to require a report by the dam owner within 180 days of filing, or before the end of an extension to the consultation process, describing the people who were consulted and the results of the process.

The amendment also proposed to allow the State Planning Office to provide technical assistance and grants to municipalities or regional planning organizations when municipalities are seeking ownership of a dam.

The amendment also proposed to provide an appropriation for payments to the Gardiner Water District in the event a municipality seeks an extension of the consultation period regarding the district's existing petition to abandon the New Mills Dam. The payments would be \$750 for each month the extension is in effect as partial payment for the cost of maintaining the New Mills Dam.

The amendment proposed to add a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-742) proposed to eliminate the General Fund appropriation to the Department of Environmental Protection and the provision that required that appropriation.

Enacted law summary

Public Law 1997, chapter 789 provides the opportunity for municipalities in which a dam is located and that is considering taking over ownership of that dam to petition the Department of Environmental Protection for a 180-day extension of time to complete an agreement for a takeover. The law specifies that the consultation period relating to dam ownership may not be extended for more than 180 days. The law requires a report by the dam owner seeking release from dam ownership within 180 days of filing an abandonment petition, or before the end of an extension to the consultation process, describing the people who were consulted and the results of the consultation process.

The law also authorizes, to the extent existing resources are available, the State Planning Office to provide technical assistance and grants to municipalities or regional planning organizations when municipalities are seeking ownership of a dam. Chapter 789 was enacted as an emergency measure effective April 16, 1998.

LD 2262 **An Act to Allow the Department of Environmental Protection to Process an Application by the Ivan Davis Family for a Hydropower Project at an Existing Dam on the St. George River** **ONTP**

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

LD 2262 proposed to direct the Department of Environmental Protection to process an application to be submitted by the Ivan Davis family for the development of a hydropower project for an existing dam on the St. George River in Liberty.

LD 2265 **An Act to Reduce Nonpoint Source Pollution from Existing Sources, Amend the Shoreland Zoning Laws and Amend the Site Location of Development Laws** **PUBLIC 748**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-1095

LD 2265 proposed to do the following.

1. It proposed to authorize the Maine Municipal Bond Bank to make loans from the clean water revolving loan fund to nonprofit organizations.
2. It proposed to restrict the use of fertilizer containing phosphorus on lawns and similar areas within a lake or pond watershed to 2 situations: during the initial establishment of a lawn or similar landscaped area or when a soil test indicates that phosphorus is needed to maintain healthy vegetation.
3. It proposed to extend the erosion and sedimentation control laws to projects conducted prior to July 1, 1997 that involved filling, displacing or exposing soil or other earthen materials. It proposed to require a property owner to take measures necessary to prevent unreasonable erosion beyond the project site or into a protected natural resource and to take adequate permanent stabilization measures and to maintain the site to prevent unreasonable erosion and sedimentation. These requirements would apply to property located in the watershed of a body of water most at risk from new development as of July 1, 2005 and to other property as of July 1, 2010.
4. It proposed to amend the mandatory shoreland zoning laws to require planning board approval of a written plan to mitigate nonpoint source pollution prior to a permit being issued for certain significant construction involving a structure that does not meet water setback requirements. The plan would need to provide for mitigation measures to be implemented and maintained, including stabilization to prevent erosion and sedimentation; establishment of visual screening; and modification of roofs, driveways and other nonvegetated surfaces to prevent concentrated flow of storm water runoff.

5. It also proposed to amend the mandatory shoreland zoning laws to authorize a municipality to adopt an ordinance that permits the expansion of nonconforming structures using standards different from the current 30% expansion rule. It proposed to establish standards for such expansions, including floor area and height limits, and to authorize a municipality to permit an expansion with an extra 500 square feet of floor area if the principal structure is set back at least 50 feet and a well-distributed stand of trees extends at least 50 feet inland or a written plan to establish such a buffer is approved by the planning board. The bill also proposed to define "basement" for purposes of the mandatory shoreland zoning laws.
6. It proposed to require the Department of Environmental Protection to submit several reports, with varying due dates, to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the following topics: the implementation and maintenance of buffer strips along water resources, a program for identifying and upgrading substandard subsurface disposal systems and compliance with the erosion control laws. The bill also proposed to give the joint standing committee of the Legislature having jurisdiction over natural resources matters authority to report out legislation on these issues.

Committee Amendment "A" (H-1095) proposed to do the following.

1. It proposed to strike from the bill the section that would have authorized the Maine Municipal Bond Bank to make loans from the clean water revolving loan fund to nonprofit organizations.
2. It proposed to strike from the bill the section that would have restricted the use of fertilizer containing phosphorous on lawns and similar areas within a lake or pond watershed.
3. It proposed to provide that erosion and sedimentation prevention provisions apply to certain property in an organized area of the State subject to erosion of soil or sediment into a protected natural resource because of a human activity before July 1, 1997 involving filling, displacing or exposing soil or other earthen materials. The amendment proposed to require the property owner to take measures by certain dates to prevent unreasonable erosion of soil or sediment into a protected natural resource. The prevention provisions would apply on and after July 1, 2005 on property that is located in the watershed of a body of water most at risk as identified in the Department of Environmental Protection's storm water rules and that is subject to erosion of soil or sediment into a protected natural resource. The prevention provisions apply on and after July 1, 2010 on other property that is subject to erosion of soil or sediment into a protected natural resource. The erosion and sedimentation measures would not apply to agricultural fields. Forest management activities conducted in accordance with applicable standards of the Maine Land Use Regulation Commission would be deemed to comply with the erosion and sedimentation control provisions.
4. It proposed to strike from the bill a proposed mandatory shoreland zoning law requirement that a municipal planning board approve a written plan to mitigate nonpoint source pollution before the issuance of a permit for certain significant construction involving a structure that does not meet water setback requirements. It proposed to retain the provisions of the bill that amend the mandatory shoreland zoning laws to allow a municipality to adopt an ordinance that permits the expansion of nonconforming structures using standards different from the current 30% expansion rule. The amendment also proposed to add a requirement that the Department of Environmental Protection report by January 15, 2003 on how the environmental benefits of these measures compare with the 30% expansion rule.
5. It proposed to amend the site location of development laws by exempting certain development on former military bases from the traffic threshold that triggers a review of that development under the law. A

development given this exemption would be one that reuses a building and associated facilities on the former military base that was in existence on September 29, 1995.

6. It proposed to prohibit the study on nonpoint source pollution from addressing buffer strips on land used for agricultural or silvicultural purposes. It also proposed to require the study to evaluate the availability of nonphosphorous fertilizers for use on lawns and other domestic areas.

Enacted law summary

Public Law 1997, chapter 748 provides that erosion and sedimentation prevention provisions apply to certain property in an organized area of the State subject to erosion of soil or sediment into a protected natural resource because of a human activity before July 1, 1997 involving filling, displacing or exposing soil or other earthen materials. The prevention provisions apply on and after July 1, 2005 on property that is located in the watershed of a body of water most at risk as identified in the Department of Environmental Protection's storm water rules and that is subject to erosion of soil or sediment into a protected natural resource. The prevention provisions apply on and after July 1, 2010 on other property that is subject to erosion of soil or sediment into a protected natural resource.

The law amends the mandatory shoreland zoning laws to authorize a municipality to adopt an ordinance that permits the expansion of nonconforming structures using standards different from the current 30% expansion rule. It establishes standards for such expansions, including floor area and height limits, and authorizes a municipality to permit an expansion with an extra 500 square feet of floor area if the principal structure is set back at least 50 feet and a well-distributed stand of trees extends at least 50 feet inland or a written plan to establish such a buffer is approved by the planning board.

The law amends the site location of development laws to exempt certain development on former military bases from the traffic threshold that triggers a review of that development under the law. A development given this exemption is one that reuses a building and associated facilities on the former military base that was in existence on September 29, 1995.

The law requires the Department of Environmental Protection to submit several reports on nonpoint source pollution, erosion control and shoreland zoning.

LD 2269

An Act to Reduce Mercury Use and Emissions

PUBLIC 722

Sponsor(s)
RUHLIN
ROWE

Committee Report
OTP-AM

Amendments Adopted
S-643

LD 2269 proposed to make the following changes to the laws governing mercury use and emissions.

1. It proposed to amend the provisions of law governing the discharge of mercury by a person, firm, corporation or other legal entity that on January 1, 1971 was discharging mercury in connection with an industrial process by providing that after January 1, 2000 such a discharge must be less than one pound per year and after January 1, 2002 such a discharge must be less than 4.5 grams per year. These provisions would be repealed January 1, 2004. After January 1, 2004, the current general provision of law that prohibits the discharge of

mercury and any compound containing mercury in any concentration that increases the natural concentration of mercury in the receiving waters would apply.

2. It proposed to require that the Board of Environmental Protection affirmatively find that a facility using mercury in its industrial process has operated and will operate in compliance with applicable environmental requirements or the facility may not operate after April 1, 2000.
3. It proposed to provide that an air emission source may not emit mercury in excess of 100 pounds per year after January 1, 2000 and 50 pounds per year after January 1, 2004.
4. It proposed to provide that any industrial manufacturing source that uses 1000 pounds or more of mercury in a year in its manufacturing process, using 1998 as a baseline figure, must reduce mercury use by 10% no later than January 1, 2002, 20% no later than January 1, 2004 and 30% no later than January 1, 2006. Failure to achieve these reductions could trigger the penalties specified in the environmental protection laws.
5. It proposed to direct the Land and Water Resources Council to establish a process to identify economic development opportunities consistent with the special status of the lower Penobscot River.

Committee Amendment "A" (S-643) proposed to do the following.

It proposed to change the mercury discharge limit for a facility that on January 1, 1971 was discharging mercury in connection with an industrial process by maintaining the provision in the bill that requires the discharge to be less than one pound per year after January 1, 2000 and amending the bill to require the discharge to be less than 1/10 of a pound after January 1, 2002. It proposed to maintain the provision in the bill that would allow no discharge from such a facility after January 1, 2004 that increases the natural concentration of mercury in the receiving waters.

It proposed to strike from the bill the provision requiring an affirmative determination by the Board of Environmental Protection that a facility using mercury in its industrial process has operated and will operate in substantial compliance with environmental requirements or the facility must discontinue its use of mercury after April 1, 2000.

It proposed to amend the provision in the bill that establishes air emission limits to allow an air emission source to apply to the board for a 6-month extension of the January 1, 2004 deadline for limiting mercury emissions to 50 pounds per year or to apply to the board for a license modification establishing an alternative emission limit for mercury. It proposed to require the board to grant such a license modification if it finds that the proposed limit meets the most stringent emission limitation that is achievable and compatible with the class of source, considering economic feasibility. The amendment also proposed to extend the compliance date for the 100-pound emissions limit to December 19, 2000 for a resource recovery facility that is subject to an emissions limit for mercury that is adopted by rule by the board.

The amendment proposed to strike from the bill the provision requiring toxics use reductions for mercury.

The amendment proposed to require the Land and Water Resources Council to submit a report and implementing legislation by January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on issues relating to mercury-added products sold in the State.

The amendment also proposed to require the Department of Environmental Protection to submit a report by February 1, 1999 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on compliance with the water quality standards for mercury, the results of effluent testing using more

refined testing protocols and the status of approval of those protocols and the levels of natural concentrations of mercury in receiving waters.

Enacted law summary

Public Law 1997, chapter 722 amends the provisions of law governing the discharge of mercury by a person, firm, corporation or other legal entity that on January 1, 1971 was discharging mercury in connection with an industrial process by providing that after January 1, 2000 such a discharge must be less than one pound per year and after January 1, 2002 such a discharge must be less than 1/10 of a pound per year. These provisions are repealed January 1, 2004, when the current general provision of law that prohibits the discharge of mercury and any compound containing mercury in any concentration that increases the natural concentration of mercury in the receiving waters applies.

The law provides that an air emission source may not emit mercury in excess of 100 pounds per year after January 1, 2000 and 50 pounds per year after January 1, 2004. It allows an air emission source to apply to the board for a 6-month extension of the January 1, 2004 deadline or to apply to the board for a license modification establishing an alternative emission limit for mercury. It requires the board to grant such a license modification if it finds that the proposed limit meets the most stringent emission limitation that is achievable and compatible with the class of source, considering economic feasibility. The law also extends the compliance date for the 100-pound emissions limit to December 19, 2000 for a resource recovery facility that is subject to an emissions limit for mercury that is adopted by rule by the board.

The law directs the Land and Water Resources Council to establish a process to identify economic development opportunities consistent with the special status of the lower Penobscot River. It also requires the Land and Water Resources Council to submit a report and implementing legislation by January 1, 1999 on issues relating to mercury-added products sold in the State.

The law also requires the Department of Environmental Protection to submit a report by February 1, 1999 on compliance with the water quality standards for mercury, the results of effluent testing using more refined testing protocols and the status of approval of those protocols and the levels of natural concentrations of mercury in receiving waters.

Joint Standing Committee on State and Local Government

LD 77

An Act to Change the Budgeting Process for York County

**DIED IN
CONCURRENCE**

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

LD 77 proposed to give the county commissioners of York County the final approval of the county budget.

Committee Amendment "A" (H-784) replaced the bill but was not adopted. It proposed to authorize the York County Commissioners to change the county budget adopted by the York County Budget Committee by unanimous vote of the five commissioners. If the commissioners changed the committee's budget, the budget committee would have been able to override the change by a majority vote of the full committee. The amendment also proposed to require notice of budget committee public hearings and all work sessions, workshops and other meetings on the budget be published 14 days before the hearing and that notice be sent by mail to the municipal clerks, county commissioners and legislative delegation of York County 14 days before the hearing. The amendment also would have added a mandate preamble.

LD 188

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Require Minimum Qualifications for the Treasurer of
State**

ONTP

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

LD 188 proposed an amendment to the Constitution of Maine requiring that the Treasurer of State meet certain educational and professional qualifications.

LD 361

An Act to Encourage Regionalization of Municipal Services

**DIED BETWEEN
BODIES**

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

LD 361 proposed to create a grant program to assist municipalities in planning for regional delivery of municipal services. It also proposed to appropriate \$1,000,000 from the General Fund to provide the grants.

LD 566

An Act to Provide Computers for Use in the Legislature

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRY	OTP-AM A	
PINGREE	ONTP B	

LD 566 proposed to require the Legislative Council to provide a computer system in the chambers of the Senate and House of Representatives for each member of the Legislature to allow Legislators immediate access to current law, pending legislation, bill status and committee schedules.

LD 1204

An Act to Establish the Maine Disaster Relief Laws

PUBLIC 600

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON	OTP-AM MAJ	H-783
	ONTP MIN	S-483 CLEVELAND

LD 1204 proposed 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 requires the approval of the employer and allows the employee to be paid at the regular rate without any interruption in benefits.

Committee Amendment "A" (H-783) proposed to limit application of the bill to disasters declared by the governor of a state or territory or the President of the United States. It removes language relating to leave for fire or ambulance calls. It also clarifies that the state or local government granting the leave is not liable under workers' compensation laws for any injuries to the employee while on leave as a disaster service volunteer.

Senate Amendment "B" to Committee Amendment "A" (S-483) proposed to allow state and municipal employees who are certified disaster service volunteers, with the approval of their employers, to use their compensated time off to participate in disaster relief services. It also allows municipal officers to approve of leave or time off for disaster relief as well as the legislative body of the municipality.

Enacted law summary

Public Law 1997, chapter 600 allows state and municipal employees who are certified disaster relief volunteers to be granted up to 15 days of paid leave or compensated time off to provide specialized disaster relief services when requested by the American Red Cross. A state employee's leave must be approved by the employee's appointing authority. A municipal employee's leave must be approved by the municipal officers or the legislative body of the municipality. The law applies only to disasters declared by the governor of a state or territory or by the President of the United States. The state or municipal employer is not liable under workers' compensation laws for injuries suffered by employees on such leave.

LD 1358

An Act to Amend the Procedures for Finalizing the Kennebec County Budget

ONTP

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

LD 1358 proposed to eliminate the requirement under current law that the Kennebec County commissioners submit the annual county budget to the Legislature for approval. It also would have eliminated the advisory budget committee and placed responsibility for the final budget approval on a budget committee composed of elected and appointed municipal officials representing the county commissioner districts.

LD 1359

An Act to Amend the Androscoggin County Budget Process

ONTP

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

LD 1359 proposed to amend the budget approval process for Androscoggin County by removing the requirement that the budget be submitted to the Legislature for final approval. Instead, the existing budget committee would have been empowered to adopt the budget and submit it to the county commissioners. The bill proposed that the county commissioners could alter the committee's budget only by a unanimous vote; and, if the commissioners did so, the budget committee could reject the county commissioners' change by a two-thirds vote.

LD 1551

An Act to Amend the Amount of Retainage on Public Building Contracts

DIED BETWEEN BODIES

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

LD 1551 proposed that in the case of a contract awarded for any public improvement, the State may not withhold money due the contractor under the contract pending acceptance of the project by the State.

