

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

LEGISLATIVE DIGEST OF BILL  
SUMMARIES AND ENACTED LAWS

VOLUME 1



Summaries of All Bills and Adopted Amendments and All Laws Enacted or Finally  
Passed During the First Regular Session of the 127<sup>th</sup> Maine Legislature

First Regular Session convened Wednesday, December 3, 2014  
First Regular Session adjourned sine die Thursday, July 16, 2015

Senate Legislative Days.....69  
House Legislative Days.....69  
Bills Considered.....1455

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AUGUST 2015

**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
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**VOLUME 1**



This *Legislative Digest of Bill Summaries and Enacted Laws* is produced  
under the auspices of the Maine Legislative Council by:

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# STATE OF MAINE

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



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER* ..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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



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

**JOINT STANDING COMMITTEE ON AGRICULTURE,  
CONSERVATION AND FORESTRY**

August 2015

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*Joint Standing Committee on Agriculture, Conservation and Forestry*

LD 4      **An Act To Promote Industrial Hemp**

**PUBLIC 202  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON HAMPER	OTP-AM	H-41

This bill removes the requirements that an applicant for an initial license to grow industrial hemp for commercial purposes must submit a set of the applicant's fingerprints and file with the Commissioner of Agriculture, Conservation and Forestry documentation indicating that the seeds planted were a type and variety of hemp approved by the commissioner. The bill also repeals the provision that licensure is contingent upon action by the federal government.

This bill requires that any hemp seeds acquired for cultivation of hemp in the State must come from an approved Canadian producer of hemp seeds. The bill allows the commissioner to issue licenses for hemp seed distribution to holders of seed labeling licenses. The bill also allows hemp growers licensed by the State to acquire hemp seeds directly from a producer in Canada or from a State-licensed hemp seed distributor. The bill requires that application fees and license fees must be established by major substantive rules. The bill also includes an appropriations and allocations section.

**Committee Amendment "A" (H-41)**

This amendment adds an emergency preamble and emergency clause to the bill.

The amendment provides that hemp seeds acquired for cultivation of hemp in the State may come from any certified seed source rather than only approved Canadian producers of hemp seeds. The amendment provides that rules adopted by the Department of Agriculture, Conservation and Forestry pursuant to the Maine Revised Statutes, Title 7, section 2231 are routine technical rules. The amendment includes the addition of per acre fees for monitoring, sampling and testing and establishes a range and cap for all fees established by the Commissioner of Agriculture, Conservation and Forestry related to industrial hemp production. The amendment also replaces the appropriations and allocations section.

**Enacted Law Summary**

Public Law 2015, chapter 202 removes the requirements that an applicant for an initial license to grow industrial hemp for commercial purposes must submit a set of the applicant's fingerprints and file with the Commissioner of Agriculture, Conservation and Forestry documentation indicating that the seeds planted were a type and variety of hemp approved by the commissioner and also repeals the provision that licensure is contingent upon action by the federal government.

Public Law 2015, chapter 202 provides that any hemp seeds acquired for cultivation of hemp in the State may come from any certified seed source. It allows the commissioner to issue licenses for hemp seed distribution to holders of seed labeling licenses and allows hemp growers licensed by the State to acquire hemp seeds directly from a producer in Canada or from a state-licensed hemp seed distributor. It requires that application fees and license fees must be established by routine technical rules, includes the addition of per acre fees for monitoring, sampling and testing and establishes a range and cap for all fees established by the commissioner related to industrial hemp production.

Public Law 2015, chapter 202 was enacted as an emergency measure effective June 16, 2015.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 39      Resolve, To Require a Review of the Merger That Resulted in the      ONTP**  
**Department of Agriculture, Conservation and Forestry**

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

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

This resolve proposes to establish a task force to review the effects of the merger of the former Department of Agriculture, Food and Rural Resources and the former Department of Conservation, including the bureaus and divisions within those departments, into the Department of Agriculture, Conservation and Forestry, pursuant to Public Law 2011, chapter 657 and Public Law 2013, chapter 405. In performing the review, the task force is required to determine whether the merged department has continued to provide the services formerly provided by the former departments at the same or a better level while attaining budgetary savings. Based on the review, this resolve requires the task force to report its findings and any necessary implementing legislation during the Second Regular Session of the 127th Legislature.

**LD 119      An Act To Allow for the Cultivation of Hemp      ONTP**

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

This bill eliminates the requirement that issuance of a license for industrial hemp cultivation is contingent upon one of the following actions by federal government:

1. The United States Congress excludes industrial hemp from the definition of "marihuana" for the purpose of the Controlled Substances Act, 21 United States Code, Section 802(16); or
2. The United States Department of Justice, Drug Enforcement Administration takes affirmative steps towards issuing a permit under 21 United States Code, Chapter 13, Subchapter 1, Part C to a person holding a license issued by a state to grow industrial hemp.

**LD 202      Resolve, Regarding Legislative Review of Portions of Chapter 22:      RESOLVE 5**  
**Standards for Outdoor Application of Pesticides by Powered Equipment      EMERGENCY**  
**in Order To Minimize Off-target Deposition, a Major Substantive Rule**  
**of the Department of Agriculture, Conservation and Forestry, Board of**  
**Pesticides Control**

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

This resolve provides for legislative review of portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control.

**Enacted Law Summary**

*Joint Standing Committee on Agriculture, Conservation and Forestry*

Resolve 2015, chapter 5 provides that final adoption of portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

Resolve 2015, chapter 5 was finally passed as an emergency measure effective March 29, 2015.

**LD 203      Resolve, Regarding Legislative Review of Portions of Chapter 28:  
Notification Provisions for Outdoor Pesticide Applications, a Major  
Substantive Rule of the Department of Agriculture, Conservation and  
Forestry, Board of Pesticides Control**

**RESOLVE 6  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control.

**Enacted Law Summary**

Resolve 2015, chapter 6 provides that final adoption of portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

Resolve 2015, chapter 6 was finally passed as an emergency measure effective March 29, 2015.

**LD 207      An Act To Amend the Maine Commercial Fertilizer Law and the Maine  
Agricultural Liming Materials Act**

**ONTP**

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

This bill changes the Maine Commercial Fertilizer Law and the Maine Agricultural Liming Materials Act to eliminate the fee of \$1 per ton on commercial fertilizers and agricultural liming materials.

The bill directs the Commissioner of Agriculture, Conservation and Forestry to distribute 50 percent of the remaining funds collected from those fees to pay for improvements to Maine's facilities at the Eastern States Exposition in Massachusetts and to distribute 50 percent of the remaining funds collected from those fees to the Maine Potato Board to be used as matching funds for a federal soil health and water quality project.

**LD 229      An Act To Exempt Small Raw Milk Producers from Licensing  
Requirements**

**ONTP**

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

*Joint Standing Committee on Agriculture, Conservation and Forestry*

This bill exempts the sale of raw milk and raw milk products from state licensing requirements under the following circumstances:

1. The sale is by a milk distributor who daily produces for sale less than 20 gallons of raw milk or daily processes less than 20 gallons of raw milk into various dairy products and sells the milk and milk products directly to the consumer from the milk distributor's own farm or farm stand or at a farmers' market within the State;
2. The raw milk and raw milk products are clearly labeled with the name, address and phone number of the milk distributor's farm, the name of the product and the following statement: "This product is made with raw milk and is exempt from State of Maine licensing;" and
3. At the point of sale, a sign is placed that contains the name, address and phone number of the milk distributor's farm and the following statement: "Products from this farm made from raw milk are exempt from State of Maine licensing."

**LD 253      An Act To Improve Permit Oversight for the Cutting of Christmas Trees and Evergreen Boughs      PUBLIC 55**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS LOCKMAN	OTP-AM	S-50

This bill requires all members of a work crew with permission to cut Christmas trees or evergreen boughs on the property of another to possess a copy of the landowner's permission.

**Committee Amendment "A" (S-50)**

This amendment clarifies that a person with permission to cut Christmas trees or evergreen boughs on land of another must have a copy of the landowner's written permission or bill of sale in that person's immediate possession.

**Enacted Law Summary**

Public Law 2015, chapter 55 requires a person with permission to cut Christmas trees or evergreen boughs on the property of another to have a copy of the landowner's written permission or bill of sale in that person's immediate possession.

**LD 304      An Act To Support Marketing of Maine's Farms and Fisheries      ONTP**

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

This bill allows the accrued interest in the Agricultural Marketing Loan Fund to be used for competitive grants that would fund feasibility studies or business planning for new infrastructure projects that would support the operation of an agricultural enterprise.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 312      An Act To Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production**

**Died Between Houses**

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

This bill facilitates the direct sales of dairy products that are sold on the same farm on which the product is produced by exempting those sales from state licensing and inspection requirements if certain conditions are met.

**Committee Amendment "A" (H-408)**

This amendment, which is the minority report, replaces the bill. The amendment establishes a framework for the direct sale of unpasteurized milk and unpasteurized milk products at the milk production facility at which the product is produced by exempting those sales from state licensing and inspection requirements if certain conditions are met.

Specifically, this amendment:

1. Establishes the conditions that must be met before receiving an exemption;
2. Establishes labeling requirements for unpasteurized milk and unpasteurized milk products;
3. Reaffirms that all off-farm sales and wholesale transactions for unpasteurized milk and unpasteurized milk products are required to comply with the state licensing and permit requirements;
4. Establishes that heat-treated cheese must be produced in a licensed and inspected facility; and
5. Defines the term "milk production facility" and replaces the terms "dairy" or "dairy farm" with "milk production facility" in the relevant chapter of law.

**LD 316      An Act To Provide a Waiver of Short-term Camping Fees at State-owned Parks, Camping Areas and Beaches for Members of Federally Recognized Indian Tribes in the State**

**ONTP**

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

This bill waives camping fees for the once-a-year, overnight stay of a member of a federally recognized Indian tribe in the State, as well as any family member of the tribal member who is with the tribal member, at any one state-owned park, camping area or beach.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 317      An Act To Recognize and Provide for the Right of Access for Members of the Houlton Band of Maliseet Indians To Certain Public Lands in Aroostook County for Traditional Uses      ONTP**

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

This bill permits any member of the Houlton Band of Maliseet Indians who is a resident of the State to collect or harvest wood or wood fiber in Aroostook County on lands owned by the State and uninhabited lands in the unorganized and deorganized areas of the county for the purpose of using the wood or wood fiber for fuel, personal shelter construction or traditional woodcraft production. The bill directs the Commissioner of Agriculture, Conservation and Forestry to adopt rules governing the collection and harvesting of wood or wood fiber by members of the Houlton Band of Maliseet Indians.