Committee Amendment "A" (H-1087) replaced the bill but was not adopted because the Senate and House were unable to agree. As proposed, the amendment applied to state construction projects over \$1,000,000 in value and to school construction projects over \$1,000,000 in value and for which state aid is received. The amendment proposed to limit the retention of contract payments on those public improvement construction projects to line items in the project contract and to situations in which unsatisfactory progress has been made by a contractor or subcontractor. In those cases, up to five percent of the payment due under the project contract could have been withheld until all contract requirements for the line item were completed. Following completion of a line item, any retained payments would have been required to be paid promptly. At the end of a project, the value of punch list and incomplete items could be retained as well as withholding to cover good faith claims of the owner, including

claims for unsatisfactory progress on the project. The amendment proposed that over the course of the project, the owner makes the determination of how much of the payment due will be retained up to the five percent limit and as to whether satisfactory progress has been made on the project.

Senate Amendment "A" to Committee Amendment "A" (S-704) proposed the following changes in the committee amendment. It was not adopted.

1. It would have clarified that payments may be withheld against both a general contractor and a subcontractor under public improvement projects.
2. It would have removed an unnecessary reference to nonperformance of contract line items.
3. It would have clarified that the owner makes the determination of completion and acceptance of work on contract line items.
4. It would have clarified that retention of payments is a percentage of the payment due for approved work on line items under the contract.
5. It would have clarified that retention at the end of line item work under the contract may be up to five percent of the value of the line item.
6. It would have clarified that an owner is not obligated to make payments in case of nonperformance.

Senate Amendment "B" to Committee Amendment "A" (S-707) proposed the following changes in the committee amendment in an attempt to reach compromise on the bill. The amendment was adopted in the Senate but failed when the bill died between bodies.

1. It would have clarified the situations under which payments may be withheld against both a general contractor and a subcontractor under public improvement projects.
2. It would have defined "nonperformance" for the purpose of retention of payment on contract line items.
3. It would have clarified that the owner makes the determination of completion and acceptance of work on contract line items.
4. It would have clarified that retention of payments is a percentage of the payment due for approved work on line items under the contract.
5. It would have clarified that retention at the end of line item work under the contract may be up to five percent of the value of the line item.
6. It would have clarified that an owner is not obligated to make payments in case of nonperformance.

LD 1764

An Act to Establish an Office of Regulatory Reform within the Executive Branch

ONTP

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

LD 1764 proposed to establish the Office of Regulatory Reform in the Executive branch to review agency rules according to nine criteria listed in the bill. The review would have been conducted on all proposed rules and on any existing rule upon the request of 15 legislators. The purpose of the review was to assure that the benefits of a rule outweigh its costs, that each rule is based on scientific and economic evidence and that adoption of the rule would represent a sound policy decision.

LD 1777

An Act to Permit the Creation of Municipal Fire Districts

PUBLIC 698

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT GAGNON	ONTP MAJ OTP-AM MIN	S-553

LD 1777 proposed to set forth a process by which one or more municipalities may join together and form a cooperative municipal fire district. The district would be managed by a board of directors made up of representatives of each member municipality. The directors would determine the budget and municipal contributions toward the district budget. The district would issue a warrant to the municipality for the amount due the district and the municipal tax collector or constable would collect the tax from municipal inhabitants in the same manner as they collect municipal taxes.

Committee Amendment "A" (S-553) proposed to give municipalities more flexibility to form and operate fire districts by removing language specifying matters such as the number of directors representing each municipality and the time frame of the fiscal year. Municipalities would be required to negotiate an agreement on these matters and other operational matters prior to voting on formation of the district. The amendment also provides for adding municipalities to the district after its initial formation, requires the officers of the district to file notice of dissolution with the Secretary of State, and removes language limiting the district to providing fire protection only within the municipal boundaries. The amendment also removes the word "cooperative" from the title of the bill, since that term refers to a type of organization different from that described in the bill.

Enacted law summary

Public Law 1997, chapter 698 establishes a process by which one or more municipalities can join together and form a municipal fire district. The district is managed by a board of directors made up of representatives of each member municipality. The directors determine the budget and municipal contributions toward the district budget. The district issues a warrant to each municipality for the amount due the district and the municipal tax collector or constable collects the tax from municipal inhabitants in the same manner as they collect municipal taxes. The municipalities must negotiate an agreement relating to district management issues before voting to form the district.

LD 1934 **Resolve, to Transfer Spectacle Pond from the State of Maine to the Town of Vassalboro** **ONTP**

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

LD 1934 proposed to transfer ownership of Spectacle Pond and the land surrounding it from the State to the Town of Vassalboro.

LD 1941 **An Act to Amend the Membership Requirement for the Cumberland County Budget Advisory Committee** **PUBLIC 584**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LABRECQUE	OTP-AM MAJ OTP MIN	H-811

LD 1941 proposed to amend the membership requirement of the Cumberland County Budget Advisory Committee to provide that members may not reside in the same municipality.

Committee Amendment "A" (H-811) proposed to amend the membership requirementS of the Cumberland County Budget Advisory Committee to provide that no more than two members may reside in the same municipality.

Enacted law summary

Public Law 1997, chapter 584 amends the membership requirements of the Cumberland County Budget Advisory Committee. Under the current law, the committee consists of nine municipal officers from within the county with three officers from each county commissioner district. This law provides that no more than two members may reside in the same municipality.

LD 1951 **An Act to Require Audits of Municipal Tax Assessment and Collection** **ONTP**

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

LD 1951 proposed to require the Department of Audit to audit municipal tax assessment and collections on a revolving schedule so that each municipality is audited once every four years. At the public hearing on the bill, it became clear that the issue behind the bill was the possible fraud or misuse of motor vehicle excise taxes collected by municipal officials. At the request of the committee, the State Auditor agreed to put together materials and offer training in conjunction with the Maine Municipal Association on the potential for abuse in that area and the need for internal controls by the towns. The auditor will report to the committee on these efforts next year.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP MAJ	H-1031
PARADIS	OTP-AM MIN	H-1085 AHEARNE

LD 1974 proposed to require that the costs of construction and maintenance of a private road be shared equally by the landowners abutting that private road.

Committee Amendment "A" (H-1031) proposed to replace the bill. Current law provides a mechanism through which owners and occupants of a private way or bridge may meet to require all such owners and occupants to pay for maintenance of the private way or bridge. This amendment proposed to update that law to allow its use on most roads not maintained by the public. As amended, the law would provide that owners of three or more parcels of land benefited by a road may ask a notary public to call a meeting of all owners of parcels benefited by the road. At the meeting, owners will elect a commissioner and determine what repairs are needed and how to assess for the costs of repair. If any owner fails to pay, the unpaid assessments and court costs and attorney's fees may be collected from the owner through a civil action. This mechanism may not be used when maintenance responsibility is already assigned through a road association or through a contract, deed or other legally enforceable agreement, unless all involved elect to use this mechanism as an alternative. It also may not be used to pay for maintenance of a road or portion of a road used primarily for the removal of forest products.

House Amendment "C" to Committee Amendment "A" (H-1085) proposed to replace the bill and the committee amendment. It amends the current law regarding maintenance of private ways by deleting the requirement that the property owners hire a surveyor and allowing owners to recover court costs and attorney's fees from any person who fails to pay an assessment and must be taken to court by the other owners. The amendment does not change the terminology "private way," which describes the category of roads to which the law applies, but it provides that the law applies when four or more parcels of land are benefited by the private way, rather than referring to four or more people being benefited. It also provides that the process may be initiated only by persons who own parcels of land that are benefited by the private way or bridge as an appurtenant easement or by fee ownership of the private way or bridge. The amendment provides that the law does not apply to ways constructed or primarily used for commercial purposes or forest management activities. Finally, the amendment requires notice of a meeting to be provided by sending notice to property owners 30 days before the meeting as well as posting notice in a public place.

This amendment specifies that until July 1, 1999 only owners who are members of road associations incorporated as of March 1, 1998 may use the amended process.

Enacted law summary

Public Law 1997, chapter 682 amends the current law regarding maintenance of private ways. Current law allows three or more owners and occupants of a private way or bridge to ask a notary public to convene a meeting to determine the repairs needed and how to assess the owners for such repairs. The law requires the owners to choose a clerk and surveyor and provides for the collection of assessments against the owners and occupants of the private way or bridge. Public Law 1997, chapter 682 deletes from current law the requirement that the property owners hire a surveyor. It adds a provision allowing owners to recover court costs and attorney's fees from any person who fails to pay an assessment and must be taken to court by the other owners. Chapter 682 does not change the terminology "private way," which describes the category of roads to which the law applies, but it provides that the

law applies when four or more parcels of land are benefited by the private way, rather than referring to four or more people being benefited. It also provides that the process may be initiated only by persons who own parcels of land that are benefited by the private way or bridge as an appurtenant easement or by fee ownership of the private way or bridge. The law does not apply to ways constructed or primarily used for commercial purposes or forest management activities. Notice of a meeting must be sent to all affected property owners 30 days before the meeting and must be posted in a public place. Until July 1, 1999 only property owners who are members of road associations incorporated as of March 1, 1998 may make use of the amended process.

LD 1976 **An Act to Allow the York County Commissioners to Send Out Tax Bills to Towns Twice a Year** **ONTP**

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

LD 1976 proposed to allow the York County Commissioners to fix the date for payment of the county tax prior to September 1st, and to authorize two dates for the payment of the tax.

LD 1984 **An Act to Amend the Laws Governing Secession** **PUBLIC 699**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE	OTP-AM MAJ ONTP MIN	H-1024

LD 1984 proposed to require that the entire municipality be allowed to vote on a proposed secession of any portion of that municipality and that the secession is effective only if approved by a majority of the votes cast.

Committee Amendment "A" (H-1024) proposed to require that proponents of secession seek a meeting with the municipal officers of the municipality from which they wish to secede, for the purpose of attempting to resolve the concerns that have caused them to consider secession. The proponents are required, prior to seeking legislation, to make a written request to the officers to add the issue to the agenda for a regular meeting of the officers. The officers are not required to place the item on the agenda, but the results of the request and of any meetings that take place must be reported to the committee of the Legislature considering the secession request by the secession proponents. The municipal officers are the selectmen or councilors of a town or the mayor and aldermen or councilors of a city. The amendment also changes the provision relating to information submitted to the Legislature to require that the listed information be provided, rather than requiring it to be provided if available.

Enacted law summary

Public Law 1997, chapter 699 requires proponents of secession to request a meeting with the municipal officers of the municipality from which they wish to secede, for the purpose of attempting to resolve the concerns that have caused them to consider secession. The proponents are required prior to seeking legislation, to make a written request to the officers to add the issue to the agenda for a regular meeting of the officers. The officers are not required to place the item on the agenda, but the results of the request and of any meetings that take place must be reported to the committee of the Legislature considering the secession request by the secession proponents. Chapter

699 also changes current law to require that certain information be provided to the Legislature when a secession bill is presented, rather than requiring it to be provided only if available.

LD 2008 **An Act to Clarify Mileage Reimbursement for Employees of
Community Action Agencies** **PUBLIC 601**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT TESSIER	OTP-AM	S-474

LD 2008 proposed to permit a state agency to authorize reimbursement for travel by a community action agency at a rate greater than the rate established for state employees.

Committee Amendment " " (S-474) clarifies the intent of the original bill by providing the conditions under which employees of community action agencies and the Maine State Housing Authority may be exempt from the mileage reimbursement rate limit established for state employees.

Enacted law summary

Public Law 1997, chapter 601 provides the conditions under which employees of community action agencies and the Maine State Housing Authority may be exempt from the mileage reimbursement rate limit established for state employees.

LD 2015 **An Act to Clarify the Law Requiring the Appointment of the
Pineland Development Authority** **P & S 88
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTLAND	OTP-AM	S-534

LD 2015 proposed to ensure that the Pineland Development Authority is appointed in accordance with the intent of Private and Special Law 1995, chapter 79. This bill specifies that, unless by July 14, 1998 all of the Pineland Center has been sold or leased, the Governor must appoint members to the Pineland Development Authority which will assume management responsibility for the Pineland Center property. The bill would also alter the membership requirements of the Pineland Development Authority by adding additional members from New Gloucester, specifying that the board members select the chair, providing that vacancies must be filled in the same manner as the original vote and ensuring that each member's vote is given equal weight. The bill also requires that \$5,000,000 be appropriated for remediating environmental contamination and for building repair at the Pineland Center.

Committee Amentment "A" (S-534) proposes to remove all provisions in the bill pertaining to the Pineland Development Authority and adds revisions to the Pineland Conversion Committee and its membership. It would also add an emergency preamble to the bill.

Enacted law summary

Private and Special Law 1997, chapter 88 revises the membership of the Pineland Conversion Committee by adding local members from the towns of North Yarmouth, Gray and Pownal.

LD 2059

An Act to Repeal Certain Archaic and Unenforced Laws

PUBLIC 623

Sponsor(s)
PIEH

Committee Report
OTP

Amendments Adopted

LD 2059 proposed to:

1. Repeal the law providing that owners of steamboats employed in towing logs or lumber on the State's inland waters have a lien on those logs;
2. Repeal the chapter of law prohibiting dueling;
3. Repeal the law authorizing a town to prohibit the burning of bricks or the erecting of brickkilns;
4. Repeal the law requiring that the sheriff or jailkeeper is monetarily liable when a prisoner escapes;
5. Repeal the law that requires that prisoners being discharged from jail be given clothing costing no more than \$10, a rail ticket costing no more than \$8 and a sum of money not exceeding \$2;
6. Eliminate the requirement that the sheriff have the county jail walls whitewashed annually;
7. Repeal the chapter of the law requiring registration for shopping carts and containers for bakery, dairy and other products;

Enacted law summary

Public Law 1997, chapter 623 repeals certain laws which are obsolete and unenforced. This law repeals: the chapter in statutes pertaining to dueling; the prohibition of burning bricks or erecting brickkilns in a town; the provision which holds a jailkeeper monetarily liable when a prisoner escapes; the provision which requires that a discharged prisoner be given clothing, a rail ticket and money of limited value and the requirement that county jails be whitewashed annually; the registration requirement of shopping carts and; the requirement that steamboat owners towing logs on inland waters have a lien on those logs.

LD 2085

**An Act to Provide for the Continuation of Town Government
Despite a Failed Budget Referendum**

ONTP

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

LD 2085 proposed to provide that if a municipal budget is not approved in three consecutive referenda, a municipality may continue to operate on 1/12 of the previous year's budget until a budget is approved.

LD 2098

An Act to Improve the Integrity of Notaries Public

PUBLIC 712

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING	OTP-AM MAJ ONTP MIN	S-590

LD 2098 proposed to amend the notary public laws by establishing guidelines for the Secretary of State to use when a complaint is brought against a notary public.

Committee Amendment "A" (S-590) proposed to provide that the Secretary of State may adopt rules regarding the commission of a notary public after that notary public has been convicted of a crime. These rules must provide that a conviction for perjury, false swearing, bribery, corrupt practices or forgery or related offenses may be a basis for the Secretary of State to suspend, revoke or refuse to renew the commission of a notary public.

Enacted law summary

Public Law 1997, chapter 712 establishes guidelines for the Secretary of State to use when addressing a complaint brought against a notary public and defines the grounds under which the Secretary of State may revoke or refuse to renew the commission of a notary public.

LD 2108

**An Act to Have a Referendum on Whether or Not an Independent
Public Commission Should be Established to Set Legislative Pay**

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM A ONTP B OTP-AM C	

LD 2108 proposed to establish a Legislative Compensation Commission to review the current levels of compensation provided to Maine Legislators. The bill provides that the five members of the commission be appointed by the Governor, with at least one from each of the two major political parties. The bill specifies that no member of the commission may be a former Legislator or a Legislator, lobbyist or lobbyist employer at the time of the appointment. Under the bill, the commission's recommendations would be binding and automatically take effect

for the next legislative session. The establishment of the Legislative Compensation Commission proposed by this bill would need to be approved by the voters of Maine via referendum vote in order to be established.

Committee Amendment "A" (S-630), the majority report of the Joint Standing Committee on State and Local Government, was not adopted. The amendment proposed to remove the provision that gives the Legislative Compensation Commission's recommendations on compensation the force of law unless the Legislature specifically overrides them. Instead, the amendment would require the commission to report its recommendations to the Legislative Council and the Joint Standing Committee on State and Local Government. The Chair of the Legislative Council would introduce a joint order adopting the recommendation and directing the Joint Standing Committee on Appropriations and Financial Affairs to describe and fund those levels in the budget for the next legislative biennium. A public hearing on the joint order would be held by the Joint Standing Committee on State and Local Government, which would then vote on the order and report its vote to the Senate and the House of Representatives. A new compensation level would take effect if the joint order is approved by both bodies and budget legislation including the new compensation would take effect. Until a new level of compensation is established pursuant to the proposed law, the current level of compensation would remain in effect. The amendment would change the date of the first report from November 30, 1999 to March 1, 2000 and requires the commission to report every four years rather than every two years.

The amendment would also change the term of office for members of the commission from four years to three years and add a requirement that one member of the commission be a person who is not enrolled in any party. The amendment would also remove the requirement that the proposal be put out to referendum.

Committee Amendment "B" (S-631), a minority report of the Joint Standing Committee on State and Local Government, was not adopted. The amendment proposed to amend the bill in the same manner as Committee Amendment "A" with some additional changes. The amendment proposed to require the commission to hold four public hearings throughout the state to solicit information from the public about barriers to running for the Legislature and proposals to eliminate them. A requirement that one commission member have professional experience in administration of compensation and retirement benefits was proposed by this amendment. With the amendment the Legislature would not be able to increase the level of compensation recommended by the commission and the commission would be repealed on March 1, 2002.