**LD 335      An Act To Restrict the Sale of Dogs and Cats in Pet Shops      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN GERZOFISKY	OTP-AM ONTP	H-275

This bill prohibits a pet shop from selling cats or dogs that have not been born and raised in the pet shop. The prohibition does not apply to a public or private charitable nonprofit animal shelter, humane society or animal rescue organization, a pet shop where a dog or cat owned by a public or private organization excepted by the law is being offered for adoption or a pet shop that is selling a cat or dog that was born and raised by the owner of the pet shop in a separate facility. The bill provides that the penalty for violating these provisions is \$2,500 and potential revocation of the pet shop's license.

**Committee Amendment "A" (H-275)**

This amendment, which is the majority report, replaces the bill. The amendment creates a process whereby pet shops are required to attest in writing as to the origin of a cat or dog, which may come only from a public or private charitable nonprofit animal shelter, humane society or animal rescue organization. The amendment provides an exception for existing pet shops, who may also sell or otherwise dispose of a cat or dog from a breeder if the breeder meets certain conditions and the existing pet shop attests to the origin in writing. The amendment also reduces the penalty for a violation from \$2,500 to \$500.

**LD 388      An Act Regarding Timber Harvesting on Land Managed by the Bureau of Parks and Lands      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J	OTP-AM	H-297

This bill prohibits the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands from contracting for timber harvesting on land under its management if the contractor uses persons employed under the federal labor certification process for employment of foreign workers in logging for that purpose.

**Committee Amendment "A" (H-297)**

*Joint Standing Committee on Agriculture, Conservation and Forestry*

This amendment strikes and replaces the bill. The amendment limits timber harvesting on public reserved lands and nonreserved public lands to an average of 141,500 cords per year over any two-year period, which is the sustainable harvesting level determined by an independent timber inventory conducted in 2012. The amendment allows the Department of Agriculture, Conservation and Forestry by rule, based on an independent timber inventory conducted after July 1, 2015, to establish a different sustainable harvest level. The rules are major substantive rules and must be reviewed by the joint standing committee of the Legislature having jurisdiction over public reserved and nonreserved lands matters.

**LD 389 An Act Relating to the Sale of Hypodermic Apparatuses**

**PUBLIC 27**

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

This bill clarifies that an agricultural supply store may furnish or sell, without limit in number, hypodermic apparatuses to a livestock owner and that the sale by the agricultural supply store and the possession by the person who owns livestock expressly fall within the exceptions to the laws restricting possession and furnishing of hypodermic apparatuses.

**Enacted Law Summary**

Public Law 2015, chapter 27 clarifies that an agricultural supply store may furnish or sell, without limit in number, hypodermic apparatuses to a livestock owner and that the sale by the agricultural supply store and the possession by the person who owns livestock expressly fall within the exceptions to the laws restricting possession and furnishing of hypodermic apparatuses.

**LD 414 An Act To Remove Certain Exemptions to the Laws Concerning Tree Specialists**

**ONTP**

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

This bill eliminates the arborist licensing exemption for highway contractors, subcontractors and their employees who remove trees during the performance of contracts for the construction or maintenance of highways and general contractors who remove interfering shade or ornamental trees or interfering parts of shade or ornamental trees in the conduct of their regular business. This bill also increases the penalty for violating a provision of the laws regarding arborists from up to \$500 per day to up to \$1,000 per day but provides for a warning for a first offense.

**LD 456 An Act To Include Nonalcoholic Malt Beverages in the List of Exempt Products in the Law Regarding the Labeling of Genetically Engineered Products**

**PUBLIC 118**

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

This bill exempts nonalcoholic malt beverages from the disclosure requirements of the laws regulating the labeling of genetically engineered products.

**Enacted Law Summary**

*Joint Standing Committee on Agriculture, Conservation and Forestry*

Public Law 2015, chapter 118 exempts nonalcoholic malt beverages from the disclosure requirements of the laws regulating the labeling of genetically engineered products.

**LD 457      An Act To Redistribute the Agricultural Fair Support Fund      INDEF PP**

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

This bill requires that slot machine revenue from the casino located in Oxford County and credited to the Agricultural Fair Support Fund be distributed only to agricultural fairs licensed to accept wagers on harness racing and not to commercial tracks. Current law divides slot machine revenue credited to the Agricultural Fair Support Fund between commercial harness racing tracks and agricultural fairs licensed to accept wagers on harness racing.

This bill was not referred to a committee.

**LD 533      An Act To Ensure Humane Conditions for Egg-laying Poultry      ONTP**

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

This bill provides for humane space standards for all egg-laying poultry that allow the poultry to move freely, with exceptions for specific circumstances.

**LD 546      An Act To Assist Individuals To Obtain a Permit To Grow and Sell Water Spinach      ONTP**

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

This bill requires the Department of Agriculture, Conservation and Forestry to provide information about the proper process for obtaining a federal permit to individuals seeking to grow and sell water spinach in Maine.

**LD 547      An Act Regarding Service Dogs      ONTP**

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

This bill requires an individual registering a service dog to present to the municipal clerk a letter signed by a physician, psychologist, physician assistant or nurse practitioner indicating that the individual or a member of the individual's household requires the service dog and a certification or other document indicating that the service dog has completed training from an established service animal training organization or has been evaluated by a certified animal trainer and found to have a sound temperament suitable for a service dog. The bill also requires the Department of Agriculture, Conservation and Forestry to ensure that a service dog registration tag clearly indicates that the dog is a service animal and to devise a method of ensuring that a service dog's registration tag is visible to

*Joint Standing Committee on Agriculture, Conservation and Forestry*

the public.

**LD 598 An Act To Strengthen the Maine Agriculture Protection Act**

**PUBLIC 145**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE MASON	OTP-AM	H-200

This bill ensures that agricultural composting operations are included in all sections of the Maine Agriculture Protection Act, also commonly known as the right-to-farm law, that protect farms and farm operations.

**Committee Amendment "A" (H-200)**

This amendment adds manure and compost to the definition of "agricultural products," which is defined for the Maine Agriculture Protection Act.

**Enacted Law Summary**

Public Law 2015, chapter 145 ensures that agricultural composting operations are included in all sections of the Maine Agriculture Protection Act, also commonly known as the right-to-farm law, that protect farms and farm operations. In addition, it adds manure and compost to the definition of "agricultural products," which is defined for the Maine Agriculture Protection Act.

**LD 653 An Act To Increase Consumption of Maine Foods in All State Institutions**

**ONTP**

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

This bill establishes a schedule for the current law that requires state and school purchasers to buy meat, fish, dairy products, excluding milk and eggs, and species of fruits and fresh vegetables directly from Maine food producers or food brokers. The bill establishes a minimum percentage of Maine foodstuffs that must be purchased, requiring at least 15 percent by December 31, 2021, at least 20 percent by December 31, 2026, at least 25 percent by December 31, 2036 and at least 35 percent by December 31, 2037. The bill exempts from the requirements school purchasers at schools participating in the National School Lunch Program. The bill requires competitive bidding when more than one producer, broker or wholesaler can supply a given foodstuff. The bill also strikes the language in current law that excludes milk and eggs from this requirement.

**LD 656 An Act To Enhance Forest Ranger Safety**

**ONTP**

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

This bill:

1. Repeals two provisions of Public Law 1999, chapter 352 that require the Commissioner of Conservation to sell all bulletproof vests, firearms and related equipment and that prohibit the commissioner from purchasing bulletproof vests, firearms or related equipment without specific authorization by the Legislature;

*Joint Standing Committee on Agriculture, Conservation and Forestry*

2. Requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to develop and institute a policy that requires all forest rangers to attend and complete a law enforcement training course at the Maine Criminal Justice Academy as a condition of employment. It provides that a forest ranger who has already attended a law enforcement training course at the Maine Criminal Justice Academy is exempt;
3. Requires the state supervisor of the forest protection unit in the Bureau of Forestry and the Director of the Maine Criminal Justice Academy to develop a plan to provide training to forest rangers in the use of firearms, bulletproof vests and other related equipment. The state supervisor is directed to develop a plan to furnish such firearms and equipment to those forest rangers for the performance of their law enforcement duties; and
4. Requires the state supervisor to submit the plan to furnish such firearms and equipment to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Criminal Justice and Public Safety for review no later than November 1, 2015 and to implement, including furnishing firearms and related equipment, no later than January 1, 2017.

**LD 708      An Act To Limit the Use of Pesticides on School Grounds      ONTP**

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

This bill restricts the use of pesticides on school grounds by allowing pesticide usage only in situations that pose a health threat to a student or staff member, in response to the presence of animals or insects identified as a public health nuisance or on agricultural fields in accordance with the manufacturer's instructions. The bill requires the Commissioner of Education to adopt rules to implement landscaping design that minimizes or avoids the necessity of the use of pesticides on school grounds for new construction of school facilities.

**LD 709      An Act Regarding the Regulation of Rabbit Production for Local Consumption      ONTP**

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

This bill permits rabbit producers to sell rabbit products without inspection at the farm on which the rabbits were raised, at farmers' markets, by delivery to consumers' homes, to community supported agriculture farms with which the rabbit producer has a direct marketing relationship, to locally owned grocery stores and to locally owned restaurants. The bill requires the Commissioner of Agriculture, Conservation and Forestry to adopt rules to establish requirements for the physical facilities and sanitary processes used by rabbit producers whose products are exempt from inspection.

**LD 745      An Act To Improve Forest Ranger Safety      INDEF PP**

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

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This bill repeals two provisions of Public Law 1999, chapter 352 that require the Commissioner of Conservation to sell all bulletproof vests, firearms and related equipment and that prohibit the commissioner from purchasing bulletproof vests, firearms or related equipment without specific authorization by the Legislature.

**LD 783      RESOLUTION, Proposing an Amendment to the Constitution of Maine      CARRIED OVER**  
**To Establish a Right to Food**

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

This resolution proposes a constitutional amendment to provide that every individual has a natural and unalienable right to food.

This resolution was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 791      An Act To Amend the Laws Governing Wind Energy Development      Accepted Majority**  
**Permitting      (ONTP) Report**

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

This bill amends the laws governing the expedited permitting of grid-scale wind energy development by authorizing the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission to add specified places to or remove specified places from the designated wind energy permitting area only if the commission receives the written consent of the owner or owners of the land proposed for addition or removal. The bill repeals the current provision of law governing additions to the area. The bill also changes the terms "expedited permitting area" and "expedited wind energy development" to "designated wind energy permitting area" and "designated wind energy development," respectively.