The amendment requires the commission to hold four public hearings around the State to solicit information from the public about barriers to running for the Legislature and to solicit recommendations for eliminating those barriers. The amendment also repeals the commission on March 1, 2002 and provides that compensation remains at the level in effect prior to the repeal.

The amendment also changes the term of office for members of the commission from four years to three years and adds a requirement that one member of the commission be a person who is not enrolled in any party. The amendment requires that one commission member be a person with professional experience in compensation and retirement benefits. The amendment also removes the requirement that the proposal be put out to referendum.

Senate Amendment "A" (S-694), which was not adopted, proposed to clarify that the Legislative Compensation Commission be required to address health care and federal tax benefits in its recommendations.

Committee of Conference Amendment "A" (S-781), which was not adopted, was the report of the committee of conference. This report proposed to amend the bill in the same way as Committee Amendment "A" with some additional changes. It would remove the Joint Standing Committee having jurisdiction over matters of state and local government from the process outlined to establish compensation. Instead, the commission after holding work

meetings and public hearing would issue its report to the Legislative Council who would issue the recommendations to the Legislature as a Joint Order. The report proposed to specify that recommendations must be made based on work in and out of session and outlined a specific timeline by which meetings and hearings of the commission should be held. The amendment also proposed to change the date the commission would report to January 15, 2000.

LD 2112

An Act Creating the InforME Public Information Act to Ensure Access to Electronic Public Records

PUBLIC 713

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM A	S-624
MITCHELL E	ONTP B	
	OTP-AM C	

LD 2112 proposed to create a system to provide electronic access to public information from the executive, judicial and legislative branches of state government. The system, known as the Information Resource of Maine, or "InforME," is governed by a 15-member board composed of representatives of the public and private sectors. The InforME board will establish policies for the system and will enter into a contract with a private entity to serve as network manager. The network manager will establish an internet site through which the information will be provided and will administer the system under direction of the InforME board. Each agency and branch of government will decide what information will be made available through InforME. A service level agreement between the network manager and the agency or branch that provides the information, referred to as the data custodian, will govern the provision of information and services. Most information will be available without charge, but the network manager is allowed to create premium services and to charge a fee for those additional services.

Committee Amendment "A" (S-624) adds to the InforME Board two voting public members, appointed by the President of the Senate and the Speaker of the House of Representatives. It clarifies that provision of information through InforME does not diminish an agency's duty to provide access to public information under the freedom of access laws. The amendment prohibits the InforME board from approving as a premium service any service that provides access to records or data in the form maintained by the data custodian. The amendment allows the network manager to receive a portion of the agency fee for information or a service in return for making the information or service available electronically, but prohibits the electronic access fee from being higher than the fee for providing the information or service in the usual form.

The amendment specifies that the service level agreement between the data custodian and the network manager determines the extent to which confidential information is made available to the network manager. The amendment provides that free services provided to libraries must be made available through the depository library system and may be provided through other libraries as well.

The amendment requires the InforME Board to annually report to the Legislature, including a list of services provided, fees charged and the criteria for determining premium services. In the first report delivered on January 1, 1999, the board must include an analysis of the feasibility of offering premium services at no charge to depository libraries or other libraries in the State.

Enacted law summary

Public Law 1997, chapter 713 creates a system to provide electronic access to public information from the executive, judicial and legislative branches of state government. The system, known as the Information Resource of Maine, or “InforME,” is governed by a 17-member board composed of representatives of the public and private sectors. The InforME board will establish policies for the system and will enter into a contract with a private entity to serve as network manager. The network manager will establish an internet site through which the information will be provided and will administer the system under direction of the InforME board. Each agency and branch of government will decide what information will be made available through InforME. A service level agreement between the network manager and the agency or branch that provides the information, referred to as the data custodian, will govern the provision of information and services. Most information will be available without charge, but the network manager is allowed to create premium services and to charge a fee for those additional services. The InforME board must approve premium services and is prohibited from approving as a premium service any service that provides access to records or data in the form maintained by the data custodian. The board also must approve premium service fees. Fees must cover all costs of operating the system; General Fund appropriations are not provided for operation of the system.

The InforME board is required to make an annual report to the Legislature, including a list of services provided, fees charged and the criteria for determining premium services. In the first report delivered on January 1, 1999, the board must include an analysis of the feasibility of offering premium services at no charge to depository libraries or other libraries in the State.

LD 2114

An Act Relating to the Qualifications of the Director of the Bureau of Human Resources

PUBLIC 632

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

LD 2114 proposed to change the qualifications for the Director of the Bureau of Human Resources in the Department of Administrative and Financial Services by eliminating the requirement that the director meet specific enumerated factors.

Enacted law summary

Public Law 1997, chapter 632 changed the qualifications for the Director of the Bureau of Human Resources in the Department of Administrative and Financial Services by eliminating the requirement that the director meet specific enumerated factors.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	OTP-AM MAJ ONTP MIN	H-1032

LD 2136 proposed to allow the Department of Audit to access information in the files of a department, commission or agency of the State, including confidential information, during the course of an audit or investigation. It also proposed to classify certain audit working papers as confidential and to specify the circumstances in which audit working papers may be disclosed.

Committee Amendment "A" (H-1032) replaced the bill. It proposed to authorize the State Auditor to access confidential or privileged information in the files of departments, commissions and agencies that are the subject of an audit or investigation. It requires the State Auditor to meet with the department, commission or agency to discuss methods of identifying and protecting confidential or privileged information and requires the department, commission or agency to inform the State Auditor of department standards and procedures for handling information it considers confidential or privileged. The amendment allows departments, commissions and agencies to remove from the files information that identifies persons or institutions if necessary to protect confidential or privileged information, provided other unique identifiers are inserted in their place. It makes clear that provisions of law, including penalties applicable to department, commission or agency staff for handling or disclosure of confidential or privileged information, apply to the State Auditor and staff. Confidential or privileged information may be disclosed only if allowed by law and if agreed to by the department, commission or agency. The amendment also provides that audit working papers are confidential, but may be disclosed under certain specified situations.

Enacted law summary

Public Law 1997, chapter 703 authorizes the State Auditor to access confidential or privileged information in the files of departments, commissions and agencies that are the subject of an audit or investigation. It requires the State Auditor to meet with the department, commission or agency to discuss methods of identifying and protecting confidential or privileged information and requires the department, commission or agency to inform the State Auditor of department standards and procedures for handling information it considers confidential or privileged. Chapter 703 allows departments, commissions and agencies to remove from the files information that identifies persons or institutions if necessary to protect confidential or privileged information, provided other unique identifiers are inserted in their place. It makes clear that provisions of law, including penalties applicable to department, commission or agency staff for handling or disclosure of confidential or privileged information, apply to the State Auditor and staff. Confidential or privileged information may be disclosed only if allowed by law and if agreed to by the department, commission or agency. The law also provides that audit working papers are confidential, but may be disclosed under certain specified situations.

LD 2147

An Act to Amend the Laws Relating to Archives and the Retention and Admissibility of Electronic Records

PUBLIC 636

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMKE RUHLIN	OTP-AM	H-945

LD 2147 proposed to amend the laws relating to governmental archives and the retention and admissibility of governmental electronic records. It clarifies language relating to records by deleting language differentiating “current”, “semicurrent” and “noncurrent” records; it consolidates two conflicting definitions of “record” and defines “electronic record”. It amends the law requiring local governments to provide fireproof safes or vaults for non-current records to say that the requirement applies only to records that must be retained permanently but that are not required for business purposes.

The bill provides that electronic records may not be denied legal effect solely because they are in electronic form. It establishes methods of determining accuracy and integrity of the records, specifies how the jury or judge must weigh electronic evidence, and establishes standards for government agencies to follow in retaining electronic records to meet legal requirements.

Committee Amendment "A" (H-945) deletes a segment of the bill relating to admission of electronic records to legal proceedings and assessing the evidential weight of electronic records.

Enacted law summary

Public Law 1997, chapter 636 amends the laws relating to governmental archives and the retention and admissibility of governmental electronic records. It makes technical changes to language defining and categorizing types of records and it defines “electronic record”. It amends the law requiring local governments to provide fireproof safes or vaults for non-current records to say that the requirement applies only to records that must be retained permanently but that are not required for business purposes. It also provides that records may not be denied legal effect in court proceedings solely because they are in electronic form. It establishes methods of determining accuracy and integrity of the records and establishes standards for government agencies to follow in retaining electronic records to meet legal requirements.

LD 2148

An Act to Grant the Joint Standing Committee Having Jurisdiction over Criminal Matters the Authority to Review the Appointments of the Commissioner of Public Safety and the Chief of the State Police

PUBLIC 657

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH MURRAY	OTP-AM A OTP B ONTP C	

LD 2148 proposed to transfer the authority to review nominations of the Commissioner of Public Safety and the Chief of the State Police from the Joint Standing Committee on State and Local Government to the Joint Standing Committee on Criminal Justice.

Enacted law summary

Public Law 1997, chapter 657 transfers authority to review the nominations for Commissioner of Public Safety and the Chief of the State Police from the Joint Standing Committee on State and Local Government to the Joint Standing Committee on Criminal Justice.

LD 2154

An Act to Improve State House Utilization

PUBLIC 671

Sponsor(s)
RAND

Committee Report
OTP-AM

Amendments Adopted
S-533

LD 2154 proposed to limit the excepted space to those offices occupied by the Governor or the Governor's staff in the west wing of the State House. Current law gives the Legislative Council control over all of the State House except for those offices occupied by the Governor or the Governor's staff on January 1, 1982.

Committee Amendment "A" (S-533) proposed to add language requiring the Legislative Council to ensure that the Governor and the Governor's staff have sufficient and appropriate office space in the State House. It also strikes language in current law specifying the uses the Legislative Council may make of the State House space.

Enacted law summary

Public Law 1997, chapter 671 amends the law setting forth authority over use of space in the State House. Current law gives the Legislative Council control over all of the State House except for those offices occupied by the Governor or the Governor's staff on January 1, 1982. Chapter 671 limits the excepted space to those offices occupied by the Governor or the Governor's staff in the west wing of the State House. It requires the Legislative Council to ensure that the Governor and the Governor's staff have sufficient and appropriate office space in the State House. It also strikes language in current law specifying the uses the Legislative Council may make of the State House space.

LD 2181

An Act Concerning Reporting Deadlines of Studies Authorized by Law

**PUBLIC 582
EMERGENCY**

Sponsor(s)
MITCHELL E
RAND

Committee Report
OTP

Amendments Adopted

LD 2181 proposed to extend the reporting deadlines of certain studies required in legislation enacted in the First Regular or First Special Session of the 118th Legislature.

Enacted law summary

Public Law 1997, chapter 582 extended the reporting deadlines for studies involving the following entities: the Task Force to Study the Cost-effectiveness of the Child Development Services System; the Maine Commission on

Children’s Health Care; the Task Force on Improving Access to Prescription Drugs for the Elderly; the Task Force to Study Economic Opportunity for All Regions of the State; the Commission to Study the Unemployment Compensation System; and the Maine Commission to Study the Certificate of Need Laws. Chapter 582 was enacted as an emergency measure, effective March 4, 1998.

LD 2211 **Resolve, to Repeal a Prior Resolve Authorizing the Exchange of a Parcel of Land Owned by the State with One Owned by Luke Bolduc** **RESOLVE 98**

<u>Sponsor(s)</u> GAGNE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-909
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LD 2211 proposed to repeal a previous resolve that required the exchange of all of the land owned by Luke Bolduc, approximately two acres, for about 37 acres of the Maine Veterans' Cemetery. This resolve requires the exchange between Mr. Bolduc and the Cemetery of approximately like-sized pieces of property while straightening out the boundary line of the cemetery.

Committee Amendment "A" (H-909) proposed to correct a Registry of Deeds page number.

Enacted law summary

Resolve 1997, chapter 98 repeals a 1996 resolve that required the exchange of all of the land owned by Luke Bolduc, approximately two acres, for about 37 acres of the Maine Veterans’ Cemetery. This resolve requires the exchange by Mr. Bolduc and the Cemetery of approximately like-sized pieces of property and allows for straightening of the cemetery boundary line.

LD 2244 **An Act to Encourage Intergovernmental Cooperation** **PUBLIC 785**

<u>Sponsor(s)</u> SAXL J GOLDTHWAIT	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-1016 S-761 MICHAUD
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LD 2244 proposed to clarify the authority of counties to develop and contract to provide services to municipalities. The bill also proposed to increase the share of real estate transfer tax retained by counties from 10 percent to 25 percent, to appropriate \$500,000 for pilot projects conducted by counties and to require appointment of four legislators to an executive department task force on intergovernmental cooperation.

Committee Amendment "A" (H-1016) proposed to delete the \$500,000 appropriation for grants to counties for pilot projects, remove authorization for counties to contract with unorganized townships and clarify language regarding fees.

Senate Amendment "B" (S-761) proposed to delete sections of the bill increasing the share of real estate transfer tax retained by the counties and authorization for grants to counties for pilot projects.

Enacted law summary

Public Law 1997, chapter 785 clarifies the authority of counties to develop and contract to provide services to municipalities. It also requires appointment of four legislators to an executive department task force on intergovernmental cooperation and appropriates funds to pay per diem and expenses for those members.

LD 2245 An Act Requiring Notification of Option to Request Judicial Review **DIED BETWEEN BODIES**

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

LD 2245 proposed to require state agencies to notify parties to an agency proceeding of their right to judicial review and the deadlines for filing a petition for review.

LD 2250 An Act to Implement the Recommendations of the Maine Commission on Outstanding Citizens P & S 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ OTP-AM MIN	H-1064 S-635 LIBBY

LD 2250 proposed to implement the recommendations of the Maine Commission on Outstanding Citizens to effectuate the acquisition and display of portraits in the State House of outstanding Maine citizens.

Committee Amendment "A" (H-1064) proposed to strike the bill and replace it with the list of 20 citizens included in the recommendations of the Legislature and adding Dora Bradbury Tinkham and Kate Douglas Wiggin to the list of those receiving official recognition as outstanding Maine citizens.

Senate Amendment "A" to Committee Amendment "A" (S-635) would provide funding for acquisition of the portraits from the Percent for Art Program.

Enacted law summary

Private and Special Law 1997, chapter 76 implements the recommendations of the Maine Commission on Outstanding Citizens plus Dora Bradbury Tinkham and Kate Douglas Wiggin by providing for the acquisition and display of portraits in the State House of outstanding Maine Citizens through funding from the Percent for Art Program.

LD 2258

Resolve, Authorizing the Transfer of the Old Hancock County Jail on State Street, Ellsworth from Hancock County to the Ellsworth Historical Society

RESOLVE 116

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH GOLDTHWAIT	OTP-AM	H-1020 S-606 GOLDTHWAIT

LD 2258 proposed to authorize the Hancock County Commissioners to transfer the Old Hancock County Jail and Sheriff's House to the Ellsworth Historical Society.

Committee Amendment "A" (H-1020) would add a particular description of the land authorized to be transferred by the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-606) proposed to correct the description of the land authorized to be transferred.

Enacted law summary

Resolve 1997, chapter 116 authorizes the Hancock County Commissioners to transfer the Old Hancock County Jail and Sheriff's House to the Ellsworth Historical Society.

LD 2270

Resolution, Proposing an Amendment to the Constitution of Maine to Amend the Timing of Elections Following the Submission of a Petition for People's Veto

DIED BETWEEN BODIES

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

LD 2270 proposed to amend the Constitution of Maine to require that a petition for a people's veto be submitted to the voters at a regular statewide or general election not less than 60 days after the Governor issues a proclamation, and to delete language allowing the Governor to call a special election for that purpose.

LD 2280

An Act Authorizing Certain Debt of Hancock County for Construction of a New Jail and Courthouse Renovations and Ratifying Certain Action Taken by Hancock County in Connection with the Authorization of this Debt

**P & S 81
EMERGENCY**

Sponsor(s)
GOLDTHWAIT
POVICH

Committee Report
OTP-AM

Amendments Adopted

LD 2280 proposed to ratify the action taken by the voters of Hancock County to approve the borrowing of \$6 million for a new jail facility and renovation of the courthouse in Ellsworth. Ratification is needed because the wording of the question on the ballot did not exactly match the wording required in the Private and Special Law authorizing the vote.

Enacted law summary

Private and Special Law 1997, chapter 81 ratifies the action taken by the voters of Hancock County to approve the borrowing of \$6 million for a new jail facility and renovation of the courthouse in Ellsworth. Ratification is needed because the wording of the question on the ballot did not exactly match the wording required in the Private and Special Law authorizing the vote. Private and Special Law chapter 81 was enacted as an emergency measure effective April 3, 1998.

LD 2282

An Act to Establish the Boundary between Harpswell and Brunswick

P & S 80

Sponsor(s)
ETNIER

Committee Report
OTP-AM MAJ
OTP-AM MIN

Amendments Adopted
H-1062

LD 2282 proposed to define and describe the location of the common boundary between the Town of Brunswick and the Town of Harpswell.

Committee Amendment "A" (H-1062) makes technical corrections to the description of the boundary line between Harpswell and Brunswick and adds language clarifying that the description is the boundary line. The amendment also makes the Act conditional on approval of the voters of both towns.

Enacted law summary

Private and Special Law 1997, chapter 80 defines and describes the location of the common boundary between the Town of Brunswick and the Town of Harpswell. The Act is conditional upon approval of the voters of both towns.