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

This amendment, which is the minority report, adds an appropriations and allocations section to provide funding to the Maine Land Use Planning Commission for rulemaking.

**LD 817      An Act Regarding Aerial Pesticide Spray Projects      PUBLIC 58**

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

This bill repeals notification and reporting provisions for forest insect aerial pesticide spray projects. The bill eliminates provisions related to government pesticide supervisors, spotters and monitors, including the certification, licensing and associated reporting requirements. Other provisions governing notification and reporting requirements for outdoor pesticide applications are contained in the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control rules.

**Enacted Law Summary**

# Joint Standing Committee on Agriculture, Conservation and Forestry

Public Law 2015, chapter 58 repeals notification and reporting provisions for forest insect aerial pesticide spray projects. The bill eliminates provisions related to government pesticide supervisors, spotters and monitors, including the certification, licensing and associated reporting requirements.

## LD 828 An Act To Improve Regulatory Consistency within the Jurisdiction of the Maine Land Use Planning Commission

PUBLIC 265

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L WOODSOME	OTP-AM ONTP	H-374 S-307 SAVIELLO

This bill:

1. Amends the legislative findings of the Maine Wind Energy Act, adding emphasis to public consideration and participation in decisions related to expedited wind energy development siting;
2. Directs the Maine Land Use Planning Commission, through rulemaking, to create a provisional expedited permitting area comprised of unorganized and deorganized areas of the State, which were previously included in the expedited permitting area, with specific exceptions to recognize existing expedited wind energy developments; and
3. Amends the statutory criteria for adding specified places to the expedited permitting area and adds a requirement that a petition to add a specified place to the expedited permitting area must involve a public hearing if written requests for a public hearing are received from five or more persons.

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

This amendment, which is the majority report of the committee, replaces the bill. It amends the laws governing expedited permitting of wind energy development in the Maine Revised Statutes, Title 35-A, chapter 34-A. It makes the following changes to current law.

1. It provides the Maine Land Use Planning Commission with the authority to remove, by rule, a specified place within the unorganized and deorganized areas from the expedited permitting area.
2. It provides that the Maine Land Use Planning Commission is not required to provide notice to the Legislature when it adopts a rule to remove a specified place from the expedited permitting area.
3. It amends existing definitions, adds new definitions and provides corresponding cross-references in Title 12 and in the public law that enacted Title 35-A, chapter 34-A to the new removal process.

### House Amendment "A" To Committee Amendment "A" (H-393)

This amendment adds a requirement for notice and public hearing on a petition to remove a specified place from the expedited permitting area and requires the Maine Land Use Planning Commission to determine whether the specified place meets the existing requirements for additions to the expedited permitting area. This amendment also reduces the percentage of resident voters who must sign a petition seeking removal of a specified place from the expedited permitting area from 50 percent, as proposed in Committee Amendment "A," to 10 percent.

This amendment was not adopted.

### Senate Amendment "A" To Committee Amendment "A" (S-307)

This amendment establishes consistency between the review processes for adding and removing specified places from the expedited permitting area. The amendment also establishes that when 10 percent, instead of 50 percent as in the committee amendment, of the registered voters in a township, plantation or municipality that voted in the

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most recent gubernatorial election petition for removal of a specified place in the unorganized and deorganized areas from the expedited permitting area, after the required notice, if no person requests substantive review of the petition the specified place must be removed. If review is requested, there must be an opportunity for public comment and, if requested by five or more persons, a public hearing. The Maine Land Use Planning Commission may recover the actual cost of a requested review of a petition from the person making the request. When conducting substantive review of a petition for removal, the commission must grant the petition and remove the specified place from the expedited permitting area if the commission determines the removal will not have an unreasonable adverse effect on the State's ability to meet its goals for wind energy development and is consistent with the principal values and the goals of the commission's comprehensive land use plan. The amendment removes the requirement that all signers of a petition must be permanent residents of the township, plantation or municipality, extends the deadline by which petitions may be filed to June 30, 2016 and establishes an effective date of the legislation of January 1, 2016.

### Enacted Law Summary

Public Law 2015, chapter 265 amends the laws governing expedited permitting of wind energy development in the Maine Revised Statutes, Title 35-A, chapter 34-A, as follows:

1. It adds new definitions for "specified place" and "unorganized and deorganized areas;"
2. It provides the Maine Land Use Planning Commission with the authority to remove, by rule, a specified place within the unorganized and deorganized areas from the expedited permitting area and establishes consistency between the review processes for adding and removing specified places from the expedited permitting area. It establishes that when 10 percent of the registered voters in a township, plantation or municipality that voted in the most recent gubernatorial election petition for removal of a specified place in the unorganized and deorganized areas from the expedited permitting area, after the required notice, if no person requests substantive review of the petition the specified place must be removed. If review is requested, there must be an opportunity for public comment and, if requested by five or more persons, a public hearing. The Maine Land Use Planning Commission may recover the actual cost of a requested review of a petition from the person making the request. When conducting substantive review of a petition for removal, the commission must grant the petition and remove the specified place from the expedited permitting area if the commission determines the removal will not have an unreasonable adverse effect on the State's ability to meet its goals for wind energy development and is consistent with the principal values and the goals of the commission's comprehensive land use plan;
3. It establishes a deadline by which petitions may be filed to June 30, 2016;
4. It provides that the Maine Land Use Planning Commission is not required to provide notice to the Legislature when it adopts a rule to remove a specified place from the expedited permitting area;
5. It provides corresponding cross-references in Title 12 and in the public law that enacted Title 35-A, chapter 34-A to the new removal process; and
6. It establishes an effective date of January 1, 2016.

LD 839      **An Act To Increase Conservation District Funding**

**PUBLIC 341**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK SAVIELLO	OTP-AM	H-88 S-325    HAMPER

This bill provides ongoing funding of \$200,000 per fiscal year to the Department of Agriculture, Conservation and Forestry for soil and water conservation districts.

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**Committee Amendment "A" (H-88)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" (S-325)**

This amendment reduces from \$200,000 per fiscal year to \$70,000 per fiscal year funding to the Department of Agriculture, Conservation and Forestry for soil and water conservation districts.

**Enacted Law Summary**

Public Law 2015, chapter 341 provides ongoing funding of \$70,000 per fiscal year to the Department of Agriculture, Conservation and Forestry for soil and water conservation districts.

**LD 866 An Act To Ensure Efficiency and Safety in the Bureau of Forestry**

**CARRIED OVER**

Sponsor(s)

BURNS  
NADEAU

Committee Report

Amendments Adopted

This bill requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to appoint no fewer than 16 Forest Ranger IIIs, subject to the Civil Service Law, who are each to be armed with a firearm and are selected from forest rangers employed by the bureau. The bill provides that a Forest Ranger III is required to meet the same training, certification and evaluation requirements as a full-time law enforcement officer as established by the department and Board of Trustees of the Maine Criminal Justice Academy. The bill provides that a Forest Ranger III has the same powers and duties as a sheriff or sheriff's deputy to enforce criminal and civil laws, with an emphasis on forestry, natural resource and wildfire protection laws.

This bill requires the director to appoint the state supervisor and no fewer than 32 Forest Ranger IIs, subject to the Civil Service Law, who serve in a role similar to that of current forest rangers and who must be provided ballistic vests and electronic control devices for their safety while performing their duties.

This bill changes the duties of forest rangers to include investigating, planning and implementing measures regarding forest health issues, including the control of invasive forest insect species, and providing support to the units within the bureau that are responsible for forest health and insect disease control. It also changes the duties of forest rangers to include providing assistance in disasters and emergencies, including search and rescue operations.

This bill removes the prohibition of the purchase of firearms, ballistic vests and other firearms-related equipment by the Department of Conservation.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 870 An Act To Amend the Maine Spruce Budworm Management Laws**

**PUBLIC 314**

Sponsor(s)

DILL  
NOON

Committee Report

OTP-AM

Amendments Adopted

S-252  
H-466 BLACK

This bill updates the Maine Spruce Budworm Management Act to eliminate outdated language, such as that referring to pesticide spraying, and to add language governing presalvage and salvage harvesting of forest

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stands that have a significant risk of damage from spruce budworm.

**Committee Amendment "A" (S-252)**

This amendment:

1. Updates the process for regulation of presalvage and salvage harvesting;
2. Establishes additional parameters for the rulemaking process;
3. Establishes penalties for violations;
4. Defines the effect of other laws on presalvage and salvage harvesting; and
5. Adds an appropriations and allocations section.

**House Amendment "A" To Committee Amendment "A" (H-466)**

This amendment amends Committee Amendment "A" regarding the type of data that may be used to support assessments of risk and vulnerability of a specific forest stand and retains a section removed from the bill regarding the authority of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to conduct research.

**Enacted Law Summary**

Public Law 2015, chapter 314 updates the Maine Spruce Budworm Management Act.

Specifically, Public Law 2015, chapter 314:

1. Eliminates outdated language, such as that referring to pesticide spraying;
2. Adds language governing presalvage and salvage harvesting of forest stands that have a significant risk of damage from spruce budworm, including specifications about the type of data that may be used to support assessments of risk and vulnerability of a specific forest stand;
3. Updates the process for regulation of presalvage and salvage harvesting;
4. Establishes additional parameters for the rulemaking process;
5. Establishes penalties for violations; and
6. Defines the effect of other laws on presalvage and salvage harvesting.

**LD 872      Resolve, Establishing a Task Force To Ensure Integrity in the Use of Service Animals**

**RESOLVE 36  
EMERGENCY**

Sponsor(s)

WARD  
CUSHING

Committee Report

OTP-AM  
ONTP

Amendments Adopted

H-370

This resolve establishes the Study Commission To Ensure Integrity in the Use of Service Animals in order to study training and certification requirements of service animals, methods of disseminating information about service animals to the public and documentation of training and certification of service animals.

**Committee Amendment "A" (H-370)**

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This amendment, which is the majority report, replaces the resolve. The amendment directs the Commissioner of Agriculture, Conservation and Forestry to convene a task force to ensure integrity in the use of service animals. The amendment establishes the duties of the task force and creates guidelines for its membership, requires the task force to submit a report to the Joint Standing Committee on Agriculture, Conservation and Forestry, and provides the committee with authority to report out a bill based on the report.

**Enacted Law Summary**

Resolve 2015, chapter 36 directs the Commissioner of Agriculture, Conservation and Forestry to convene a task force to ensure integrity in the use of service animals. The resolve establishes the duties of the task force and creates guidelines for its membership, requires the task force to submit a report to the Joint Standing Committee on Agriculture, Conservation and Forestry, and provides the committee with authority to report out a bill based on the report.