LD 2290

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1998

**RESOLVE 108
EMERGENCY**

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

LD 2290 proposed to authorize the laying of the county taxes and expenditures of Kennebec County government for the year 1998.

Enacted law summary

Resolve 1997, chapter 108 authorizes the laying of the county taxes and expenditures of Kennebec County government for the year 1998. Resolve chapter 108 was passed as an emergency measure effective April 4, 1998.

LD 2291 **Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1998** **RESOLVE 109 EMERGENCY**

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

LD 2291 proposed to authorize the laying of the county taxes and expenditures of Androscoggin County government for the year 1998.

Enacted law summary

Resolve 1997, chapter 109 authorizes the laying of the county taxes and expenditures of Androscoggin County government for the year 1998. Resolve chapter 109 was passed as an emergency measure effective April 2, 1998.

LD 2292 **An Act to Revise the Salaries of Certain County Officers** **PUBLIC 721 EMERGENCY**

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

LD 2292 proposed to increase the salaries of certain county officers and applies retroactively to January 1, 1998 and adds a fiscal note.

Enacted law summary

Public Law 1997, chapter 721 establishes the 1998 salaries of county officers in Kennebec and Androscoggin counties. No changes were made in the salaries of Androscoggin County officers from those established in 1997. Public Law chapter 721 was enacted as an emergency measure effective April 7, 1998.

LD 2294

Resolve, Regarding Payments to Legislators During a Special Session of the 118th Legislature

**FAILED
EMERGENCY
FINAL PASSAGE**

Sponsor(s)
MITCHELL E

Committee Report

Amendments Adopted

LD 2294 proposed that Legislators are not entitled to per diem compensation for attendance at the Second Special Session of the 118th Legislature. This bill was considered without reference to committee.

Joint Standing Committee on Transportation

LD 726

An Act to Increase the Bonding Limits of the Maine Turnpike Authority

PUBLIC 646

Sponsor(s)
JOYCE

Committee Report
OTP-AM

Amendments Adopted
H-922

LD 726 proposed 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 2 lanes of travel in both directions to 3 lanes of travel in both directions.

Committee Amendment "A" (H-922) proposed to increase the amount of bonds of the Maine Turnpike Authority which may be outstanding for any lawful purpose of the authority from \$116,000,000 to \$170,000,000 and provide that the bonding limit for paying the cost of widening all or any portion of the Maine Turnpike between Exits 1 and 6-A be \$41,000,000. The amendment also proposed to make technical corrections to the bill.

Enacted law summary

Public Law 1997, chapter 646 increases the amount of bonds of the Maine Turnpike Authority which may be outstanding for any lawful purpose of the authority from \$116,000,000 to \$170,000,000 and provides that the bonding limit for paying the cost of widening all or any portion of the Maine Turnpike between Exits 1 and 6-A is be \$41,000,000.

LD 757

An Act to Create Graduated Licenses

ONTP

Sponsor(s)
JOYNER
BENNETT

Committee Report
ONTP

Amendments Adopted

LD 757 proposed to establish graduated driver's licenses under which certain restrictions would apply to young drivers.

LD 1594

Resolve, to Create the Commission to Study Establishing a Rail Authority to Develop Rail Service from Calais to Eastport and Brewer

RESOLVE 104

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM	H-925 H-946 GOODWIN

LD 1594 proposed to create the Calais to Eastport Rail Authority to establish freight rail service between Calais and Eastport. The bill proposed to transfer to the authority the Department of Transportation's interest in the existing rail line between Calais and Ayers Junction. It also proposed to transfer the Department of Transportation's interest in the existing rail line between Ayers Junction and the Hancock County line to those municipalities through which the line runs. The bill also proposed a \$4,500,000 million bond issue for use by the authority in establishing freight rail service between Calais and Eastport.

Committee Amendment "A" (H-925) proposed to replace the bill. It proposed to create the Commission to Study Establishing a Rail Authority to Develop Rail Service from Calais to Eastport and Brewer. The commission would study the potential uses of rail service from Calais to Eastport and Brewer along existing railroad rights-of-way owned by the State. It would also make projections as to the volume of traffic along a developed railway, estimate the costs of developing the rights-of-way and review methods of funding and implementing the development of the rights-of-way. The commission would also make recommendations regarding whether a public authority should be established to fund and implement the development of the rights-of-way. The commission would be required to report to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 1999. It also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-946) proposed changing the members on the commission to include one member, not 3, representing an economic development agency.

Enacted law summary

Resolve 1997, chapter 104 creates the Commission to Study Establishing a Rail Authority to Develop Rail Service from Calais to Eastport and Brewer. The commission must study the potential uses of rail service from Calais to Eastport and Brewer along existing railroad rights-of-way owned by the State. It must also make projections as to the volume of traffic along a developed railway, estimate the costs of developing the rights-of-way and review methods of funding and implementing the development of the rights-of-way. The commission must also make recommendations regarding whether a public authority should be established to fund and implement the development of the rights-of-way. The commission must report to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 1999.

<u>Sponsor(s)</u> DRISCOLL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-930 S-766 O'GARA
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LD 1939 proposed to do the following.

1. Define "reconstructed motorcycle."
2. In the Maine Revised Statutes, Title 29-A, section 152, give the Secretary of State statutory authority to assign a new identification number to owner-assembled motorcycles whose component parts, as defined by Title 29-A, §602, subsection 2, are new, used or a mixture of new and used.
3. Allow municipal agents to issue new registrations for trucks with a gross weight of up to 9,000 pounds without the further training described in Title 29-A, section 201, subsection 2, paragraph C, subparagraph (2).
4. Provide for a new issuance of all motor vehicle dealer plates.
5. Remove the height restrictions for the word "Vacationland."
6. Clarify that vanity plates may not be duplicated in the same vehicle class.
7. Increase the reserved number fee to \$15 to be consistent with the reserve plate fee.
8. Create a 25-year semitrailer registration.
9. Change the compliance date for reapplication for disability plates or placards from January 1, 1999 to January 1, 2001 and repeal the effective date of January 1, 1996.
10. Bring the reinstatement fee for a fuel use identification decal in line with other reinstatement fees within the Bureau of Motor Vehicles.
11. Add Title 29-A, section 562 to the list of motor carriers who are not exempt from the Motor Carrier Review Board.
12. Give the option to code certificates of title as rebuilt, repaired or salvage, even though the vehicle named on the title has not been declared a salvage vehicle.
13. Close a loophole whereby towing companies are currently issued ordinary certificates of title for total-loss vehicles so that the towing company is issued a certificate of salvage.
14. Require that the certificate of title for a repaired salvage vehicle must show the legend "repaired" on its face.
15. Change the number of days that a lienholder has to execute a release of the security interest.
16. Define "recycler."

17. Make the annex and secondary location license fees for recyclers consistent with other types of dealer annex and secondary location fees.
18. Clarify that an operator accompanying a holder of a driver's permit must adhere to all restrictions applied to that operator's driver's license when acting as an accompanying operator, and that an accompanying operator must be licensed to operate the class vehicle operated by the permittee.
19. Provide the Secretary of State with authority to require an accident-prone driver to obtain driving instruction and education in addition to or as an alternative to passing an operator's examination.
20. Permit the Secretary of State to authorize qualified persons to conduct motorcycle driver education instructor certification courses.
21. Clarify that identification signs and dual controls are not required on a vehicle provided by a person already in possession of a valid Maine driver's license or instruction permit when the vehicle is not provided by the driver education school.
22. Lower the property damage limits from \$300,000 to \$100,000 for licensed vehicle dealers.
23. Allow the Secretary of State to require an applicant for a school bus endorsement to activate the flashing red lights during a driving examination.
24. Authorize the suspension of a license for failure to provide a valid social security number on an application for, or renewal of, a driver's license.
25. Clarify that the minimum amount of liability insurance necessary for participation in the ignition interlock device program is \$300,000 single limit.

Committee Amendment "A" (H-930) proposed to make several changes and additions to the bill.

Senate Amendment "A" (S-766) proposed to require the Commissioner of Transportation to establish, by rule, the Adopt-A-Highway Program in Maine under which organizations may participate in beautification efforts on all state highways. It also proposed to allow the Commissioner of Transportation to permit signs identifying participants in the program.

Enacted law summary

Public Law 1997, chapter 776 does the following.

1. It defines "reconstructed motorcycle."
2. In the Maine Revised Statutes, Title 29-A, section 152, it gives the Secretary of State statutory authority to assign a new identification number to owner-assembled motorcycles whose component parts, as defined by Title 29-A, §602, subsection 2, are new, used or a mixture of new and used.
3. It allows municipal agents to issue new registrations for trucks with a gross weight of up to 9,000 pounds without the further training described in Title 29-A, section 201, subsection 2, paragraph C, subparagraph (2).
4. It removes the height restrictions for the word "Vacationland."

5. It clarifies that vanity plates may not be duplicated in the same vehicle class.
6. It increases the reserved number fee to \$15 to be consistent with the reserve plate fee.
7. It creates a 25-year semitrailer registration.
8. It changes the compliance date for reapplication for disability plates or placards from January 1, 1999 to January 1, 2001 and repeals the effective date of January 1, 1996.
9. It brings the reinstatement fee for a fuel use identification decal in line with other reinstatement fees within the Bureau of Motor Vehicles.
10. It adds Title 29-A, section 562 to the list of motor carriers who are not exempt from the Motor Carrier Review Board.
11. It gives the option to code certificates of title as rebuilt, repaired or salvage, even though the vehicle named on the title has not been declared a salvage vehicle.
12. It closes a loophole whereby towing companies are currently issued ordinary certificates of title for total-loss vehicles so that the towing company is issued a certificate of salvage.
13. It requires that the certificate of title for a repaired salvage vehicle must show the legend "repaired" on its face.
14. It changes the number of days that a lienholder has to execute a release of the security interest.
15. It defines "recycler."
16. It makes the annex and secondary location license fees for recyclers consistent with other types of dealer annex and secondary location fees.
17. It clarifies that an operator accompanying a holder of a driver's permit must adhere to all restrictions applied to that operator's driver's license when acting as an accompanying operator, and that an accompanying operator must be licensed to operate the class vehicle operated by the permittee.
18. It provides the Secretary of State with authority to require an accident-prone driver to obtain driving instruction and education in addition to or as an alternative to passing an operator's examination.
19. It permits the Secretary of State to authorize qualified persons to conduct motorcycle driver education instructor certification courses.
20. It clarifies that identification signs and dual controls are not required on a vehicle provided by a person already in possession of a valid Maine driver's license or instruction permit when the vehicle is not provided by the driver education school.
21. It lowers the property damage limits from \$300,000 to \$100,000 for licensed vehicle dealers.
22. It allows the Secretary of State to require an applicant for a school bus endorsement to activate the flashing red lights during a driving examination.

23. It authorizes the suspension of a license for failure to provide a valid social security number on an application for, or renewal of, a driver's license.
24. It provides that a motor vehicle record bearing the seal of any state or of a department, officer or agency of any state that is admissible pursuant to the Maine Rules of Evidence, Rule 902 is prima facie evidence in any judicial or administrative proceeding of any fact stated in the motor vehicle record. This change would extend the investigators' authority to deal with inspection laws as they relate to the sales of vehicles by licensed dealers.
25. It allows for a new dealer plate issue in the year 1999.
26. It provides a process for the issuance of specialty license plates.
27. It makes a technical change to statutes regarding registration and excise tax evasion.
28. It changes the expiration of fuel decals for trucks used exclusively in Maine from December 31st to June 30th. It provides for a one-time transition where decals issued for 1999 would remain valid until June 30, 2000. The fee is prorated.
29. It clarifies that all motor carriers are subject to the provisions of the Motor Carrier Review Board.
30. It reduces the title fee from \$15 to \$10 for those trailers that register under the semipermanent or permanent registration program.
31. It allows the Secretary of State a broader range of discretion when reviewing criminal history prior to the issuance of motor vehicle dealer licenses.
32. It adds to the definition of a motor vehicle dealer a person who advertises in any form 3 or more vehicles for sale or displays 3 or more vehicles for sale within a 30-day period on premises controlled by that person.
33. It exempts mobile home dealers from the heavy trailer dealer plates and licensing requirement. If a mobile home dealer wishes to hold trailer dealer plates, all requirements must be met before the license is issued.
34. It requires a dealer to maintain for 5 years after the sale of a vehicle copies of titles, transfers and other documents used for titling purposes for that vehicle.
35. It allows the Secretary of State a broader range of discretion when reviewing criminal history prior to the issuance of motor vehicle recycler licenses.
36. It extends medical payment coverage to all motor vehicle liability policies to ensure consistency with other provisions of the financial responsibility laws.
37. It increases the legal liability limits requirements from \$100,000 to \$300,000 for licensed dealers.
38. It allows the Commissioner of Transportation to enter into more than one agreement regarding regional overdimensional truck permits. It also authorizes the commissioner to pursue a consolidated multistate overdimensional or overweight permit for permittees.

- 39. It allows a truck tractor with a semitrailer access to service facilities within one mile of the highway network and the access system upon which that vehicle is allowed.
- 40. It provides that the prosecution in an OUI case is not required to produce expert testimony regarding the functioning of self-contained breath-alcohol testing apparatus before the test results are admissible, if sufficient evidence is offered.
- 41. It clarifies that revocation of a license to operate a motor vehicle under former Maine Revised Statutes, Title 29 remains in effect under Title 29-A.
- 42. It clarifies that a notice of a license suspension or revocation must include notice that a copy of the report of the law enforcement officer and any blood-alcohol test certificate will be provided to a person upon request to the Secretary of State only in cases where the person's license is suspended or revoked pursuant to an administrative action.
- 43. It requires the Commissioner of Transportation to establish, by rule, the Adopt-A-Highway Program in Maine under which organizations may participate in beautification efforts on all state highways. It also allows the Commissioner of Transportation to permit signs identifying participants in the program.

LD 1947 An Act to Improve Traffic Safety ONTP

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

LD 1947 proposed to permit the use of evidence obtained from unmanned, automatic cameras to prosecute and prove traffic violations. The owner of the vehicle would have been rebuttably presumed to be the violator. Evidence from the cameras could also have been used in other legal actions.

LD 1979 Resolve, Requiring the State to Reimburse Towns for the ONTP
Construction of Salt and Sand Storage Facilities

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

LD 1979 proposed to require the State to reimburse to municipalities, by December 31, 1998, the State's share of the costs of salt and sand storage facilities that were constructed by municipalities and approved by the Department of Transportation prior to January 1, 1998.

Committee Amendment "A" (H-796) proposed to correct a cross-reference error in the resolve and add an appropriation and a fiscal note to the resolve.

Committee Amendment "A" to House Amendment "A" (H-807) requires the State to commit funds to reimburse to municipalities the State's share of the costs of salt and sand storage facilities that are classified by the

Department of Environmental Protection as Priority 3. The amendment also requires the State to reimburse to municipalities the State's share of the costs of salt and sand storage facilities that were constructed by municipalities prior to January 1, 1998 for projects classified as Priority 4 and 5.

LD 1981 **An Act to Amend Road Signs along I-95 and the Maine Turnpike to Indicate the Location of Full-service Gas Stations by Using the Handicap Access Symbol** **ONTP**

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

LD 1981 proposed to require the handicap access symbol be placed on signs on the Interstate Highway System and the Maine Turnpike to indicate the availability of full-service gas stations.

LD 1982 **An Act to Name a Highway in Burnham in Honor of Medal of Honor Recipient Corporal Clair Goodblood** **P & S 62**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCELROY	OTP-AM	H-799

LD 1982 proposed to name the section of Route 100 that passes through the Town of Burnham the Corporal Clair Goodblood Memorial Highway in memory of Medal of Honor recipient Corporal Clair Goodblood, who was killed in action April 25, 1951 in Korea. It also proposed to appropriate \$4,000 to partially fund the construction of a memorial in Burnham in honor of Corporal Goodblood.

Committee Amendment "A" (H-799) proposed to strike from the bill a General Fund appropriation to partially fund the construction of a memorial to Corporal Clair Goodblood. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1997, chapter 62 names the section of Route 100 that passes through the Town of Burnham the Corporal Clair Goodblood Memorial Highway in memory of Medal of Honor recipient Corporal Clair Goodblood, who was killed in action April 25, 1951 in Korea.

LD 1986

**Resolve, to Name the Newly Constructed Route 2 Palmyra Bridge
in Memory of Trooper Thomas J. Merry**

**RESOLVE 88
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEDMAN MITCHELL B	OTP	H-785 STEDMAN

LD 1986 proposed to name the newly constructed bridge on Route 2 in Palmyra in memory of Maine State Trooper Thomas Merry.

House Amendment "A" (H-785) proposed to add the middle initial in the name of Maine State Trooper Thomas J. Merry.

Enacted law summary

Resolve 1997, chapter 88 names the newly constructed bridge on Route 2 in Palmyra in memory of Maine State Trooper Thomas J. Merry. Chapter 88 was enacted as an emergency measure effective February 25, 1998.

LD 2013

An Act to Broaden the Farm Stand Exemption

PUBLIC 635

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON	OTP-AM MAJ ONTP MIN	S-515

LD 2013 proposed to expand by one month the period during which a grower of fresh fruit and vegetables may erect signs along public ways advertising the fresh fruit and vegetables available at the grower's farm. The bill proposed the period run from May 15th to November 1st. The bill also proposed to allow owners or operators of greenhouses to erect signs along public ways during the period from February 1st to December 25th.

Committee Amendment "A" (S-515) proposed to replace the bill. It proposed to allow a producer of an agricultural product to erect signs on private property between May 1st and December 31st that advertise products that are grown, produced and sold on the premises of the producer. If a producer's operation fronted a state highway, the producer could not erect a sign on that state highway. The producer would be limited to 4 signs and the signs would have to be located within 5 miles of the producer's location. The signs would have to be directional in nature and advertise only the agricultural products available for immediate purchase. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 635 allows a producer of an agricultural product to erect signs on private property between May 1st and December 31st that advertise products that are grown, produced and sold on the premises of the producer. If a producer's operation fronts a state highway, the producer may not erect a sign on that state highway. The producer is limited to 4 signs and the signs must be located within 5 miles of the producer's location. The signs must be directional in nature and advertise only the agricultural products available for immediate purchase.

<u>Sponsor(s)</u> O'GARA		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-498
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LD 2031 proposed to amend the motor vehicle laws as follows.

1. Add to the list of Parts of 49 Code of Federal Regulations adopted by reference as Maine rules by the Commissioner of Public Safety and the Bureau of State Police 2 additional Parts that had inadvertently not been included to date.
2. Clarify that a center lane clearly marked for turning traffic may not be used for passing.
3. Clarify that a person who a law enforcement officer has probable cause to believe has committed or is committing a violation of the motor vehicle laws must provide the person's correct name, address and date of birth to an officer.
4. Prohibit motor vehicle operators from stopping or parking on certain portions of limited-access highways.
5. Prohibit leaving the pavement or the main traveled portion of a way when passing a vehicle on the left.
6. Make the venue for the violation of refusing to sign a Uniform Summons and Complaint or Violation Summons and Complaint the same as the venue for the original violation.

Committee Amendment "A" (S-498) proposed to:

1. Amend the definition of antique auto.
2. Add to the motor vehicle laws a definition of "motorized wheelchair."
3. Provide an exemption to the requirement that vehicle operators turn off fog lights and auxiliary lights when approaching or following another if the lights are installed at the time of manufacture.
4. Prohibit a person traveling on a limited-access highway from parking a vehicle on a traffic lane, deceleration lane, acceleration lane, or on a bridge or on the left shoulder of the traffic lanes.

Enacted law summary

Public Law 1997, chapter 653 amends the motor vehicle laws as follows:

1. It adds to the list of Parts of 49 Code of Federal Regulations adopted by reference as Maine rules by the Commissioner of Public Safety and the Bureau of State Police 2 additional Parts that had inadvertently not been included to date.
2. It clarifies that a center lane clearly marked for turning traffic may not be used for passing.

3. It clarifies that a person who a law enforcement officer has probable cause to believe has committed or is committing a violation of the motor vehicle laws must provide the person's correct name, address and date of birth to an officer.
4. It prohibits leaving the pavement or the main traveled portion of a way when passing a vehicle on the left.
5. It makes the venue for the violation of refusing to sign a Uniform Summons and Complaint or Violation Summons and Complaint the same as the venue for the original violation.
6. It amends the definition of antique auto.
7. It adds to the motor vehicle laws a definition of "motorized wheelchair."
8. It provides an exemption to the requirement that vehicle operators turn off fog lights and auxiliary lights when approaching or following another if the lights are installed at the time of manufacture.
9. It prohibits a person traveling on a limited-access highway from parking a vehicle on a traffic lane, deceleration lane, acceleration lane, or on a bridge or on the left shoulder of the traffic lanes.

LD 2037 **Resolve, Requiring the Department of Transportation to Construct a Full-service Rest Area on Interstate 95 30 Miles North of the Medway Rest Area** **ONTP**

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

LD 2037 proposed to direct the Department of Transportation to construct and maintain a full-service rest area on Interstate 95 30 miles north of the rest area in Medway.

LD 2039 **Resolve, to Name the East Outlet Bridge the Richard Francis Lavigne Bridge** **RESOLVE 89**

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

LD 2039 proposed to rename the East Outlet Bridge on Route 15 in Sapling Township the Richard Francis Lavigne Bridge. Richard Francis Lavigne, of Greenville, was the first Moosehead Lake area casualty during World War II.

Enacted law summary

Resolve 1997, chapter 89 renames the East Outlet Bridge on Route 15 in Sapling Township the Richard Francis Lavigne Bridge. Richard Francis Lavigne, of Greenville, was the first Moosehead Lake area casualty during World War II.

LD 2055 **An Act Regarding the Delayed Reregistration of Certain Trucks** **ONTP**

<u>Sponsor(s)</u> BARTH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2055 proposed to allow the proration of certain truck registration fees when a truck is removed from service for a period of time.

LD 2066 **Resolve, Concerning Highway Construction in Aroostook County** **ONTP**

<u>Sponsor(s)</u> PARADIS DONNELLY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2066 proposed to require the Department of Transportation to make and perform certain maintenance and construction along Route 11 in Aroostook County and Penobscot County and along Route 1 in Aroostook County.

LD 2109 **An Act to Reduce Motor Vehicle Fatalities and Injuries among Young Drivers** **PUBLIC 737**

<u>Sponsor(s)</u> MURRAY		<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN		<u>Amendments Adopted</u> H-1017 DRISCOLL S-563
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LD 2109 proposed to:

1. Increase from 16 years to 17 years the age for which driver education is necessary to obtain a license;
2. Raise from 18 years to 20 years the minimum age of the licensed driver who may supervise a driver permit holder during the permit period;
3. Require a driver permit holder to drive a minimum of 35 hours with a licensed operator, 20 years or older, during the permit period in order to obtain the experience needed to safely operate a vehicle. At least 5 of the 35 hours would need to be night driving. Licensed operators would be required to certify the number of hours of driving the permittee operated the vehicle with the licensed operator. A parent or guardian would be required to certify the permittee's completion of the additional 35 hours of required driving time;
4. Limit the number of passengers in a vehicle operated by a person under 21 years of age to the number of seatbelts in the vehicle;
5. Add an increased penalty of a 275-day license suspension for persons aged 21 years or older who operate a motor vehicle under the influence with juveniles under the age of 21 years;

6. Add an increased penalty of a 180-day license suspension for drivers under 21 years of age who operate a vehicle with passengers under 21 years of age while under the influence;
7. Add an increased penalty of a 275-day license suspension for persons who appear to be operating a motor vehicle under the influence with passengers under 21 years of age and who refuse to submit to an OUI test; and
8. Increase from one year to 2 years the term for which a provisional license is issued to new drivers under 21 years of age with respect to moving violations. With respect to operating under the influence, the provisional license would continue to remain in effect until the driver is 21 years of age.

Committee Amendment "A" (S-563), the majority report of the Committee on Transportation, proposed to clarify that a person 18 years of age or older is not required to complete a course in driver education to obtain an instruction permit. It also proposed to clarify who may certify instruction driving time under the hours proposed in the bill. It proposed that a 275-day additional suspension applies to an OUI violation that occurs when there is a passenger under 21 years of age in the vehicle. It proposed to change the application date of certain provisions in the bill relating to licenses from July 1, 1998 to August 1, 1998. It also proposed to allow a work-restricted license to be issued to a person who violates a juvenile provisional license by operating a vehicle with any level of blood alcohol, but only if the violation is a first offense. Current law allows the work-restricted license but does not specify the violation to be a first offense.

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

House Amendment "B" to Committee Amendment "A" (H-1017) proposed to specify that a spouse or employer is authorized to certify the required driving time of a person under the age of 18 who holds a driver's instruction permit.

Enacted law summary

Public Law 1997, chapter 737:

1. Increases from 16 years to 17 years the age for which driver education is necessary to obtain a license;
2. Raises from 18 years to 20 years the minimum age of the licensed driver who may supervise the permittee during the permit period;
3. Requires a permittee to drive a minimum of 35 hours with a licensed operator, 20 years or older, during the permit period in order to obtain the experience needed to safely operate a vehicle. At least 5 of the 35 hours must be night driving. Licensed operators must certify the number of hours of driving the permittee operated the vehicle with the licensed operator. A parent or guardian must certify the permittee's completion of the additional 35 hours of required driving time;
4. Limits the number of passengers in a vehicle operated by a person under 21 years of age to the number of seatbelts in the vehicle;
5. Adds an increased penalty of a 275-day license suspension for persons 21 years old or older who commit an OUI violation with juvenile passengers under the age of 21 years;
6. Adds an increased penalty of a 180-day license suspension for drivers under 21 years of age who operate a vehicle with passengers under 21 years of age while under the influence;

7. Adds an increased penalty of a 275-day license suspension for persons who appear to be operating a motor vehicle under the influence with passengers under 21 years of age and who refuse to submit to an OUI test; and
8. Adds an increase from one year to 2 years of the term for which a provisional license is issued to new drivers under 21 years of age with respect to moving violations. With respect to operating under the influence, the provisional license will continue to remain in effect until the driver is 21 years of age.
9. It also allows a work-restricted license to be issued to a person who violates a juvenile provisional license by operating a vehicle with any level of blood alcohol, but only if the violation is a first offense. Current law allows the work-restricted license but does not specify the violation to be a first offense.

LD 2115

An Act to Allow the Department of Transportation to Provide Privately Contracted Ferry Services

**PUBLIC 612
EMERGENCY**

Sponsor(s)
GOLDTHWAIT
JONES K

Committee Report
OTP-AM

Amendments Adopted
S-496

LD 2115 proposed to authorize the Department of Transportation to carry out its responsibilities with respect to the Maine State Ferry Service by providing additional or substitute service with privately contracted vessels.

Committee Amendment "A" (S-496) proposed to add a provision to the original bill that specifies the Department of Transportation may use privately contracted vessels to provide Maine State Ferry Service during periods of facility repair or maintenance or during periods of extraordinary demand. The amendment also proposed to provide that use of private vessels must be in accordance with an agreement between the department and the State's collective bargaining agent. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 612 authorizes the Department of Transportation to carry out its responsibilities with respect to the Maine State Ferry Service by providing additional or substitute service with privately contracted vessels during periods of facility repair or maintenance or during periods of extraordinary demand. The law also provides that use of private vessels must be in accordance with an agreement between the department and the State's collective bargaining agent. Chapter 612 was enacted as an emergency measure effective March 23, 1998.

LD 2123

Resolve, Relating to Commercial Vehicle Fee Reciprocity with New Brunswick

ONTP

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

LD 2123 proposed to authorize the Commissioner of Transportation to set the entrance fee for a commercial vehicle to Maine from New Brunswick, Canada at the same level as the fee charged by New Brunswick for a vehicle to enter New Brunswick from Maine.

Committee Amendment "A" (H-920) proposed to require the Secretary of State to set the fee required under the resolve. The resolve originally required the Commissioner of Transportation to set the fee.

LD 2144 An Act to Make Allocations from Maine Turnpike Authority Funds P & S 77
for the Maine Turnpike Authority for the Calendar Year Ending
December 31, 1999

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-871
	ONTP MIN	H-896 DRISCOLL

LD 2144 proposed to make allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 1999 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

Committee Amendment "A" (H-871) proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-896) proposed to replace the fiscal note on the committee amendment to make technical corrections.

Enacted law summary

Private and Special Law 1997, chapter 77 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 1999 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

LD 2149 An Act to Implement the Recommendations of the Working Group PUBLIC 750
on Motor Vehicle Fines, Enforcement and Reimbursement and to
Change Certain Provisions of the Tax Relief Funds

Sponsor(s)
LEMONT

Committee Report
OTP-AM

Amendments Adopted
H-926
S-759 MICHAUD

LD 2149 proposed to addresses reimbursement for municipal and county law enforcement agencies whose officers are required to be present in District Court as well as the moratorium on local traffic ordinances enacted in Public Law 1997, chapter 392.

The bill proposed to repeal the Maine Revised Statutes, Title 4, section 173, subsection 4, under which municipal law enforcement officers are paid \$10 by the State for each day or part of a say they are required to appear in District Court. The bill proposed to increase the reimbursement to \$40 a day, clarify that the reimbursement is paid to the municipality and clarify that the reimbursement is \$40 regardless of whether the officer is appearing during regular working hours, while off duty or while working overtime.

The bill proposed to create a separate fund out of which the Administrative Office of the Courts would pay the reimbursements to the municipalities and counties. Eight percent of all traffic infraction revenue would be deposited in the fund. At the end of each fiscal year, any balance remaining in the fund would be transferred to the General Fund.

The bill would repeal the sunset on the new law prohibiting municipalities from adopting ordinances that are the same as or conflict with the state laws governing speed and other traffic control limits. The bill would make the explicit prohibition permanent.

Committee Amendment "A" (H-926) would provide for the payment of the \$40 flat fee for each day a county law enforcement officer, designated by that officer's county, serves as the court officer to handle the county's case load before the court. The amendment also proposed to change the original bill by increasing from 8% to 9 1/2% the amount of revenue from traffic infraction fines that accrues to the Law Enforcement Agency Reimbursement Fund and reduces from 13% to 3.5% the amount of revenue from traffic infraction fines that accrues to the General Fund. The amendment proposed to keep in effect current provisions regarding the accrual of fines and forfeitures related to certain violations that are not traffic infractions.

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

Senate Amendment "B" to Committee Amendment "A" (S-759) proposed to reduce the reimbursement of municipal and county law enforcement officers who serve as court officers and witnesses from \$40 per day to \$25 per day. This amendment also proposed to reduce from 9 1/2% to 6 % the amount of revenue from traffic infraction fines that accrues to the Law Enforcement Agency Reimbursement Fund and increase from 3 1/2% to 7% the amount of revenue from traffic infraction fines that accrues to the General Fund.

The amendment also proposed to transfer the estimated remaining balance in the Tobacco Tax Relief Fund into the General Fund no later than December 31, 1998.

It also proposed to amend Public Law 1997, chapter 643, Part S to move up the transfer of funds from the Tax Relief Fund for Maine Residents and the Tobacco Tax Relief Fund from the end of fiscal year 1998-99 to no later than December 31, 1998.

It also proposed to amend Public Law 1997, chapter 643, Part T to move up the repeal of the Tax Relief Fund for Maine Residents and the Tobacco Tax Relief Fund from June 30, 1999 to December 31, 1998.

This amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1997, chapter 750 increases the state reimbursement of municipal law enforcement officers for each day or part of a day they are required to appear in District Court from \$10 to \$25 a day, clarify that the reimbursement is paid to the municipality and clarify that the reimbursement is \$25 regardless of whether the officer is appearing during regular working hours, while off duty or while working overtime. The law also provides for the payment of the \$25 flat fee for each day a county law enforcement officer, designated by that officer's county, serves as the court officer to handle the county's case load before the court.

The bill creates a separate fund out of which the Administrative Office of the Courts pays the reimbursements to the municipalities and counties. Six percent of all traffic infraction revenue would be deposited in the fund.

It makes permanent the prohibition in Public Law 1997, chapter 392 on municipalities adopting ordinances that are the same as or conflict with the state laws governing speed and other traffic control limits.

The amendment transfers the estimated remaining balance in the Tobacco Tax Relief Fund into the General Fund no later than December 31, 1998.

It also amends Public Law 1997, chapter 643, Part S to move up the transfer of funds from the Tax Relief Fund for Maine Residents and the Tobacco Tax Relief Fund from the end of fiscal year 1998-99 to no later than December 31, 1998.

It also amends Public Law 1997, chapter 643, Part T to move up the repeal of the Tax Relief Fund for Maine Residents and the Tobacco Tax Relief Fund from June 30, 1999 to December 31, 1998.

LD 2150

An Act to Create a Maine Children's Trust Fund Registration Plate

ONTP

Sponsor(s)
KONTOS

Committee Report
ONTP

Amendments Adopted

LD 2150 proposed to authorize a children's trust motor vehicle registration plate, with revenues, after administrative costs, to be paid to the Maine Children's Trust Incorporated for programs to prevent child abuse and neglect.

LD 2164

Resolve, to Enhance the Economy and Tourism Industry in Hancock County and Western Washington County by Requiring the Implementation of the Biennial Transportation Improvement Program Regarding Shared Use of the Calais Branch Rail Line

ONTP

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

LD 2164 proposed to direct the Department of Transportation to implement those portions of its biennial transportation program covering the shared use of the Calais branch rail line from Brewer to Harrington in time for the 1999 tourist season.

LD 2187 **Resolve, to Name the New Bridge on Route 157 in Medway the Harold C. Beathem Bridge** **RESOLVE 97**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD STANLEY	OTP-AM	S-495

LD 2187 proposed to name the new Route 157 bridge in Medway the Harold C. Beathem Bridge.

Committee Amendment "A" (S-495) proposed to change the title of the resolve to specify the bridge being named. The amendment also proposed to note that Harold C. Beathem was a respected community leader from Medway. The amendment also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 1997, chapter 97 names the new Route 157 bridge in Medway the Harold C. Beathem Bridge in memory of a respected community leader from Medway.

LD 2188 **Resolve, to Name the Bridge on Route 236 the Jeffrey Curley Bridge** **ONTP**

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

LD 2188 proposed to require the bridge over the Great Works River in South Berwick be known as the Jeffrey Curley Bridge.