Resolve 2015, chapter 36 was finally passed as an emergency measure effective June 27, 2015.

**LD 925      An Act To Promote Small Diversified Farms and Small Food Producers      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHAPMAN SAVIELLO	OTP-AM	H-335

This bill facilitates direct sales between Maine farmers and consumers by exempting the following persons from State licensing requirements:

1. Agricultural producers that sell farm food products directly to informed end consumers at a farmers' market, on the farm where the farm food product originated or at the home of the informed end consumer; and
2. Individuals that sell homemade food directly to an informed end consumer at their home, at a farmers' market or at a traditional community social event.

The bill also establishes uniform labeling requirements for the exempted products.

**Committee Amendment "A" (H-335)**

This amendment redefines "informed end consumer," eliminates farmers' markets from the list of exempted venues, changes the wording of the labeling requirement and requires a sign concerning food allergies to be displayed where sales occur.

**LD 938      An Act To Clarify Maine's Fertilizer Quality Control Laws      PUBLIC 191**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO HICKMAN	OTP-AM	S-181

This bill reduces by half, from \$1 per ton to 50 cents per ton, the fees collected by the Department of Agriculture, Conservation and Forestry on commercial fertilizer sold in the State. The bill also simplifies and clarifies the restitution process whereby farmers are compensated for deficient fertilizer products.

**Committee Amendment "A" (S-181)**

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This unanimous committee amendment:

1. Eliminates the per ton fees collected by the Department of Agriculture, Conservation and Forestry on agricultural liming materials and on commercial fertilizer sold in the State;
2. Increases the per product commercial fertilizer registration fee by \$25;
3. Directs the increase to a separate account to be used for carrying out the Maine Commercial Fertilizer Law and the Maine Agricultural Liming Materials Act; and
4. Requires the submission of an annual report to the joint standing committee of the Legislature having jurisdiction over agricultural matters, which is authorized to report out a bill.

**Enacted Law Summary**

Public Law 2015, chapter 191 eliminates the per ton fees collected by the Department of Agriculture, Conservation and Forestry on agricultural liming materials and on commercial fertilizer sold in the State, increases the per product commercial fertilizer registration fee by \$25, directs the increase to a separate account to be used for carrying out the Maine Commercial Fertilizer Law and the Maine Agricultural Liming Materials Act and requires the submission of an annual report to the joint standing committee of the Legislature having jurisdiction over agricultural matters, which is authorized to report out a bill. It also simplifies and clarifies the restitution process whereby farmers are compensated for deficient fertilizer products.

**LD 991      An Act To Amend Maine's Genetically Modified Food Products Labeling Law**

**CARRIED OVER**

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

This bill makes Maine's genetically modified food products labeling law effective. The bill accomplishes this result by repealing the delayed effective date in the law, which states that the effective date of the law occurs when mandatory labeling of genetically engineered food is adopted by at least five contiguous states including Maine, and by repealing the law's automatic repeal provision, which states the law is repealed if mandatory labeling of genetically engineered food is not adopted by at least five contiguous states including Maine by January 1, 2018.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1022      An Act To Protect the Future of Harness Racing**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAREAN DIAMOND	OTP-AM	H-377

This bill removes the provision of law that terminates certain payments of net slot machine income to the Fund to Encourage Racing at Maine's Commercial Tracks when all commercial tracks have obtained a license to operate slot machines. The bill also provides that if a commercial track ceases operation and is not immediately replaced by a commercial track in the same region that is owned by the same owner as the commercial track that ceased operation, all amounts in the fund must be disbursed to the remaining commercial tracks and to agricultural fairs based on days raced during extended meets up to a maximum of 100 days raced during extended meets per year and until such time as a new commercial track begins operation. A commercial track or agricultural fair receives a payment per

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race day equal to the quotient of the amount in the fund divided by 150. Any amount remaining in the fund after payments are made to commercial tracks and agricultural fairs must be transferred to the operating account of the Harness Racing Commission.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

**Committee Amendment "A" (H-377)**

This amendment adds a process whereby, in the event of a natural disaster, a commercial track may repair, rebuild or relocate at the discretion of the State Harness Racing Commission. During any time that is granted by the commission to a commercial track to repair, rebuild or relocate, the distribution formula provided in the bill for the distribution of funds from the Fund to Encourage Racing at Maine's Commercial Tracks in the event of a track closure applies.

**LD 1023 An Act To Revise the Animal Welfare Laws**

**PUBLIC 223**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAREAN EDGECOMB P	OTP-AM	H-274

This bill amends the definition of "animal shelter" to include animal rescue and applies that expanded definition to the laws related to animal shelters. The bill repeals the definition of "warrant," as municipal warrants were repealed in Public Law 2009, chapter 343, section 19. The bill transfers the responsibility for the costs of maintaining seized animals from the Department of Agriculture, Conservation, and Forestry to the person who seized the animals. The bill corrects an error made in 2007, when the Legislature changed dog licensing and recording fees in the Maine Revised Statutes, Title 7, section 3923-A but did not change a similar provision in Title 7, section 3942. The bill provides that small animals can be euthanized if sick or injured. The bill repeals the conditional animal shelter license law that was enacted in 2013. The bill also clarifies that a person may not dispose of a deceased domesticated animal on public property or on private property without permission from the landowner.

**Committee Amendment "A" (H-274)**

This committee amendment, which is the unanimous report of the committee, amends the definition of "animal shelter" to include rescue groups. The word "domesticated" is included in the definitions of "animal shelter" and "rescue group" to ensure that wild animal rescues under the jurisdiction of the Department of Inland Fisheries and Wildlife do not fall under these definitions.

**Enacted Law Summary**

Public Law 2015, chapter 223 does the following:

1. Amends the definition of "animal shelter" to include rescue groups and includes the word "domesticated" in the definitions of "animal shelter" and "rescue group" to ensure that wild animal rescues under the jurisdiction of the Department of Inland Fisheries and Wildlife do not fall under these definitions;
2. Repeals the definition of "warrant," as municipal warrants were repealed in Public Law 2009, chapter 343, section 19;
3. Transfers the responsibility for the costs of maintaining seized animals from the Department of Agriculture, Conservation and Forestry to the person who seized the animals;
4. Corrects an error made in 2007, when the Legislature changed dog licensing and recording fees in the Maine

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Revised Statutes, Title 7, section 3923-A but did not change a similar provision in Title 7, section 3942;

- 5. Provides that small animals can be euthanized if sick or injured;
- 6. Rpeals the conditional animal shelter license law that was enacted in 2013; and
- 7. Clarifies that a person may not dispose of a deceased domesticated animal on public property or on private property without permission from the landowner.

**LD 1024 An Act To Preserve Agricultural Fairs**

**Died Between Houses**

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

This bill directs off-track betting facilities first licensed after January 1, 2015 to distribute funds at rates different from those distributed by off-track betting facilities first licensed before January 1, 2015. The bill allows owners of facilities licensed before January 1, 2015 to open new facilities. The bill also changes the market area regarding the location of an off-track betting facility from within 50 miles of the center of a racetrack betting facility to within 35 miles and repeals the law allowing licensees of off-track betting facilities that were licensed and open for business before April 1, 2000 and that have a market area with a population of less than 50,000 persons to distribute funds at a reduced rate.

This bill was not referred to a committee.

**LD 1041 An Act To Restore Farmlands and Improve Watersheds**

**Died Between Houses**

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

This bill establishes the Farmland Restoration Program, establishes a framework for the program, establishes the Farmland Restoration Fund and gives the Department of Agriculture, Conservation and Forestry authority to adopt rules to implement the program.

**Committee Amendment "A" (S-128)**

This amendment, which is the majority report, adds an appropriations and allocations section to the bill.

**LD 1089 An Act To Amend the Laws Governing Agriculture by Expanding the Powers of the Commissioner of Agriculture, Conservation and Forestry**

**ONTP**

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

This bill authorizes the Commissioner of Agriculture, Conservation and Forestry to acquire, purchase and lease property for and on behalf of the State.

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**LD 1098 An Act To Protect Children from Exposure to Pesticides**

**ONTP**

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

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

The bill proposes to extend laws and rules regarding pesticides in schools and on school grounds to other areas when children are present.

**LD 1099 An Act To Establish a Fund for the Operations and Outreach Activities of the University of Maine Cooperative Extension Animal and Plant Disease and Insect Control Laboratory**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK SAVIELLO	OTP-AM	

This bill creates the Animal and Plant Disease and Insect Control Fund to pay for pest management and pesticide safety outreach and education and for operating costs relating to pesticide management and insect control of the University of Maine Cooperative Extension's animal and plant disease and insect control laboratory. The Animal and Plant Disease and Insect Control Fund is funded by a 20 cent fee on every container of consumer packaged pesticides, with some exceptions.

**Committee Amendment "A" (H-458)**

This amendment, which replaces the bill, includes the provisions in the bill creating the Animal and Plant Disease and Insect Control Fund to pay for pest management and pesticide safety outreach and education and for operating costs relating to pesticide management and insect control of the University of Maine Cooperative Extension's animal and plant disease and insect control laboratory. The Animal and Plant Disease and Insect Control Fund is funded by a 20 cent fee on every container of consumer packaged pesticides, with some exceptions.

In addition, the amendment establishes that the fund may not be used to pay for any administrative costs incurred by the University of Maine or by the University of Maine Cooperative Extension. It also provides that retailers may retain three cent of the 20 cent fee in order to help offset the costs of collection. It establishes that the Board of Pesticides Control must, by rule, establish the universe of products upon which a fee will be imposed and the types of products that are exempted from the fee. It expands the Board of Pesticides Control's responsibilities and provides that a report be submitted biennially to the joint standing committee of the Legislature having jurisdiction over pest management matters, which has authority to report out a bill implementing changes to this program upon receipt of the report.

The amendment also adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-313)**

This amendment decreases the pesticide container fee proposed under Committee Amendment "A" to 10 cents per container and removes the exemption from the fee for packages sold by retail stores of less than 7,000 square feet of space. The amendment repeals the pesticide container fee on May 1, 2017. The Commissioner of Agriculture, Conservation and Forestry is given administrative control over the Animal and Plant Disease and Insect Control Fund after that date and provided the authority to disburse the funds to the University of Maine Cooperative



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**LD 1151     An Act To Prevent the Infestation of Firewood by Invasive Species**

**Died Between  
Houses**

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

This bill directs the Commissioner of Agriculture, Conservation and Forestry to create a firewood emergency response group to respond to reports of infestation of firewood by invasive species and creates the Firewood Infestation Education Fund to educate the public regarding and promote public awareness of the dangers of infestation through the importation of firewood into the State.

**Committee Amendment "A" (H-276)**

This amendment, which is the majority report, moves the allocation of the statutory provisions of the bill from the Maine Revised Statutes, Title 7 to Title 12, establishes the number of individuals who may serve on the firewood emergency response group and clarifies the nature of the annual meeting to be held by the response group. The amendment also adds an appropriations and allocations section.

**LD 1169     RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Permit 25 Acres or Less To Be Withdrawn from Taxation as  
Timberland and Woodland without Penalty**

**Accepted Majority  
(ONTP) Report**

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

This resolution proposes to amend the Constitution of Maine to permit a person to withdraw 25 acres or less of timberland and woodland from current use valuation without incurring a penalty.

**Committee Amendment "A" (S-102)**

This amendment, which is the minority report of the committee, adds a fiscal note.

**LD 1178     An Act To Implement the Recommendations of the Maple Syrup Task  
Force**

**CARRIED OVER**

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

This bill establishes the Maine Maple Promotion Board and creates its basic structure, core functions and duties.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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**LD 1247     An Act To Release a Restriction on 2 Parcels of Former State Land in  
Greenbush Currently Owned by Anita P. Haskell**

**P & S 7**

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

This bill rescinds the statutory restriction of only agricultural or forestry purposes on two parcels of former state land in Greenbush currently owned by Anita P. Haskell and directs the Department of Agriculture, Conservation and Forestry to issue a deed to each parcel to Anita P. Haskell releasing the restriction on those parcels. Anita P. Haskell and the Department of Agriculture, Conservation and Forestry are required to agree that the State must be held harmless regarding any and all claims related to the property and the ownership of the property by the State and any previous owners. It also requires that the release of the deed restriction and hold harmless clause become part of the deed and bind all successors in title. The bill also requires that Anita P. Haskell pay all legal costs associated with the release of the deed restriction and the hold harmless agreement. The bill also requires, pursuant to the Constitution of Maine, an affirmative vote of two-thirds of the members of the Legislature.

**Enacted Law Summary**

Private and Special Law 2015, chapter 7 rescinds the statutory restriction of only agricultural or forestry purposes on two parcels of former state land in Greenbush currently owned by Anita P. Haskell and directs the Department of Agriculture, Conservation and Forestry to issue a deed to each parcel to Anita P. Haskell releasing the restriction on those parcels. Anita P. Haskell and the Department of Agriculture, Conservation and Forestry are required to agree that the State must be held harmless regarding any and all claims related to the property and the ownership of the property by the State and any previous owners. It requires that the release of the deed restriction and hold harmless clause become part of the deed and bind all successors in title. It also requires that Anita P. Haskell pay all legal costs associated with the release of the deed restriction and the hold harmless agreement.

**LD 1284     An Act To Expand the Local Foods Economy**

**Died Between  
Houses**

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

This bill requires the Department of Agriculture, Conservation and Forestry to administer programs to support the expansion and coordination of the use of fresh Maine foods in aggregated and institutional markets, including school food service programs. The Department of Agriculture, Conservation and Forestry is directed to provide grants under the agricultural development grant program for the purpose of conducting market feasibility studies and developing business plans for local food infrastructure operations in Maine to connect and enhance relationships between fresh food producers in Maine and aggregated and institutional markets, including school food service programs, and food purveyors. The Commissioner of Agriculture, Conservation and Forestry may not award a local foods grant unless the applicant provides matching funds in an amount that is no less than 50 percent of the grant amount. The department is also directed to provide loans under the Agricultural Marketing Loan Fund to applicants in diverse geographic areas in the State for the purpose of establishing local food infrastructure operations located in Maine. Prior to awarding a local food infrastructure loan, the Commissioner of Agriculture, Conservation and Forestry is required to determine that the potential overall impact of a proposal on Maine's agricultural economy and industry is beneficial to and in the best interest of the State. The bill also establishes the Maine Food Infrastructure Advisory Committee, which includes representatives of statewide and regional organizations involved in supporting agriculture, public health, the environment and the state economy, including

*Joint Standing Committee on Agriculture, Conservation and Forestry*

representatives of the member entities of the farm-to-school work group established by Resolve 2009, chapter 106.

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

This amendment, which is the minority report of the committee, incorporates a fiscal note.

**LD 1291 An Act To Promote Food Self-sufficiency for the People of the State**

**PUBLIC 347**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN SAVIELLO	OTP-AM	H-447 S-330 HAMPER

This bill:

1. Directs the Department of Agriculture, Conservation and Forestry, in coordination with various state agencies, to develop and administer an agricultural jobs network linking farms and facilities that process agricultural products grown in the State with available workers who are involved in farming or a local food industry or who are required to perform community service;
2. Directs the department, in coordination with various state agencies, to develop an educational marketing campaign to promote food self-sufficiency by encouraging the public to grow gardens, to raise farm animals and to preserve garden-grown food
3. Requires the department, to the extent practicable, to purchase food grown, harvested, prepared, processed or produced in the State when purchasing food for an emergency or supplemental food program for elderly or low-income persons; and
4. Grants municipalities, notwithstanding any provision of law to the contrary, the authority to regulate by ordinance the direct producer-to-customer exchange of all food grown, harvested, prepared, processed or produced in the municipality.

**Committee Amendment "A" (H-447)**

This amendment strikes language from the bill that allows a municipality to regulate by ordinance the direct producer-to-customer exchange of all food grown, harvested, prepared, processed or produced in the municipality.

The amendment clarifies the intent of the bill by requiring the Department of Agriculture, Conservation and Forestry to use existing programs and resources in carrying out the provisions of the bill.

The amendment also adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-330)**

This amendment replaces the appropriations and allocations section to reduce funding related to a part-time Planning and Research Assistant position.

**Enacted Law Summary**

Public Law 2015, chapter 347 directs the Department of Agriculture, Conservation and Forestry, in coordination with various state agencies, to develop and administer an agricultural jobs network linking farms and facilities that process agricultural products grown in the State with available workers who are involved in farming or a local food industry or who are required to perform community service and to develop an educational marketing campaign to promote food self-sufficiency by encouraging the public to grow gardens, to raise farm animals and to preserve garden-grown food. This bill also requires the department, to the extent practicable, to purchase food grown,

*Joint Standing Committee on Agriculture, Conservation and Forestry*

harvested, prepared, processed or produced in the State when purchasing food for an emergency or supplemental food program for elderly or low-income persons.

**LD 1326 An Act To Require Labeling of All Genetically Modified Products**

**CARRIED OVER**

Sponsor(s)

BURNS

Committee Report

Amendments Adopted

This bill makes the following changes to Maine's Genetically Modified Food Products Labeling Law.

1. It defines "genetically modified product," which includes genetically engineered seed stock, products from animals fed genetically engineered food and medicines that were manufactured with genetically engineered plants or animals to the laws regarding the labeling of genetically engineered products.
2. It requires the disclosure of genetic engineering of food, seed stock, products from animals fed genetically engineered food or medicines that were manufactured with genetically engineered plants or animals beginning January 1, 2017.
3. It provides that food, seed stock, products from animals fed genetically engineered food and medicines for which the disclosure is not made are considered to be misbranded and subject to the sanctions for misbranding.
4. It removes exemptions for products produced without knowledge that the products, or items used in their production, were genetically engineered; animal products derived from an animal that was not genetically engineered but was fed genetically engineered food; and products with only a minimum content produced by genetic engineering.
5. It removes the exemption from disclosure requirements as regards restaurants, alcoholic beverages or medical food.
6. It increases the penalties for nondisclosure and misbranding to a Class E crime for the first offense and a Class D crime for the second and subsequent offenses.
7. It repeals the contingent effective date established by Public Law 2013, chapter 436, section 2, subsection 1.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1376 An Act To Establish a Local Food Producers and Processors to Consumers Pilot Program**

**Died On  
Adjournment**

Sponsor(s)

LANGLEY  
WARD

Committee Report

OTP-AM

Amendments Adopted

S-284

This bill establishes the Local Food Producers and Processors to Consumers Pilot Program. The pilot program exempts local producers and processors in the towns of Blue Hill, Brooksville, Penobscot, Sedgwick and Brooklin, all of which have adopted local food self-governance ordinances, from all state licensure and inspection requirements with respect to the production and processing of local foods for sale directly to consumers. The pilot program is repealed in 2022.

**Joint Standing Committee on Agriculture, Conservation and Forestry**

The bill requires the Department of Agriculture, Conservation and Forestry to submit an annual report on the pilot program to the joint standing committee of the Legislature having jurisdiction over agricultural matters including any assessment of or comments about the pilot program provided by interested persons, including producers, processors and consumers participating in the pilot program. Upon receipt of the report, the committee may report out a bill relating to the pilot program.

**Committee Amendment "A" (S-284)**

This amendment provides that the Department of Agriculture, Conservation and Forestry is only required to take certain actions to assist local food producers and processors upon the request of the eligible producers and processors. The amendment also adds an appropriations and allocations section.

<b>LD 1408</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry</b>	<b>RESOLVE 26 EMERGENCY</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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This resolve provides for legislative review of portions of Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry that was filed outside the legislative rule acceptance period.

**Enacted Law Summary**

Resolve 2015, chapter 26 provides that final adoption of portions of Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

Resolve 2015, chapter 26 was finally passed as an emergency measure effective June 16, 2015.

<b>LD 1424</b>	<b>Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands</b>	<b>RESOLVE 29</b>
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<u>Sponsor(s)</u> HICKMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-407 H-422 HICKMAN
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This resolve provides for the following.

1. It allows the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to dispose of the bureau's minority interests in lands adjacent to the bureau's Scapan Public Reserved Lands Unit in Aroostook County in exchange for interests of comparable value, including all minority interests held by others in the bureau's Scapan Public Reserved Lands Unit.
2. It allows the director to convey lands along the Southern Bangor and Aroostook Rail Trail in the Town of Westfield to an abutter, Smith's Farms, Inc. This conveyance is in exchange for a newly developed trail corridor,

## *Joint Standing Committee on Agriculture, Conservation and Forestry*

located on Smith's Farm property between the existing rail trail and the Prestile Stream, averaging 99 feet wide and being approximately 2,400 feet in length, or 5.47 acres.