LD 2193 **An Act to Allow Tow Trucks on Posted Roads** **ONTP**

Sponsor(s)
MITCHELL E
O'GARA

Committee Report
ONTP

Amendments Adopted

LD 2193 proposed to exempt tow trucks from the restriction against travel by certain vehicles over roads that are posted against such vehicles by the Department of Transportation. The exemption would apply only if the tow truck is aiding a vehicle that has broken down on the posted road or on property that is contiguous to the posted road.

LD 2195

**An Act Concerning Enforcement of Parking Spaces for Persons
with Physical Disabilities**

PUBLIC 673

Sponsor(s)
MURRAY

Committee Report
OTP-AM

Amendments Adopted
H-961 THOMPSON
S-538

LD 2195 proposed several changes to the handicapped parking laws. The proposal were:

1. Replace the term "handicapped parking" by the term "parking spaces designated for persons with a physical disability" or "designated parking spaces";
2. Specify the design of designated parking spaces, access aisles, curbs, signs and road gradings and apply that design to all parking lots to which the public has access. All designated parking spaces would be required to be in compliance with the bill within one year of the effective date of the bill;
3. Require placards and vehicle registrations to contain the driver's license number or state identification number of the person with a physical disability. The bill also would have repealed the fee for placards;
4. Repeal the current county and municipal volunteer parking enforcement programs. The bill would have required the Commissioner of Public Safety to develop a statewide program of county volunteer parking enforcement specialists, headed by the Director of Parking Enforcement;
5. Require vehicles parking in a designated parking space to display the placard or disability registration plates;
6. Increase the minimum amount of a ticket issued for parking unlawfully in a designated parking space from \$100 to \$250;
7. Require a person with a physical disability to exit the vehicle if the vehicle is parked in a designated parking space;
8. Make the owner of a vehicle cited for illegally parking in a designated parking space liable for payment of the citation, except that the person could rebut the presumption by providing specified documentation. The owner of a vehicle cited or another person could request a hearing to determine guilt. If the person failed to request a hearing, or requests a hearing and is adjudged guilty, that person would waive the ability to pay the minimum amount as stated on the ticket. Instead, the person would be assessed a forfeiture of between \$250 and \$500 plus court costs;

10. Subject a physician who willfully signs a fraudulent application form used to obtain designated parking space privileges to a \$500 forfeiture;
11. Subject a person to additional forfeitures if the person commits multiple violations or refuses to pay the required fine. The Secretary of State would be required to reject the driver's license or vehicle registration renewal application of a person who failed to make the required payment; and
12. Distribute revenue created by violations of the provisions of the Maine Revised Statutes, Title 29-A, section 521, subsection 8 or Title 30-A, chapter 1, subchapter VI, article 9-A between the municipality enforcing these provisions and the Department of Public Safety, with the department receiving 25% to be used for the administration of this bill, including the compensation of the position of Director of Parking Enforcement as created by this bill.

Committee Amendment "A" (S-538) proposed to strike all the provisions of the bill and provide that local or county law enforcement agencies could enforce handicapped parking restrictions on private off-street parking areas.

House Amendment "A" "to Committee Amendment "A" (H-961) proposed to repeal a provision of law under which a person commits a traffic infraction if the person does not have a disability and uses a vehicle with disability registration plates or a windshield placard.

Enacted law summary

Public Law 1997, chapter 673 provides that local or county law enforcement agencies may enforce handicapped parking restrictions on private off-street parking areas. It also repeals a provision of law under which a person commits a traffic infraction if the person does not have a disability and uses a vehicle with disability registration plates or a windshield placard.

LD 2199 **An Act to Make Supplemental Allocations from the Highway Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999** **PUBLIC 674 EMERGENCY**

<u>Sponsor(s)</u> DRISCOLL O'GARA	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1058
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LD 2199 proposed to do the following.

Part A:

1. Make supplemental allocations from the Highway Fund;
2. Make supplemental allocations from the Federal Expenditures Fund; and
3. Make supplemental allocations from Other Special Revenue funds.

Part B:

1. Make allocations from the Highway Fund for approved reclassifications and range changes; and
2. Make allocations from the Highway Fund as reductions to support approved reclassifications and range changes.

Part C:

1. Repeal the law that requires the transfer of funds from the Collector Road Program within the Department of Transportation to the Highway Fund as undedicated revenue;
2. Authorize the Department of Transportation to enter into lease-purchase contracts for the procurement of vehicles or equipment;
3. Lapse funds to the Highway Fund in fiscal year 1997-98;
4. Authorize the transfer of funds between all Highway Fund programs within the Department of Transportation; and
5. Require that the interest on money in the Special Revenue-Suspense Account be used for the purposes of that account.

Part D:

1. Require that interest earned by the Collector Road Improvement Fund be retained by the fund and made available for distribution in subsequent program years.

Committee Amendment "A" (H-1058) proposed to do the following.

Part A:

1. Make supplemental Highway Fund allocations and deallocations;
2. Make supplemental Federal Expenditures Fund allocations and deallocations;
3. Make supplemental Other Special Revenue allocations.

Part B:

1. Make Highway Fund allocations and deallocations to fund reclassifications.

Part C:

1. Repeal the law that transfers \$200,000 in fiscal year 1997-98 and \$300,000 in fiscal year 1998-99 from the Collector Road Program within the Department of Transportation to the Highway Fund as undedicated revenue;
2. Authorize the Department of Transportation to enter into lease-purchase agreements for the procurement of engineering vehicles or equipment;

3. Authorize the Department of Transportation to enter into lease-purchase agreements for the procurement of vehicles or equipment;
4. Lapse \$98,558 in fiscal year 1997-98 to the Highway Fund from the Statewide - Retiree Health Account;
5. Authorize the transfer of Personal Services savings between all Highway Fund programs within the Department of Transportation to cover any nonrecurring program costs;
6. Authorize the transfer of up to 75% from the balance remaining in the Highway Fund at the end of fiscal year 1997-98 to the Department of Transportation's Highway and Bridge Improvement Program; and
7. Authorize the Secretary of State to establish project positions by financial order.

Part D:

1. Make Supplemental Highway Fund allocations and deallocations;
2. Make supplemental Federal Expenditures Fund allocations; and
3. Make supplemental Other Special Revenue allocations.

Part E:

1. Make Highway Fund allocations and deallocations; and
2. Make Federal Expenditures Fund allocations and deallocations.

Enacted law summary

Public Law 1997, chapter 674 does the following.

Part A:

1. Makes supplemental Highway Fund allocations and deallocations;
2. Makes supplemental Federal Expenditures Fund allocations and deallocations;
3. Makes supplemental Other Special Revenue allocations.

Part B:

1. Makes Highway Fund allocations and deallocations to fund reclassifications.

Part C:

1. Repeals the law that transfers \$200,000 in fiscal year 1997-98 and \$300,000 in fiscal year 1998-99 from the Collector Road Program within the Department of Transportation to the Highway Fund as undedicated revenue;
2. Authorizes the Department of Transportation to enter into lease-purchase agreements for the procurement of engineering vehicles or equipment;
3. Authorizes the Department of Transportation to enter into lease-purchase agreements for the procurement of vehicles or equipment;
4. Lapses \$98,558 in fiscal year 1997-98 to the Highway Fund from the Statewide - Retiree Health Account;
5. Authorizes the transfer of Personal Services savings between all Highway Fund programs within the Department of Transportation to cover any nonrecurring program costs;
6. Authorizes the transfer of up to 75% from the balance remaining in the Highway Fund at the end of fiscal year 1997-98 to the Department of Transportation's Highway and Bridge Improvement Program; and
7. Authorizes the Secretary of State to establish project positions by financial order.

Part D:

1. Makes Supplemental Highway Fund allocations and deallocations;
2. Makes supplemental Federal Expenditures Fund allocations; and
3. Makes supplemental Other Special Revenue allocations.

Part E:

1. Makes Highway Fund allocations and deallocations; and
2. Makes Federal Expenditures Fund allocations and deallocations.

Chapter 674 was enacted as an emergency measure effective April 2, 1998.

LD 2255

An Act to Allow a Public Utility Emergency Service Vehicle to Use a Siren and Red Light When Responding to an Emergency

ONTP

Sponsor(s)
USHER
O'GARA

Committee Report
ONTP

Amendments Adopted

LD 2255 proposed to allow a public utility emergency service vehicle to use a siren and red light. It also proposed to subject a public utility emergency service vehicle to the same laws regarding right-of-way as other authorized emergency vehicles.

Joint Standing Committee on Utilities and Energy

LD 224 **An Act Regarding Charges Assessed against Owners of Sprinkler Systems** **ONTP**

<u>Sponsor(s)</u> CAMPBELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 224 proposed 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 be based on water usage.

LD 1732 **An Act to Provide Choice to Maine's Electricity Customers** **ONTP**

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1732 was one of 5 bills introduced in 1997 in the 1st Regular Session that proposed a restructuring of the electric utility industry. One of the bills, LD 1804, was used as the vehicle for restructuring legislation developed by the committee and adopted by the Legislature in 1997 (see summary of LD 1804 in the bill summaries for the 1st Regular and 1st Special Sessions of the 118th); of the other 4 bills, 3 were killed. This bill, LD 1732, was carried forward as a vehicle for dealing with the issue of securitization. Securitization is a financing method proposed by utilities as a means of reducing the overall cost of stranded cost recovery. While this bill was killed, the committee dealt with other restructuring-related issues in other bills (see LDs 1935 and 2285).

LD 1788 **An Act to Require Notice to Telephone Subscribers of the Sale or Transfer of an Interexchange Carrier or a Change in Rates** **ONTP**

<u>Sponsor(s)</u> BUNKER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1788, which was carried forward from 1st Regular and 1st Special Session, proposed to require a provider of interexchange telephone services to notify customers 30 days before a sale or transfer of ownership or a change in rates.

LD 1906

An Act Clarifying the Public Service Corporation Exception

PUBLIC 576

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-450
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LD 1906 proposed to provide that the exception for public service corporations to the laws regarding licensing of electricians includes electrical installations made on facilities owned by a customer.

Committee Amendment "A" (S-450) proposed that public service corporations are exempt from electrician licensing requirements when making installations used to connect the electric utility supply system to service entrance conductors, other than installations of mobile home service equipment.

Enacted law summary

Public Law 1997, chapter 576 provides that public service corporations are exempt from electrician licensing requirements when making installations used to connect the electric utility supply system to service entrance conductors. The exemption does not apply to installations of mobile home service equipment.

LD 1912

An Act to Amend the Charter of the Guilford-Sangerville Water District to Increase the Bond Authorization

**P & S 61
EMERGENCY**

<u>Sponsor(s)</u> JONES SL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-793
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LD 1912 proposed to increase the debt limit of the Guilford-Sangerville Water District from \$1,500,000 to \$1,700,000. It also proposed to allow the water district to increase its debt limit by referendum vote without further legislative authorization in the same manner as standard water districts are authorized to increase their debt limits.

Committee Amendment "A" (H-793) proposed technical changes to the bill.

Enacted law summary

Private and Special Law 1997, chapter 61 increases the debt limit of the Guilford-Sangerville Water District from \$1,500,000 to \$1,700,000. It also allows the water district to increase its debt limit by referendum vote without further legislative authorization in the same manner as standard water districts are authorized to increase their debt limits. Chapter 61 was enacted as an emergency measure effective March 5, 1998.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	OTP-AM	S-457

LD 1925 proposed to deallocate salary savings from unfilled positions and, by bringing forward unencumbered balances, increase funding for additional consulting costs of the Public Utilities Commission related to the implementation of both federal and state legislative requirements involving electric, telecommunications and gas utility industries.

Committee Amendment "A" (S-457) proposed to replace the bill and provide the following:

1. Permit the Public Utilities Commission to assess utilities an additional \$635,000 in the 1997-98 fiscal year, which was the amount the commission reduced its assessment as a result of surplus it carried forward from the 1995-96 fiscal year;
2. Allocate the \$635,000 additional assessment and \$369,000, which is surplus from the 1996-97 fiscal year, or a total of \$1,004,000, to fund consulting costs associated with the commission's increased workload; and
3. Deallocate \$250,000 from the elimination of 4 positions at the commission and salary savings from 3 vacant positions and reallocate this money to fund consulting costs associated with the commission's increased workload.

Enacted law summary

Public Law 1997, chapter 586

1. Permits the Public Utilities Commission to assess utilities an additional \$635,000 in the 1997-98 fiscal year, which was the amount the commission reduced its assessment as a result of surplus it carried forward from the 1995-96 fiscal year;
2. Allocates the \$635,000 additional assessment and \$369,000, which is surplus from the 1996-97 fiscal year, or a total of \$1,004,000, to fund consulting costs associated with the commission's increased workload; and
3. Deallocates \$250,000 from the elimination of 4 positions at the commission and salary savings from 3 vacant positions and reallocates this money to fund consulting costs associated with the commission's increased workload.

Chapter 586 was enacted as an emergency measure effective March 9, 1998.

LD 1926

**An Act to Provide Additional Time for the Public Utilities
Commission to Adopt Certain Rules**

**PUBLIC 569
EMERGENCY**

Sponsor(s)
CAREY

Committee Report
OTP

Amendments Adopted

LD 1926 proposed to extend the time within which the Public Utilities Commission must adopt rules creating any exemption from the requirement that telephone utilities obtain approval from the commission before providing service in the State.

Enacted law summary

Public Law 1997, chapter 569 extends the time within which the Public Utilities Commission must adopt rules creating any exemption from the requirement that telephone utilities obtain approval from the commission before providing service in the State. Chapter 569 was enacted as an emergency measure effective February 25, 1998.

LD 1935

An Act Regarding Electric Utilities

PUBLIC 710

Sponsor(s)
KONTOS

Committee Report
OTP-AM

Amendments Adopted
H-984

LD 1935 proposed to provide express authorization for investor-owned electric utilities to transfer, in accordance with the divestiture requirements of the electric industry restructuring law, good title to generation assets acquired pursuant to state law.

Committee Amendment "A" (H-984) proposed to replace the bill. This amendment proposed to create a definition of "excluded electric plant" which in turn would result in a change in the definition of "electric utility". Under this amendment, ownership of excluded electric plant would not cause an entity to be considered an electric utility or to be subject to regulation as an electric utility under the Maine Revised Statutes, Title 35-A. Prior to March 1, 2000, "excluded electric plant" would include generators used to produce energy sold at wholesale, small power producers, cogenerators, electric generation enterprises and self generators. After February 29, 2000, "excluded electric plant" would include all generation assets, other than assets held by an electric utility, thereby largely deregulating generation service.

The amendment proposed to grant a limited authorization to electric utilities to transfer certain rights, privileges or immunities that have been granted by law to the electric utilities. The amendment proposed to limit the authorization as follows.

1. No authorization would be given if there were an express provision in law denying authorization to transfer the rights, privileges or immunities.
2. If by law the rights, privileges or immunities may only be transferred upon condition, the condition would have to be met.
3. The authorization would include only those rights, privileges and immunities that are generation assets or that are necessary to the ownership or operation of generation assets required by law to be divested.

4. The authorization would be conditioned on the utility providing the law granting the right, privilege or immunity to the Public Utilities Commission and the commission making a written finding that the law does in fact grant rights, privileges or immunities that are generation assets or that are necessary to the ownership or operation of generation assets required to be divested.
5. The authorization would not exempt an electric utility from complying with other requirements of law, including obtaining Public Utilities Commission approval for the transfer of the assets.
6. The authorization would not extinguish or affect any lawful rights, privileges or immunities that any person, entity or the public may have in any property held or transferred by an electric utility.
7. The authorization would not permit the sale or transfer of any right of eminent domain and any right of eminent domain held by an electric utility would terminate upon the divestiture of assets to which the right relates.

Enacted law summary

Public Law 1997, chapter 710 grants a limited authorization to electric utilities to transfer certain rights, privileges or immunities that have been granted by law to the electric utilities which the utilities are required by law to divest.

The law also creates a definition of "excluded electric plant." Under this definition, ownership of excluded electric plant does not cause an entity to be considered an electric utility or to be subject to regulation as an electric utility under the Maine Revised Statutes, Title 35-A. Prior to March 1, 2000, "excluded electric plant" includes generators used to produce energy sold at wholesale, small power producers, cogenerators, electric generation enterprises and self generators. After February 29, 2000, "excluded electric plant" includes all generation assets, other than assets held by an electric utility, thereby largely deregulating generation service.

LD 1937

An Act to Restore the Requirement That Certain Expenditures of the Waldoboro Utility District Be Approved by District Vote

**P & S 60
EMERGENCY**

Sponsor(s)
SPEAR

Committee Report
OTP

Amendments Adopted

LD 1937 proposed to restore language to the Waldoboro Utility District charter that requires any single expenditure in excess of \$100,000 be approved by district vote. This language was removed by P&SL 1997, chapter 18.

Enacted law summary

Private and Special Law 1997, chapter 60 restores language to the Waldoboro Utility District charter that requires any single expenditure in excess of \$100,000 be approved by district vote. Chapter 60 was enacted as an emergency measure effective March 5, 1998.

LD 1957

An Act to Amend the Charter of the Sanford Sewerage District

P & S 74

Sponsor(s)
MACKINNON

Committee Report
OTP-AM

Amendments Adopted
S-499

LD 1957 proposed to amend the charter of the Sanford Sewerage District to allow the district to establish pretreatment standards and other regulations necessary for it to comply with Federal Clean Water Act requirements and to impose special civil and criminal penalties for violations of these. The bill also proposed to increase the indebtedness of the district from \$2,000,000 to \$4,000,000.