3. It allows the director to convey an approximately 320-acre parcel in T.24 MD BPP in Washington County in exchange for a parcel of comparable size and value. Cherryfield Foods, Inc. will acquire state lands on which it formerly held a lease for blueberry production, which are surrounded by other lands owned and managed by Cherryfield Foods, Inc.; and in exchange the bureau will acquire an approximately 320-acre wooded parcel abutting Mopang Stream, with deeded access.
4. It allows the director to exchange a small parcel of land on Azischohos Lake, a discontinued 0.4-acre leased camp lot on public reserved lands, for a 3.5-acre parcel of land with a small amount of frontage on Lower Richardson Lake, currently used as a boat launch.
5. It allows the director to convey the bureau's minority interest to the majority interest family owners of two acre lots on Scopan Lake for fair market value. These lots, which are located on the south shore of the lake, are not within the bureau's Scopan Public Reserved Lands Unit.
6. It allows the director to convey Halfway Rock Island to the United States General Services Administration or its assignee for fair market value.

### **Committee Amendment "A" (H-407)**

This committee amendment clarifies that the property or other consideration received from Prentiss and Carlisle Company, Inc. and Prentiss and Carlisle Management Company must be of equivalent value to the interests in land conveyed. The amendment also describes in greater detail the land that must be received from Smith's Farm, Inc. It also adds an emergency preamble and emergency clause.

### **House Amendment "A" To Committee Amendment "A" (H-422)**

This amendment removes the emergency preamble and emergency clause as added by the committee amendment.

### **Enacted Law Summary**

Resolve 2015, chapter 29 provides the following:

1. It allows the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to dispose of the bureau's minority interests in lands adjacent to the bureau's Scopan Public Reserved Lands Unit in Aroostook County in exchange for interests of comparable value, including all minority interests held by others in the bureau's Scopan Public Reserved Lands Unit.
2. It allows the director to convey lands along the Southern Bangor and Aroostook Rail Trail in the Town of Westfield to an abutter, Smith's Farms, Inc. This conveyance is in exchange for a newly developed trail corridor, located on Smith's Farm property between the existing rail trail and the Prestile Stream, averaging 99 feet wide and being approximately 2,400 feet in length, or 5.47 acres.
3. It allows the director to convey an approximately 320-acre parcel in T.24 MD BPP in Washington County in exchange for a parcel of comparable size and value. Cherryfield Foods, Inc. will acquire state lands on which it formerly held a lease for blueberry production, which are surrounded by other lands owned and managed by Cherryfield Foods, Inc.; and in exchange the bureau will acquire an approximately 320-acre wooded parcel abutting Mopang Stream, with deeded access.
4. It allows the director to exchange a small parcel of land on Azischohos Lake, a discontinued 0.4-acre leased camp lot on public reserved lands, for a 3.5-acre parcel of land with a small amount of frontage on Lower Richardson Lake, currently used as a boat launch.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

5. It allows the director to convey the bureau's minority interest to the majority interest family owners of two acre lots on Scopan Lake for fair market value. These lots, which are located on the south shore of the lake, are not within the bureau's Scopan Public Reserved Lands Unit.

6. It allows the director to convey Halfway Rock Island to the United States General Services Administration or its assignee for fair market value.

# *Joint Standing Committee on Agriculture, Conservation and Forestry*

## SUBJECT INDEX

### *Agricultural Development*

#### Enacted

LD 598 An Act To Strengthen the Maine Agriculture Protection Act PUBLIC 145

#### Not Enacted

LD 304 An Act To Support Marketing of Maine's Farms and Fisheries ONTP  
LD 1041 An Act To Restore Farmlands and Improve Watersheds Died Between  
Houses

### *Animal Welfare*

#### Enacted

LD 1023 An Act To Revise the Animal Welfare Laws PUBLIC 223

#### Not Enacted

LD 335 An Act To Restrict the Sale of Dogs and Cats in Pet Shops Veto Sustained  
LD 533 An Act To Ensure Humane Conditions for Egg-laying Poultry ONTP

### *Department of Agriculture, Conservation and Forestry*

#### Not Enacted

LD 39 Resolve, To Require a Review of the Merger That Resulted in the ONTP  
Department of Agriculture, Conservation and Forestry  
LD 1089 An Act To Amend the Laws Governing Agriculture by Expanding ONTP  
the Powers of the Commissioner of Agriculture, Conservation and  
Forestry

### *Fertilizer*

#### Enacted

LD 938 An Act To Clarify Maine's Fertilizer Quality Control Laws PUBLIC 191

#### Not Enacted

LD 207 An Act To Amend the Maine Commercial Fertilizer Law and the ONTP  
Maine Agricultural Liming Materials Act

## *Food Policy*

### Enacted

LD 456	An Act To Include Nonalcoholic Malt Beverages in the List of Exempt Products in the Law Regarding the Labeling of Genetically Engineered Products	PUBLIC 118
LD 1291	An Act To Promote Food Self-sufficiency for the People of the State	PUBLIC 347

### Not Enacted

LD 229	An Act To Exempt Small Raw Milk Producers from Licensing Requirements	ONTP
LD 312	An Act To Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production	Died Between Houses
LD 653	An Act To Increase Consumption of Maine Foods in All State Institutions	ONTP
LD 709	An Act Regarding the Regulation of Rabbit Production for Local Consumption	ONTP
LD 783	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food	CARRIED OVER
LD 925	An Act To Promote Small Diversified Farms and Small Food Producers	Died On Adjournment
LD 991	An Act To Amend Maine's Genetically Modified Food Products Labeling Law	CARRIED OVER
LD 1284	An Act To Expand the Local Foods Economy	Died Between Houses
LD 1326	An Act To Require Labeling of All Genetically Modified Products	CARRIED OVER
LD 1376	An Act To Establish a Local Food Producers and Processors to Consumers Pilot Program	Died On Adjournment

## *Harness Racing*

### Not Enacted

LD 457	An Act To Redistribute the Agricultural Fair Support Fund	INDEF PP
LD 1022	An Act To Protect the Future of Harness Racing	CARRIED OVER
LD 1024	An Act To Preserve Agricultural Fairs	Died Between Houses

## *Land Use Planning Commission*

### Enacted

LD 828	An Act To Improve Regulatory Consistency within the Jurisdiction of the Maine Land Use Planning Commission	PUBLIC 265
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### Not Enacted

LD 791	An Act To Amend the Laws Governing Wind Energy Development Permitting	Majority (ONTP) Report
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## *Maine Forest Service*

### Not Enacted

LD 656	An Act To Enhance Forest Ranger Safety	ONTP
LD 745	An Act To Improve Forest Ranger Safety	INDEF PP
LD 866	An Act To Ensure Efficiency and Safety in the Bureau of Forestry	CARRIED OVER

## *Miscellaneous*

### Enacted

LD 253	An Act To Improve Permit Oversight for the Cutting of Christmas Trees and Evergreen Boughs	PUBLIC 55
LD 389	An Act Relating to the Sale of Hypodermic Apparatuses	PUBLIC 27
LD 1247	An Act To Release a Restriction on 2 Parcels of Former State Land in Greenbush Currently Owned by Anita P. Haskell	P & S 7
LD 1424	Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands	RESOLVE 29

### Not Enacted

LD 414	An Act To Remove Certain Exemptions to the Laws Concerning Tree Specialists	ONTP
LD 546	An Act To Assist Individuals To Obtain a Permit To Grow and Sell Water Spinach	ONTP
LD 1105	An Act To Protect Populations of Bees and Other Pollinators	ONTP
LD 1106	An Act To Compensate Beekeepers for Hive Losses	ONTP
LD 1169	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit 25 Acres or Less To Be Withdrawn from Taxation as Timberland and Woodland without Penalty	Majority (ONTP) Report
LD 1178	An Act To Implement the Recommendations of the Maple Syrup Task Force	CARRIED OVER

## *Parks and Public Lands*

### Not Enacted

LD 316	An Act To Provide a Waiver of Short-term Camping Fees at State-owned Parks, Camping Areas and Beaches for Members of Federally Recognized Indian Tribes in the State	ONTP
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## *Pest Management*

### Enacted

LD 870	An Act To Amend the Maine Spruce Budworm Management Laws	PUBLIC 314
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### Not Enacted

LD 1099	An Act To Establish a Fund for the Operations and Outreach Activities of the University of Maine Cooperative Extension Animal and Plant Disease and Insect Control Laboratory	CARRIED OVER
LD 1151	An Act To Prevent the Infestation of Firewood by Invasive Species	Died Between Houses

## *Pesticides*

### Enacted

LD 202	Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control	RESOLVE 5 EMERGENCY
LD 203	Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control	RESOLVE 6 EMERGENCY
LD 817	An Act Regarding Aerial Pesticide Spray Projects	PUBLIC 58

### Not Enacted

LD 708	An Act To Limit the Use of Pesticides on School Grounds	ONTP
LD 1098	An Act To Protect Children from Exposure to Pesticides	ONTP

## *Regulated Products*

### Enacted

LD 4	An Act To Promote Industrial Hemp	PUBLIC 202 EMERGENCY
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### Not Enacted

LD 119	An Act To Allow for the Cultivation of Hemp	ONTP
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### *Service Dogs*

#### Enacted

LD 872	Resolve, Establishing a Task Force To Ensure Integrity in the Use of Service Animals	RESOLVE 36 EMERGENCY
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#### Not Enacted

LD 547	An Act Regarding Service Dogs	ONTP
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### *Soil & Water Conservation Districts*

#### Enacted

LD 839	An Act To Increase Conservation District Funding	PUBLIC 341
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### *Timber Harvesting*

#### Enacted

LD 1408	Resolve, Regarding Legislative Review of Portions of Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry	RESOLVE 26 EMERGENCY
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#### Not Enacted

LD 317	An Act To Recognize and Provide for the Right of Access for Members of the Houlton Band of Maliseet Indians To Certain Public Lands in Aroostook County for Traditional Uses	ONTP
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LD 388	An Act Regarding Timber Harvesting on Land Managed by the Bureau of Parks and Lands	Died Between Houses
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STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON APPROPRIATIONS AND  
FINANCIAL AFFAIRS**

August 2015

**MEMBERS:**

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SEN. ROGER J. KATZ  
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REP. MARGARET R. ROTUNDO, CHAIR  
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AUGUSTA, ME 04333  
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*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 2      An Act To Authorize a General Fund Bond Issue for the Purchase and Development of the Bar Harbor Ferry Terminal as a Multimodal Transportation Facility      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$5,000,000, will be used to purchase the Bar Harbor Ferry Terminal from the government of Canada and to develop it as a multimodal transportation facility.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 16      An Act To Eliminate Retirement Benefits and Paid Health Insurance for Legislators Elected after 2016      Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L BRAKEY	ONTP OTP-AM	

This bill prohibits a legislator elected for the first time after 2016 from being a member of the Legislative Retirement Program, which also removes the legislator from eligibility for a post-retirement state group health plan.

**Committee Amendment "A" (H-482)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

**LD 51      An Act To Eliminate the Bonding Authority of the Maine Governmental Facilities Authority      Accepted Majority (ONTP) Report**

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

This bill removes the Maine Governmental Facilities Authority's ability to issue bonds or negotiable securities beginning October 1, 2015.

**Committee Amendment "A" (H-483)**

This amendment incorporates a fiscal note.

**LD 68      An Act To Authorize a General Fund Bond Issue To Attract Business by Investing in High-speed Broadband Infrastructure      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL J WOODSOME		

*Joint Standing Committee on Appropriations and Financial Affairs*

This bill provides for a bond issue in the amount of \$10,000,000 to be used to expand high-speed municipal broadband infrastructure. The bill also establishes the High-speed Municipal Broadband Infrastructure Fund to assist municipalities in developing and improving their broadband infrastructure, contingent upon passage of the bond issue.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 86 An Act To Improve Retirement Security for Retired Public Employees**

**PUBLIC 334  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM ONTP	H-502

This bill provides a minimum cost-of-living adjustment of 2.55% for benefits received by retired state employees, teachers, judges and legislators for fiscal year 2014-15, fiscal year 2015-16 and fiscal year 2016-17 only.

**Committee Amendment "A" (H-502)**

This amendment provides a minimum cost-of-living adjustment of 2.55% for benefits received by retired state employees, teachers, judges and legislators for fiscal year 2015-16 and fiscal year 2016-17 only.

**Enacted Law Summary**

Public Law 2015, chapter 334 provides a minimum cost-of-living adjustment of 2.55% for benefits received by retired state employees, teachers, judges and legislators for fiscal year 2015-16 and fiscal year 2016-17 only.

Public Law 2015, chapter 334 was enacted as an emergency measure effective July 12, 2015.

**LD 100 An Act To Authorize a General Fund Bond Issue To Help Small Businesses**

**CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to authorize a General Fund bond issue to benefit small businesses.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 108 An Act To Authorize a General Fund Bond Issue for Riverfront Community Development**

**CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to fund a grant program to invest in projects along the State's rivers that contribute to economic, environmental and community development and

*Joint Standing Committee on Appropriations and Financial Affairs*

revitalization, promote economic activity, protect the environment and enhance quality of life for Maine people.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 138      An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes, Decouple Federal Bonus Depreciation Deductions and Create a Maine Capital Investment Credit**

**PUBLIC 1  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO HAMPER	OTP-AM	H-1

This bill updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986, as amended through December 31, 2014, for tax years beginning on or after January 1, 2014 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. This bill primarily affects the State's income tax laws. This bill also decouples Maine individual and corporate income taxes from federal bonus depreciation deductions. In addition, it provides a Maine capital investment credit for taxable years beginning in 2014 with respect to depreciable property placed in service in the State. The credit is equal to 9% of the amount of the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the United States Internal Revenue Code of 1986, Section 168(k) with respect to property placed in service in the State during the taxable year.

**Committee Amendment "A" (H-1)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2015, chapter 1 updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986, as amended through December 31, 2014, for tax years beginning on or after January 1, 2014 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. It decouples Maine individual and corporate income taxes from federal bonus depreciation deductions. In addition, it provides a Maine capital investment credit for taxable years beginning in 2014 with respect to depreciable property placed in service in the State. The credit is equal to 9% of the amount of the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the United States Internal Revenue Code of 1986, Section 168(k) with respect to property placed in service in the State during the taxable year.

Public Law 2015, chapter 1 was enacted as an emergency measure effective February 12, 2015.

**LD 148      An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Marine Resources, the Department of Agriculture, Conservation and Forestry, the Department of Environmental Protection and the Baxter State Park Authority for the Fiscal Year ending June 30, 2015**

**ONTP**

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

*Joint Standing Committee on Appropriations and Financial Affairs*

This bill adjusts appropriations and allocations as follows.

Part A adjusts allocations from the Federal Expenditures Fund and other funds for the expenditures of the Department of Agriculture, Conservation and Forestry for the fiscal year ending June 30, 2015.

Part B adjusts allocations from Other Special Revenue Funds for the expenditures of the Baxter State Park Authority for the fiscal year ending June 30, 2015.

Part C adjusts allocations from the Federal Expenditures Fund and Other Special Revenue Funds for the expenditures of the Department of Environmental Protection for the fiscal year ending June 30, 2015.

Part D adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Department of Marine Resources for the fiscal year ending June 30, 2015.

Certain provisions of this bill are contained in LD 236 as enacted.

**LD 193      An Act To Authorize a General Fund Bond Issue for Bicycle and Pedestrian Projects      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$13,871,389, will be used for design and construction of 50 approved bicycle and pedestrian projects currently awaiting funding.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 194      An Act To Authorize a General Fund Bond Issue To Encourage Access to Workforce Training and Job Creation      Died Between Houses**

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

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

This bill proposes to authorize a General Fund bond issue to encourage access to workforce training and job creation.

This bill was not referred to a committee.

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**LD 211      An Act To Authorize a General Fund Bond Issue To Prepare Maine To Respond to a Disease Outbreak      ONTP**

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

The funds provided by this bond issue, in the amount of \$10,000,000, will be used to provide an equipment and facilities upgrade for the Department of Health and Human Services, Health and Environmental Testing Laboratory to prepare for the possibility of a disease outbreak.

**LD 212      An Act Concerning Cost-of-living Adjustments for Certain Retirees      CARRIED OVER**

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

This bill restores the previous cost-of-living adjustment cap of 4% for benefits received by a retired state employee, teacher, judge and legislator whose spouse received social security benefits and has passed away. Public Law 2011, chapter 380, Part T reduced the retirement benefit cost-of-living adjustment cap from 4% to 3%.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 217      An Act To Authorize a General Fund Bond Issue for Development of a Multimodal Transportation Facility      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$8,000,000, will be used to develop a multimodal transportation facility that includes a marine transportation facility in an area that is near a federally designated Class A port, is within 20 miles of an airport and would support facilities for a bus system.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 232      An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of the Attorney General and the Judicial Department for the Fiscal Year Ending June 30, 2015      ONTP**

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

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This bill adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Department of the Attorney General and the Judicial Department for the fiscal year ending June 30, 2015. Certain provisions of this bill are contained in LD 236 as enacted.

**LD 233      An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Defense, Veterans and Emergency Management and the Department of Public Safety for the Fiscal Year Ending June 30, 2015      ONTP**

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

This bill adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Department of Defense, Veterans and Emergency Management and the Department of Public Safety for the fiscal year ending June 30, 2015. Certain provisions of this bill are contained in LD 236 as enacted.

**LD 234      An Act Regarding the Mountain View Youth Development Center      PUBLIC 320  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO HAMPER	OTP-AM	H-489

This bill adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Department of Administrative and Financial Services; the Commission on Governmental Ethics and Election Practices; the Executive Department, Office of Policy and Management; the Maine Human Rights Commission; the Maine Indian Tribal-State Commission; the Department of Labor; the Department of Professional and Financial Regulation; and the Office of the Treasurer of State for the fiscal year ending June 30, 2015.

Certain provisions of this bill are contained in LD 236 as enacted.

**Committee Amendment "A" (H-489)**

This amendment strikes the bill and instead allows adult offenders of any age to be housed at the Mountain View Youth Development Center until April 30, 2017 after which only those under 26 years of age may be housed in the adult section. A similar proposal, without the sunset provision, is contained in the Governor's change package to LD 1019 (the biennial budget) but is not included the enacted version of that bill.

**Enacted Law Summary**

Public Law 2015, chapter 320 allows adult offenders of any age to be housed at the Mountain View Youth Development Center until April 30, 2017 after which only those under 26 years of age may be housed in the adult section.

Public Law 2015, chapter 320 was enacted as an emergency measure effective July 5, 2015.

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LD 236      **An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2015, June 30, 2016 and June 30, 2017**

**PUBLIC 16  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO HAMPER	OTP-AM	H-27

This bill adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Department of Health and Human Services and changes certain provisions of the law necessary to the proper operations of State Government for the fiscal year ending June 30, 2015 and authorizes the Department of Health and Human Services to transfer funds between the programs within the Office of Child and Family Services related to the child welfare program.

**Committee Amendment "A" (H-27)**

This amendment is the unanimous report of the Committee in response to the Governor's proposed supplemental funding bills. It incorporates many of the original proposals of five other supplemental funding bills (LD 148, LD 232, LD 233, LD 234 and LD 576).

**Enacted Law Summary**

Public Law 2015, chapter 16 does the following.

PART A makes adjustments to appropriations and allocations including adjustments to allocations from the Federal Expenditures Fund and other funds for the expenditures of the Department of Agriculture, Conservation and Forestry, the Department of Environmental Protection and the Department of Marine Resources for the fiscal year ending June 30, 2015.

PART B adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Department of the Attorney General, the Maine Commission on Indigent Legal Services and the Judicial Department for the fiscal year ending June 30, 2015.

PART C adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Department of Defense, Veterans and Emergency Management and the Department of Public Safety for the fiscal year ending June 30, 2015.

PART D adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Department of Administrative and Financial Services; the Commission on Governmental Ethics and Election Practices; the Executive Department, Office of Policy and Management; the Maine Human Rights Commission; the Maine Indian Tribal-state Commission; the Department of Labor; the Department of Professional and Financial Regulation; Maine Public Employees Retirement System; and the Office of the Treasurer of State for the fiscal year ending June 30, 2015.

PART E adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Department of Health and Human Services for the fiscal year ending June 30, 2015.

PART F adjusts appropriations and allocations from the General Fund and other funds for the expenditures of State Government related to position changes for the fiscal years ending June 30, 2015, June 30, 2016 and June 30, 2017.

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PART G requires the Superintendent of Riverview Psychiatric Center to provide monthly reports that include updates on the number of staff and patient injuries and the use of overtime to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services for the remainder of fiscal year 2014-15. It also requires the State Budget Officer to calculate the amount of General Fund salary savings resulting from filling the Riverview Psychiatric Center positions authorized by this Act later than April 1, 2015 and to transfer those savings to the unappropriated surplus of the General Fund no later than June 30, 2015.

PART H requires the State Controller to transfer \$4,333,751 from the General Fund reserve account for future funding needs to the unappropriated surplus of the General Fund no later than June 30, 2015.