Committee Amendment "A" (S-499) proposed the following:

1. To delete provisions providing for special penalties; penalties under existing laws would be applicable;
2. To add a provision allowing the district to establish new debt limits by referendum; and
3. To make certain corrections and clarifications in the wording of the bill.

Enacted law summary

Private and Special Law 1997, chapter 74 amends the charter of the Sanford Sewerage District to allow the district to establish certain pretreatment standards and other regulations necessary for it to comply with Federal Clean Water Act requirements. The law increased the district's debt limit to \$4,000,000 and allows the district to set higher debt limits pursuant to a referendum procedure.

LD 1960

An Act to Amend and Clarify Laws Concerning Nuclear Safety

**PUBLIC 686
EMERGENCY**

Sponsor(s)
KILKELLY
PEAVEY

Committee Report
OTP-AM

Amendments Adopted
S-578

LD 1960 proposed to alter certain definitions in law to provide that regulations and standards that applied to operating nuclear power plants continue to apply to a plant undergoing decommissioning.

Committee Amendment "A" (S-578) proposed:

1. To decrease the annual registration fee for a nuclear power plant from \$100,000 to \$25,000 in fiscal year 1998-99 and to eliminate the fee thereafter;
2. To increase the annual fee paid by a nuclear power plant to the Health and Environmental Testing Laboratory from \$90,000 to \$122,000 in fiscal year 1997-98. These funds would cover costs incurred in the purchase of equipment related to the decommissioning;
3. To require the Maine Yankee Atomic Power Company to reimburse the Department of Environmental Protection for costs incurred by the department related to the decommissioning of the plant, but to cap the reimbursement at \$70,000 in fiscal year 1997-98 and \$100,000 in fiscal year 1998-99; and
4. To add an emergency preamble, emergency clause and allocations to the bill.

Enacted law summary

Public Law 1997, chapter 686 alters certain definitions in law to provide that regulations and standards that apply to operating nuclear power plants continue to apply to a plant undergoing decommissioning. The law also

1. Decreases the annual registration fee for a nuclear power plant from \$100,000 to \$25,000 in fiscal year 1998-99 and eliminates the fee thereafter (some or all of this lost revenue will be made up from increased fees administratively imposed on other licensees of the Department of Human Services);
2. Increases the annual fee paid by a nuclear power plant to the Health and Environmental Testing Laboratory from \$90,000 to \$122,000 in fiscal year 1997-98. These funds will cover costs incurred in the purchase of equipment related to the decommissioning; and
3. Requires the Maine Yankee Atomic Power Company to reimburse the Department of Environmental Protection for costs incurred by the department related to the decommissioning of the plant, but caps the reimbursement at \$70,000 in fiscal year 1997-98 and \$100,000 in fiscal year 1998-99.

Chapter 686 was enacted as an emergency measure effective April 3, 1998.

LD 1985

An Act to Amend the Charter of the Bath Water District

**P & S 64
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO SMALL	OTP-AM	H-794

LD 1985 proposed to increase the annual stipend for members of the Board of Trustees of the Bath Water District from \$500 to \$1,200.

Committee Amendment "A" (H-794) proposed to replace the substance of the bill and remove reference in the charter of the Bath Water District to trustee compensation. The methodology for establishing and changing trustee compensation is established pursuant to the Maine Revised Statutes, Title 35-A, section 6401, subsection 2 and section 6410, subsection 7. This amendment proposed to remove any confusion created by old residual language in the charter of the Bath Water District relating to trustee compensation that is void pursuant to these provisions of Title 35-A.

Enacted law summary

Private and Special Law 1997, chapter 64 removes any confusion created by old residual language in the charter of the Bath Water District relating to trustee compensation that is void pursuant to Maine Revised Statutes, Title 35-A, section 6401, subsection 2 and section 6410, subsection 7. Chapter 64 was enacted as an emergency measure effective March 5, 1998.

<u>Sponsor(s)</u> LAVERDIERE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-803
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LD 1987 proposed to amend the criteria used by the Public Utilities Commission in determining the terms under which a utility may refinance a contract with a qualifying facility pursuant to the Rate Stabilization Program. The bill also proposed to increase the time in which the commission must make its determination from 60 days to 120 days.

Committee Amendment "A" (H-803) proposed to preserve that portion of the bill that increased the time in which the Public Utilities Commission may issue or deny a certificate of approval for an electric rate stabilization agreement. The amendment proposed to replace the portion of the bill dealing with the standard of review used by the commission in making its decision. Under this amendment, the commission would be required to find that the agreement would provide substantial net benefits to ratepayers of the utility and would be required to deny a certificate if it concluded that alternative arrangements providing greater net benefits to ratepayers were reasonably likely to be available to the utility.

Enacted law summary

Public Law 1997, chapter 593 increases the time in which the Public Utilities Commission may issue or deny a certificate of approval for an electric rate stabilization agreement. The law changes the standard of review used by the commission in making its decision: The commission must find that the agreement will provide substantial net benefits to ratepayers of the utility and must deny a certificate if it concludes that alternative arrangements providing greater net benefits to ratepayers are reasonably likely to be available to the utility.

<u>Sponsor(s)</u> CLUKEY MICHAUD	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-826
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LD 1989 proposed to allow the Houlton Water Company to provide fiber-optic cable telecommunications service. It also proposed to authorize Houlton Water Company to provide natural gas service.

Committee Amendment "A" (H-826) proposed that the Houlton Water Company may not take the property of another public utility used in providing service to the public or in performing a public duty unless the Public Utilities Commission finds that the taking is in the public interest.

Enacted law summary

Private and Special Law 1997, chapter 67 allows the Houlton Water Company to provide fiber-optic cable telecommunications service and natural gas service. The law provides that the Houlton Water Company may not take the property of another public utility used in providing service to the public or in performing a public duty unless the Public Utilities Commission finds that the taking is in the public interest.

LD 1990

An Act to Amend the Charter of the Bingham Water District

P & S 63

<u>Sponsor(s)</u> DEXTER MILLS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-791
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LD 1990 proposed to extend the territorial limits of the Bingham Water District.

Committee Amendment "A" (H-791) proposed to add a mandate preamble and a fiscal note to the bill.

Enacted law summary

Private and Special Law 1997, chapter 63 extends the territorial limits of the Bingham Water District.

LD 2003

**An Act to Clarify and Enhance Certain Municipal Powers
Regarding Solid Waste Disposal**

**PUBLIC 602
EMERGENCY**

<u>Sponsor(s)</u> SAXL J MURRAY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-822
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LD 2003 proposed to authorize towns, counties, refuse districts and other quasi-municipal districts to form a regional association that could

1. Enter into solid waste disposal agreements with an incinerator facility;
2. Acquire ownership interests in an incinerator facility that serves the members of the association; and
3. Serve as the agent of the members in matters related to the purpose of the association.

Committee Amendment "A" (H-822) proposed to provide that:

1. A regional association must be operated as a nonprofit organization;
2. The directors of the association must be elected by the members of the association;
3. Upon dissolution of the association, title to the association's property vests in member municipalities; and
4. An association may have more than one class of members, if so provided in the bylaws.

Enacted law summary

Public Law 1997, chapter 602 authorizes towns, counties, refuse districts and other quasi-municipal districts to form a regional association that may

LD 2025

**An Act to Reduce Technical Violations of Maine's Laws Regarding
the Protection of Underground Utilities**

PUBLIC 631

<u>Sponsor(s)</u> HARRIMAN JONES SL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-507
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LD 2025 proposed to exclude the Department of Transportation, the Maine Turnpike Authority and minor civil divisions from civil penalties for certain violations of the State's "dig safe" laws.

Committee Amendment "A" (S-507) proposed to replace the bill. The amendment proposed to provide for the issuance of annual written clearances by the "dig safe system," which would allow excavators to undertake excavations in clearly identified areas in which no underground facilities are located. Such clearances could be revoked or modified if new underground facilities were proposed for the area for which clearance had been issued.

Enacted law summary

Public Law 1997, chapter 631 provides for the issuance of annual written clearances by the "dig safe system," which will allow excavators to undertake excavations in clearly identified areas in which no underground facilities are located. Such clearances may be revoked or modified if new underground facilities are proposed for the area for which clearance has been issued.

LD 2029

**An Act to Amend the Charter of the Van Buren Light and Power
District**

P & S 68

<u>Sponsor(s)</u> PARADIS SIROIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-470
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LD 2029 proposed to allow the Van Buren Light and Power District to provide fiber-optic cable service.

Committee Amendment "A" (S-470) proposed the following:

1. To clarify that the Van Buren Light and Power District's authorization to provide fiber-optic cable telecommunications services is limited to its current territorial limits;
2. To provide that the district may not take the property of another public utility used in providing service to the public or in performing a public duty unless the Public Utilities Commission finds that the taking is in the public interest.

Enacted law summary

Private and Special Law 1997, chapter 68 allows the Van Buren Light and Power District to provide fiber-optic cable service in its service territory. The law also provides that the district may not take the property of another

LD 2025

An Act to Reduce Technical Violations of Maine's Laws Regarding the Protection of Underground Utilities

PUBLIC 631

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN JONES SL	OTP-AM	S-507

LD 2025 proposed to exclude the Department of Transportation, the Maine Turnpike Authority and minor civil divisions from civil penalties for certain violations of the State's "dig safe" laws.

Committee Amendment "A" (S-507) proposed to replace the bill. The amendment proposed to provide for the issuance of annual written clearances by the "dig safe system," which would allow excavators to undertake excavations in clearly identified areas in which no underground facilities are located. Such clearances could be revoked or modified if new underground facilities were proposed for the area for which clearance had been issued.

Enacted law summary

Public Law 1997, chapter 631 provides for the issuance of annual written clearances by the "dig safe system," which will allow excavators to undertake excavations in clearly identified areas in which no underground facilities are located. Such clearances may be revoked or modified if new underground facilities are proposed for the area for which clearance has been issued.

LD 2029

An Act to Amend the Charter of the Van Buren Light and Power District

P & S 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS SIROIS	OTP-AM	S-470

LD 2029 proposed to allow the Van Buren Light and Power District to provide fiber-optic cable service.

Committee Amendment "A" (S-470) proposed the following:

1. To clarify that the Van Buren Light and Power District's authorization to provide fiber-optic cable telecommunications services is limited to its current territorial limits;
2. To provide that the district may not take the property of another public utility used in providing service to the public or in performing a public duty unless the Public Utilities Commission finds that the taking is in the public interest.

Enacted law summary

Private and Special Law 1997, chapter 68 allows the Van Buren Light and Power District to provide fiber-optic cable service in its service territory. The law also provides that the district may not take the property of another

LD 2083

**An Act Relative to the Jurisdiction of the Public Utilities
Commission over Nonutility Attachments to a Public Utility Plant**

ONTP

<u>Sponsor(s)</u> KONTOS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2083 proposed to require the Public Utilities Commission to adopt the formula of the Federal Communications Commission for the resolution of pole attachment rate disputes.

LD 2093

**An Act Relating to the Protection of Maine Consumers in the
Telecommunications Market**

**PUBLIC 702
EMERGENCY**

<u>Sponsor(s)</u> JONES K CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-959
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LD 2093 proposed to prohibit the industry practice of "slamming," which involves the change of a consumer's telecommunications carrier without the consumer's prior authorization. The bill also proposed to authorize the Public Utilities Commission to adopt rules to supplement the slamming prohibition and to otherwise protect telecommunications consumers from deceptive practices in the telecommunications market. The bill proposed penalties for slamming and for any other similar activity prohibited by the commission by rule.

Committee Amendment "A" (H-959) proposed to replace the bill. The amendment proposed the following:

1. To provide protections against unauthorized changes of a customer's local or intrastate carrier ("slamming");
2. To require the Public Utilities Commission to adopt implementing rules consistent with rules of the Federal Communications Commission;
3. To allow the Public Utilities Commission to impose administrative penalties, to establish guidelines for the imposition of these penalties and to establish a cap on the amount of the penalty that may be imposed; and
4. To require a customer to pay the intrastate carrier from which the customer was illegally switched the carrier's charges for the customer's usage during the time the customer was served by an unauthorized carrier; the commission would be authorized to provide that the customer is not responsible for these charges if the Federal Communications Commission provides that customers are not responsible for the charges of interstate carriers during the time the customer was served by an unauthorized interstate carrier.

Enacted law summary

Public Law 1997, chapter 702 prohibits "slamming" (the unauthorized change of a consumer's telecommunications carrier). The law authorizes the Public Utilities Commission to adopt rules on slamming that are consistent with rules of the FCC. The law specifies penalties for slamming. Chapter 702 was enacted as an emergency measure effective April 3, 1998.

<u>Sponsor(s)</u> KONTOS CAREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-908
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LD 2094 proposed the following:

1. To authorize the Public Utilities Commission to approve multi-year rate plans for gas utilities similar to plans presently in effect for electric and telephone utilities;
2. To permit a utility to be organized as any legal entity allowed under state law and to update language in the Maine Revised Statutes, Title 35-A, chapters 21 and 23 by amending sections to pertain to all public utility companies, not just those utilities organized under general state corporate law; and
3. To make the provisions of the bill apply retroactively to filings pending or made on or after January 1, 1998.

Committee Amendment "A" (H-908) proposed to preserve those portions of the bill that clarify that entities that are not corporations may be utilities. The amendment proposed to remove the portions of the bill that relate to multi-year rate plans. The amendment proposed the following:

1. To add an emergency preamble and emergency clause to the bill;
2. To amend provisions of law relating to the cost-of-gas adjustment clause; these changes would permit the Public Utilities Commission to approve cost-of-gas adjustments that are rate-class specific and that include costs associated with facilities used to produce or store gas;
3. To permit the Public Utilities Commission to establish alternative rate-making mechanisms and flexible rate plans for gas utilities; and
4. To provide that costs incurred by a gas utility after March 1, 1998, other than costs beyond the control of the utility, that are made unrecoverable as a result of competition or deregulation may not be borne by ratepayers.

See LD 2160; certain concepts in this amendment were proposed in that bill.

Enacted law summary

Public Law 1997, chapter 707 clarifies that entities that are not corporations may be utilities. The law also does the following.

1. It amends provisions of law relating to the cost-of-gas adjustment clause. These changes permit the Public Utilities Commission to approve cost-of-gas adjustments that are rate-class specific and that include costs associated with facilities used to produce or store gas.
2. It permits the Public Utilities Commission to establish alternative rate-making mechanisms and flexible rate plans for gas utilities.

3. It provides that costs incurred by a gas utility after March 1, 1998, other than costs beyond the control of the utility, that are made unrecoverable as a result of competition or deregulation may not be borne by ratepayers.

Chapter 707 was enacted as an emergency measure effective April 3, 1998.

LD 2134 **An Act Related to the Service Territory of the Kennebunk Light and Power District**

**P & S 72
EMERGENCY**

<u>Sponsor(s)</u> MURPHY LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-921
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LD 2134 proposed to exempt from Public Utility Commission approval the extension of service by the Kennebunk Light and Power District to certain areas in the Town of Kennebunk.

Committee Amendment "A" (H-921) proposed to allow Kennebunk Light and Power District to provide electric service to the Kennebunk, Kennebunkport and Wells Water District provided that the water district pay to Central Maine Power Company an amount determined by the Public Utilities Commission to be a reasonable allocation of Central Maine Power Company's stranded costs.

Enacted law summary

Private and Special Law 1997, chapter 72 allows Kennebunk Light and Power District to provide electric service to the Kennebunk, Kennebunkport and Wells Water District provided that the water district pays to Central Maine Power Company an amount determined by the Public Utilities Commission to be a reasonable allocation of Central Maine Power Company's stranded costs. Chapter 72 was enacted as an emergency measure effective March 30, 1998.

LD 2160 **An Act to Encourage Customer Choice and Competitive Rates for Natural Gas**

ONTP

<u>Sponsor(s)</u> KONTOS PENDLETON P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2160 proposed to repeal the current requirement that cost-of-gas adjustment rates be uniform to all gas utility customers and to permit the Public Utilities Commission to approve a rate-class-specific cost-of-gas adjustment rate that includes the costs of gas purchases, other costs directly related to the gas purchased and cost-of-facilities used to produce and store gas.

The bill also proposed to authorize the creation of a distribution adjustment clause under which a gas utility may apply to the commission to recover prudently incurred costs that are not included in its base rates or cost-of-gas adjustment.

See LD 2094.

LD 2175

An Act Relating to the Debt Limit of the Limerick Water District

**P & S 75
EMERGENCY**

<u>Sponsor(s)</u> MCALEVEY LIBBY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-872
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LD 2175 proposed to remove the current debt limit of the Limerick Water District.

Committee Amendment "A" (H-872) proposed to replace the substance of the bill. This amendment proposed to increase the debt limit of the Limerick Water District from \$200,000 to \$1,000,000 and provide that the district may further increase its debt limit by the referendum process established for Standard Water Districts.

Enacted law summary

Private and Special Law 1997, chapter 75 increases the debt limit of the Limerick Water District from \$200,000 to \$1,000,000 and provides that the district may further increase its debt limit by the referendum process established for Standard Water Districts. Chapter 75 was enacted as an emergency measure effective March 31, 1998.

LD 2204

An Act to Extend the Electric Rate Stabilization Program

**PUBLIC 781
EMERGENCY**

<u>Sponsor(s)</u> CAREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-505
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LD 2204 proposed to resolve conflicting statutory provisions: It proposed to clarify that the amount of the moral obligation of the State that may be pledged to support electric rate stabilization projects is \$330,000,000.

The bill proposed to extend the period during which certificates of approval may be issued for electric rate stabilization projects from February 1, 1998 to July 31, 1998.

Committee Amendment "A" (S-505) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 781 resolves conflicting statutory provisions: It clarifies that the amount of the moral obligation of the State that may be pledged to support electric rate stabilization projects is \$330,000,000.

The law extends the period during which certificates of approval may be issued for electric rate stabilization projects from February 1, 1998 to July 31, 1998. Chapter 781 was enacted as an emergency measure effective April 16, 1998.

LD 2208

An Act to Encourage the Development of Small Distributed Generation Technologies That Reduce Pollution

ONTP

<u>Sponsor(s)</u> KONTOS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2208 proposed:

1. To deregulate generators using small distributed generation technologies (defined as generators with less than 250 kilowatts of capacity at any one site and resulting in a net reduction of air emissions within the New England region);
2. To obligate electric and transmission and distribution utilities in the State to wheel power generated by small distributed generation technologies or by generators using renewable resources, if that power is being used to provide backup service for small distributed generation technologies; and
3. To establish the rates for the required wheeling.

LD 2209 **Resolve, Regarding Legislative Review of Chapter 302: Consumer Education Program; Electric Restructuring, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 99 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-948
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LD 2209 provided for legislative review of Chapter 302: Consumer Education Program; Electric Restructuring, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-948) proposed to authorize the Public Utilities Commission to finally adopt its standard offer rule, provided the rule were amended to require the commission to consider the recommendations of the advisory board in developing and implementing the consumer education program.

Enacted law summary

Resolve 1997, chapter 99 authorizes the Public Utilities Commission to finally adopt its standard offer rule, provided the rule is amended to require the commission to consider the recommendations of the consumer advisory board in developing and implementing the consumer education program. Chapter 99 was enacted as an emergency measure effective March 30, 1998.

LD 2214 **An Act to Repeal the Laws Governing the Jackman Water District and the Jackman Sewer District** **P & S 69**

LD 2214

An Act to Repeal the Laws Governing the Jackman Water District and the Jackman Sewer District

P & S 69

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2214 proposed to repeal the laws governing the Jackman Water District and the Jackman Sewer District. The Jackman Water District and the Jackman Sewer District were merged to create the Jackman Utility District pursuant to Private and Special Law 1997, chapter 30. This bill would complete the merger process.

Enacted law summary

Private and Special Law 1997, chapter 69 repeals the laws governing the Jackman Water District and the Jackman Sewer District. The Jackman Water District and the Jackman Sewer District were merged to create the Jackman Utility District pursuant to Private and Special Law 1997, chapter 30. This law completes the merger process.

LD 2220

Resolve, Regarding Legislative Review of Chapter 301: Rules for Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 100
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-913

LD 2220 provided for legislative review of Chapter 301: Standard Offer Service, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-913) proposed to authorize the Public Utilities Commission to finally adopt its standard offer rule provided the rule were amended to provide that transmission and distribution utilities are held harmless for prudently incurred costs associated with being required to provide standard offer service in the event of a default by a standard offer service provider.

Enacted law summary

Resolve 1997, chapter 100 authorizes the Public Utilities Commission to finally adopt its standard offer rule provided the rule is amended to provide that transmission and distribution utilities are held harmless for prudently incurred costs associated with being required to provide standard offer service in the event of a default by a standard offer service provider. Chapter 100 was enacted as an emergency measure effective March 30, 1998.

LD 2221

An Act to Amend the Charter of the Ogunquit Sewer District

P & S 78

LD 2221 proposed to authorize the citizens of the Town of Ogunquit by referendum to dissolve the Ogunquit Sewer District and establish a town sewerage department.

Committee Amendment "A" (H-947), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment proposed to provide a mechanism for the recall by special election of trustees of the Ogunquit Sewer District for misfeasance, malfeasance or nonfeasance in office. This provision mirrors the provision currently in law governing Sanitary Districts. This amendment also proposed to permit the voters of the district to petition to have the trustees hold a special meeting. The voters of the district at the special meeting could hold a vote during the special meeting, but the result of the vote would be non-binding on the trustees of the district.

House Amendment "A" to Committee Amendment "A" (H-1046) proposed to strike the emergency preamble and the emergency clause from the bill.

Enacted law summary

Private and Special Law 1997, chapter 78 provides a mechanism for the recall by special election of trustees of the Ogunquit Sewer District for misfeasance, malfeasance or nonfeasance in office. This amendment also provides that the voters of the district may petition to have the trustees hold a special meeting. The voters of the district at the special meeting may hold a vote during the special meeting, but the result of the vote is not binding on the trustees of the district.

LD 2237 **Resolve, Regarding Legislative Review of Chapter 820: Requirements for Non-Core Utility Activities and Transactions Between Affiliates, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 113**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-956
	OTP-AM MIN	H-960 COLWELL
		S-592 CLEVELAND

LD 2237 provided for legislative review of Chapter 820: Requirements for Non-Core Utility Activities and Transactions Between Affiliates, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-956), which was finally adopted, was the majority report of the Joint Standing Committee on Utilities and Energy and proposed to authorize the Public Utilities Commission to finally adopt its rule, Chapter 820: Requirements for Non-Core Utility Activities and Transactions Between Affiliates, provided that the rule were amended as follows:

1. Provisions relating to the calculation of the value of good will used by an affiliate were modified to require the Public Utilities Commission to establish for an initial 3-year period an annual amount that must be paid by the affiliate for the use of good will; to require the Public Utilities Commission to reexamine the value of the good will at the end of the initial 3-year period and establish an amount that must be paid by the affiliate for the use of good will for the next 3 years; and, at the end of 6 years, to establish that the value of good will is zero;

2. Provisions relating to limitations on investments by utilities in affiliates were modified to allow investments by a utility in a regulated affiliate if the utility has not obtained an investment grade bond rating or has filed for a temporary rate increase within 6 months of the utility's filing for approval of the investment, if the utility obtains approval pursuant to the Maine Revised Statutes, Title 35-A, sections 707 and 708; and
3. Provisions were inserted to allow utilities whose bonds are neither publicly rated nor rated by a private letter bond rating to make investments in affiliates if approved by the Public Utilities Commission pursuant to the Maine Revised Statutes, Title 35-A, section 707 and 708.

Committee Amendment "B" (H-957), which was not finally adopted, was the minority report of the Joint Standing Committee on Utilities and Energy and proposed to authorize the Public Utilities Commission to finally adopt its rule, Chapter 820: Requirements for Non-Core Utility Activities and Transactions Between Affiliates, provided that the rule were amended in the same manner as described in the majority report except that provisions relating to the calculation of the value of good will used by an affiliate were modified to provide that

1. Charges for the use of good will could continue past the 6-year period but the presumption of the value of good will used by the affiliate would stop at the end of the 6-year period; and
2. Parties would be permitted to present evidence on whether payments for good will should continue past the 6-year period and, if so, what the amount of payments should be.

House Amendment "A" (H-960), which was finally adopted, proposed to remove the emergency preamble and the emergency clause from the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-592), which was finally adopted, proposed to require the Public Utilities Commission to amend its major substantive rule regarding requirements for non-core utility activities and transactions between affiliates to provide that the provisions related to the use of a utility's good will by an affiliate of the utility apply to affiliates created on or after September 19, 1997. This amendment proposed only to require the affiliate to pay for the value of the good will it uses on a going-forward basis and not require it to make any additional payments for the use of good will made prior to the effective date of the rule.

Enacted law summary

Resolve 1997, chapter 113 authorizes the Public Utilities Commission to finally adopt its rule, Chapter 820: Requirements for Non-Core Utility Activities and Transactions Between Affiliates, provided that the rule is amended as follows:

1. Provisions relating to the calculation of the value of good will used by an affiliate are modified to require the Public Utilities Commission to establish for an initial 3-year period an annual amount that must be paid by the affiliate for the use of good will; to require the Public Utilities Commission to reexamine the value of the good will at the end of the initial 3-year period and establish an amount that must be paid by the affiliate for the use of good will for the next 3 years; and, at the end of 6 years, to establish that the value of good will is zero;
2. Provisions related to the use of good will by an affiliate are made to apply to affiliates created on or after September 19, 1997; affiliates are required to pay only for the value of the good will it uses on a going-forward basis and is not required to make any additional payments for the use of good will made prior to the effective date of the rule;

1. Provisions relating to limitations on investments by utilities in affiliates are modified to allow investments by a utility in a regulated affiliate if the utility has not obtained an investment grade bond rating or has filed for a temporary rate increase within 6 months of the utility's filing for approval of the investment, if the utility obtains approval pursuant to the Maine Revised Statutes, Title 35-A, sections 707 and 708; and
2. Provisions are inserted to allow utilities whose bonds are neither publicly rated nor rated by a private letter bond rating to make investments in affiliates if approved by the Public Utilities Commission pursuant to the Maine Revised Statutes, Title 35-A, section 707 and 708.

LD 2267

An Act to Amend the Charter of Great Northern Paper, Inc.

P & S 71

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

LD 2267 proposed to grant to Great Northern Paper, Inc. the authority to continue furnishing electricity to the existing Millinocket mill facilities after the sale of the Millinocket mill facilities to a 3rd party. Provision of this electrical service would not be regulated.

Enacted law summary

Private and Special Law 1997, chapter 71 grants to Great Northern Paper, Inc. the authority to continue furnishing electricity to existing Millinocket mill facilities after the sale of the Millinocket mill facilities to a 3rd party. Provision of this electrical service is exempt from regulation by the Public Utilities Commission.

LD 2277

An Act to Implement the Recommendations of the Majority of the Joint Standing Committee on Utilities and Energy Arising from Its Government Evaluation Act Review of the Office of the Public Advocate

**PUBLIC 719
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	H-963 JONES K S-613 CLEVELAND

LD 2277, which was the majority report of the Joint Standing Committee on Utilities and Energy pursuant to its Government Evaluation Act review of the Office of the Public Advocate, proposed supplemental funding for the Office of the Public Advocate to fund salary increases for the Public Advocate and the Public Advocate's staff and to cover costs of consultants and expert witnesses to handle cases at the Public Utilities Commission involving electric industry restructuring and telephone utility regulation and at the Public Utilities Commission and the Federal Energy Regulatory Commission involving issues related to Maine Yankee Nuclear Power Plant decommissioning.

See LD 2278 for a discussion of the minority report.

House Amendment "A" (H-963) proposed to add a fiscal note to the bill.

Senate Amendment "B" (S-613) proposed to authorize unspent funds in the Public Advocate Regulatory Fund for fiscal year 1996-97 to be carried forward in their entirety for use in fiscal year 1997-98. This provision was in the Supplemental Budget but was moved into this bill when it was determined that the Supplemental Budget would not be passed as an emergency.

This amendment also proposed to reduce by \$50,000 the amount of the allocation to the Office of the Public Advocate proposed in the bill for fiscal year 1998-99.

Enacted law summary

Public Law 1997, chapter 719 authorizes unspent funds in the Public Advocate Regulatory Fund for fiscal year 1996-97 to be carried forward in their entirety for use in fiscal year 1997-98 and provides supplemental funding to the Office of the Public Advocate. Chapter 719 was enacted as an emergency measure effective April 7, 1998.

LD 2278 **An Act to Implement the Recommendations of the Minority of the Joint Standing Committee on Utilities and Energy Arising from its Government Evaluation Act Review of the Office of the Public Advocate** **DIED IN CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP MIN	<u>Amendments Adopted</u>
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LD 2278, which was the minority report of the Joint Standing Committee on Utilities and Energy pursuant to its Government Evaluation Act review of the Office of the Public Advocate, proposed supplemental funding to the Office of the Public Advocate to fund salary increases for the Public Advocate and the Public Advocate's staff and to cover costs of consultants and expert witnesses to handle cases at the Public Utilities Commission involving electric industry restructuring and at the Public Utilities Commission and the Federal Energy Regulatory Commission involving issues related to Maine Yankee Nuclear Power Plant decommissioning. The funding level proposed was \$50,000 less than that proposed in the majority report (see LD 2277). This reduced amount was ultimately adopted by floor amendment to the majority report.

LD 2285 **An Act Relating to Electric Industry Restructuring** **PUBLIC 691 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u> S-617 HARRIMAN
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LD 2285, which was reported by the Joint Standing Committee on Utilities and Energy pursuant to its authority under Public Law 1997, chapter 316, section 12, proposed the following.

1. To require Public Utilities Commission advisory staff and consultants to be subject to cross examination and discovery;
2. To requires the Public Utilities Commission, on the request of any party, to assign separate staff to rule on motions made by or directed to staff advisors;
3. To establish new standards for and limitations on the issuance of protective orders by the Public Utilities Commission;
4. To extend the deadline by which the Public Utilities Commission must select a standard-offer service provider from July 1, 1999 to December 1, 1999;
5. To exempt the Public Utilities Commission from the provisions of the Maine Revised Statutes, Title 5, section 1831 in conducting the competitive bidding process for choosing standard-offer service providers; and
6. To authorize the Public Utilities Commission to impose a special assessment on electric utilities to fund a consumer education program with respect to electric utility restructuring.

Senate Amendment "A" (S-617) proposed to provide for temporary exemptions from the licensing requirements for these utility employees who are hired by the buyers of these generation facilities and who continue to work in generation facilities. Electric utility employees working in generation facilities owned by the electric utilities are currently exempt from certain occupational licensing requirements. Under current law, electric utilities are required to divest these generation facilities

Enacted law summary

Public Law 1997, chapter 691:

1. Requires Public Utilities Commission advisory staff and consultants to be subject to cross examination and discovery; this provision applies to pending proceedings;
2. Requires the Public Utilities Commission, on the request of any party, to assign separate staff to rule on motions made by or directed to staff advisors; this provision applies to pending proceedings;
3. Establishes new standards for and limitations on the issuance of protective orders by the Public Utilities Commission; this provision applies to pending proceedings except that proceedings involving divestiture of generation assets by electric utilities are exempt from these new standards and limitations;
4. Extends the deadline by which the Public Utilities Commission must select a standard-offer service provider from July 1, 1999 to December 1, 1999;
5. Exempts the Public Utilities Commission from the provisions of the Maine Revised Statutes, Title 5, section 1831 in conducting the competitive bidding process for choosing standard-offer service providers;
6. Authorizes the Public Utilities Commission to impose a special assessment on electric utilities to fund a consumer education program with respect to electric utility restructuring; and

1. Provides limited exemptions from certain licensing requirements for electric utility employees. Utility employees working in generation facilities owned by the electric utilities are currently exempt from certain occupational licensing requirements. Under current law, electric utilities are required to divest these generation facilities. This amendment provides temporary exemptions from the licensing requirements for these utility employees who are hired by the buyers of these generation facilities and who continue to work in generation facilities. These exemptions are repealed on March 1, 2000.

Chapter 691 was enacted as an emergency measure effective April 3, 1998.

LD 2288

An Act Regarding Telecommunications Regulation

PUBLIC 692

Sponsor(s)

Committee Report

Amendments Adopted

LD 2288, which was reported by the Joint Standing Committee on Utilities and Energy pursuant to its authority under Public Law 1997, chapter 276, section 6, proposed to amend the laws relating to affordable telephone service. The bill proposed to require the Public Utilities Commission to establish rules to achieve state universal service goals and to permit the commission to establish a universal service program in which intrastate providers of telecommunications services would be required to contribute to a state universal service fund. These rules and any universal service requirements established by the commission would be required to be consistent with the federal Telecommunications Act of 1996.

Enacted law summary

Public Law 1997, chapter 692 amends the laws relating to affordable telephone service. The law requires the Public Utilities Commission to establish rules to achieve state universal service goals and permits the commission to establish a universal service program in which intrastate providers of telecommunications services would be required to contribute to a state universal service fund. These rules and any universal service requirements established by the commission must be consistent with the federal Telecommunications Act of 1996.

LD 2297

An Act Relating to the Taxation of Certain Federal Entities, the Business Equipment Tax Reimbursement Program, the Administration of the Tax Laws and to Make a Technical Correction

PUBLIC 729

Sponsor(s)

Committee Report

Amendments Adopted

LD 2297 was not referred to the Utilities and Energy Committee. However, a portion of the bill relates to utility issues; that portion is included here.

Part B of the bill proposed to clarify and limit the eligibility of natural gas pipelines and certain electric generation facilities for reimbursement under the so-called Business Equipment Tax Reimbursement program or BETR. The bill proposed

1. To clarify that natural gas pipelines would not be eligible for BETR (short spurs owned by a business customer would be eligible);
2. To provide that a facility “used to produce or transmit energy primarily for sale” would not be eligible for BETR (“energy primarily for sale” means that less than 1/3 of the useful energy is used on site).
3. To provide that a facility that uses at least 1/3 of the useful energy on site is partially eligible for BETR. The reimbursement would only apply to that fraction of the property taxes that equals the fraction of the total energy produced at the facility that is used on-site.

Enacted law summary

Public Law 1997, chapter 729 provides that natural gas pipelines and certain property used in the production or generation of electricity are not eligible for reimbursement for taxes paid on certain business property.