PART I suspends the duties and responsibilities of the members of the State Board of Corrections and prohibits them from performing those duties and responsibilities until July 1, 2015 and requires the Commissioner of Corrections, or the commissioner's designee, to assume the duties of the State Board of Corrections until July 1, 2015 and to distribute fiscal year 2014-15 supplemental payments to support county jail operations. It requires the Department of Corrections to provide administrative support for the operations of the commissioner when the commissioner is acting as the State Board of Corrections and authorizes the commissioner or the commissioner's designee to request the assistance of the Office of the Attorney General and other agencies of the State or the counties whenever necessary. This Part also provides one-time additional appropriations to the State Board of Corrections Operational Support Fund program in fiscal year 2014-15.

PART J repeals Public Law 2013, chapter 595, Part Q, section 1, which requires the Department of Health and Human Services to modify the timing of MaineCare payments to achieve one-time savings in fiscal year 2015.

PART K directs the State Controller to transfer \$500,000 from the Public Utilities Commission Reimbursement Fund to the unappropriated surplus of the General Fund no later than June 30, 2015.

PART L transfers \$1,493,566 from the unappropriated surplus of the General Fund to the Maine Community College System for the costs of collective bargaining agreements for employees of the Maine Community College System that occurred during fiscal year 2013-14 and fiscal year 2014-15.

PART M authorizes year-end All Other balances in the Office of the Secretary of State, Bureau of Administrative Services and Corporations program to carry from fiscal year 2014-15 to fiscal year 2015-16 to be used to upgrade computer software for the boards and commissions program.

PART N provides that the funding for equipment and supplies for the State Police contained in Part C is contingent on additional funding being provided from the Highway Fund.

Public Law 2015, chapter 16 was enacted as an emergency measure effective April 12, 2015.

**LD 254      An Act To Authorize a General Fund Bond Issue To Support Waterfront Development      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$10,000,000, will be used to fund a grant program to invest in projects that contribute to economic activity, environmental protection and community development along the State's waterfronts. This bill also enacts a grant program for waterfront development, which is modeled after the Riverfront Community Development Program.

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This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 271      An Act To Authorize a General Fund Bond Issue for Intermodal Transportation Facilities      ONTP**

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

The funds provided by this bond issue, in the amount of \$28,000,000, will be used to develop intermodal transportation facilities in the City of Portland to improve the area in which the railway, highway and interstate bus systems intersect.

**LD 354      An Act To Authorize a General Fund Bond Issue To Enhance Public Transportation in the Bangor Area      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$3,000,000, will be used to improve public transportation via Interstate 95 between Newport and Bangor and between Medway and Bangor.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 385      An Act To Authorize a General Fund Bond Issue for Improvements to Facilities at the University of Maine System Campuses      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL TIPPING-SPITZ		

The funds provided by this bond issue, in the amount of \$70,000,000, will be used to improve and modernize campus halls, roads, parking areas, footpaths, roofs, windows and facilities at the University of Maine System campuses to increase their lifespans and energy efficiency.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 386      An Act To Authorize a General Fund Bond Issue To Fund Farmland Restoration      CARRIED OVER**

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

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The funds provided by this bond issue, in the amount of \$5,000,000, will be used to fund farmland restoration.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 387      An Act To Authorize a General Fund Bond Issue To Support      CARRIED OVER**  
**Agricultural Enterprises and Encourage the Use of Local Farm**  
**Products in Public Schools**

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

The funds provided by this bond issue, in the amount of \$6,000,000, will be used to provide funding for assistance to the Agricultural Marketing Loan Fund for agricultural enterprises and to the Local Produce Fund to encourage the use of local farm products in public schools.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 426      An Act To Authorize a General Fund Bond Issue To Address Sea Level      CARRIED OVER**  
**Rise**

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

The funds provided by this bond issue, in the amount of \$5,000,000, will be used to provide funds to support improvements to sea level prediction models by providing more detailed mapping of coastal zones and monitoring sea level changes in order to mitigate the impact of and help prepare for rising sea levels.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 438      An Act To Authorize a General Fund Bond Issue To Invest in Maine's      CARRIED OVER**  
**Rail Infrastructure and Expand Passenger Rail Service**

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

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to repair and reconstruct state-owned railroad lines, improve infrastructure on a railway crossing in the Town of Yarmouth and improve the railroad line between the cities of Lewiston and Auburn and the City of Portland.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

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**LD 453      An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$6,100,000, will be used to replace existing infrastructure systems of the Maine Public Broadcasting Corporation that carry the emergency alert system.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 518      An Act To Clarify and Protect Certain Public Service Retirement Benefits      CARRIED OVER**

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

This bill changes the contractual commitment to maintain state-protected benefits regarding cost-of-living adjustments for retired state employees and teachers.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 522      An Act To Clarify a Recently Enacted Law Designed To Expand the Number of Qualified Educators      PUBLIC 321**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS MAKER	OTP-AM	S-310

This bill clarifies that Public Law 2013, chapter 486, which amended the statute to expand the number of qualified educators in the State, applies to classroom teachers and classroom-based employees in the unorganized territory.

**Committee Amendment "A" (S-310)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2015, chapter 321 clarifies that Public Law 2013, chapter 486, which amended the statute to expand the number of qualified educators in the State, applies to classroom teachers and classroom-based employees in the unorganized territory.

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**LD 576      An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government Related to Position Changes for the Fiscal Years Ending June 30, 2015, June 30, 2016 and June 30, 2017      ONTP**

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

This bill adjusts appropriations and allocations from the General Fund and other funds for the expenditures of State Government related to position changes for the fiscal years ending June 30, 2015, June 30, 2016 and June 30, 2017.

Certain provisions of this bill are contained in LD 236 as enacted.

**LD 628      An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$125,000,000, will be used to make improvements to state and municipal roads, highways and bridges, state-owned rail lines, public transportation, pedestrian trails and marine infrastructure.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 654      An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General      CARRIED OVER**

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

This bill allows detectives in the Office of the Attorney General to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service, or may retire before 55 years of age with 25 years of creditable service and at a reduced benefit.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

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**LD 733      An Act To Authorize a General Fund Bond Issue To Build the Infrastructure Needed To End Hunger in Central and Northern Maine      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$5,000,000, will be used for infrastructure for storage and distribution of food for central and northern Maine shelters, schools, food pantries and senior centers.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 747      An Act To Authorize a General Fund Bond Issue To Assist in the Creation and Retention of Jobs and Improve Access to Higher Education in Maine      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$23,000,00 will be used as follows: thirteen million dollars to make direct loans to eligible Maine businesses through the authority's economic recovery loan program in order to create and retain Maine jobs and ten million dollars to make need-based grants for higher education in Maine through the Maine State Grant Program.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 822      An Act To Allow a Former Spouse of a Member of the Maine Public Employees Retirement System To Begin Collecting Benefits When the Former Spouse Reaches the Member's Retirement Age      PUBLIC 322**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY DIAMOND	OTP-AM	H-490

This bill amends the requirements related to a qualified domestic relations order to allow the payment of retirement benefits to an alternate payee before the retirement of a member of the State Employee and Teacher Retirement Program and when the payee reaches the member's normal retirement age.

**Committee Amendment "A" (H-490)**

This amendment allows the payment of retirement benefits to an alternate payee before the retirement of a member of all retirement plans including the State Employee and Teacher Retirement Program, the Legislative Retirement Program, the Judicial Retirement Program and the Participating Local District Retirement Program.

**Enacted Law Summary**

Public Law 2015, chapter 322 allows the payment of retirement benefits to an alternate payee before the retirement

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of a member of all retirement plans including the State Employee and Teacher Retirement Program, the Legislative Retirement Program, the Judicial Retirement Program and the Participating Local District Retirement Program.

**LD 873      An Act To Authorize a General Fund Bond Issue for Housing for Homeless Veterans      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$4,000,000, will be used to build housing for homeless veterans at the Veterans Administration Medical Center, Togus Campus, in Augusta, or elsewhere, to be managed by Volunteers of America Northern New England or a similar entity.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 875      An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges, Ports, Railroads and Other Multimodal Facilities      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$190,000,000, will be used for reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, aviation, freight and passenger railroads, transit and bicycle and pedestrian facilities, matching an estimated \$290,000,000 in federal and other funds.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 924      An Act To Authorize a General Fund Bond Issue To Enhance State Parks      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$5,190,000, will be used to enhance state parks by providing funds for upgrades and safety improvements, and ensuring compliance with federal laws, for bathroom facilities, septic systems, entry gates, historic sites and structures, piers and docks, park roads, water supply and distribution systems, dams and locks, handicapped access areas and playgrounds.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

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**LD 927      An Act To Remove the Age Penalty for State Retirees Working at Institutions That Are Closing      CARRIED OVER**

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

This bill removes the reduction of 6% of the benefits of a member of the Maine Public Employees Retirement System for each year under the age of 65 of the member if the member: 1) has 25 years of creditable service; 2) has not reached the age of 61 years, six months and one day; and 3) is or was employed at a state facility over 100 miles from the nearest facility in the same department and that facility has closed or is scheduled to close during the member's employment.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 931      An Act To Authorize a General Fund Bond Issue for Research and Development for the University of Maine System      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to provide funds for research and development initiatives for the University of Maine System.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 995      An Act To Amend the Laws Governing Participating Local Districts in the Maine Public Employees Retirement System      CARRIED OVER**

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

This bill restricts the jurisdiction of the Board of Trustees of the Maine Public Employees Retirement System in making final and determining administrative decisions regarding claims of certain participating local district employees. This bill also makes changes to the laws governing participation and claims for prior service credit for certain participating local district employees.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 996      An Act To Authorize a General Fund Bond Issue for Food Processing Infrastructure in Rural Areas of the State      CARRIED OVER**

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

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The funds provided by this bond issue, in the amount of \$5,000,000, will be used for food processing infrastructure in rural areas of the State.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 998      An Act To Authorize a General Fund Bond Issue To Collect Data on and      CARRIED OVER  
To Monitor Ocean Acidification**

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

The funds provided by this bond issue, in the amount of \$3,000,000, will be used to collect data, monitor waterways and perform tests related to the known increasing ocean acidity along the Maine coast and its impact on natural wildlife and commercially important species in Maine waters, such as lobsters and clams.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 1018      An Act To Make Certain Necessary Appropriations and Allocations      CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to make appropriations and allocations necessary for the proper operation of State Government.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 1019      An Act Making Unified Appropriations and Allocations for the      PUBLIC 267  
Expenditures of State Government, General Fund and Other Funds and      EMERGENCY  
Changing Certain Provisions of the Law Necessary to the Proper  
Operations of State Government for the Fiscal Years Ending June 30,  
2015, June 30, 2016 and June 30, 2017**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM	H-415
HAMPER	OTP-AM	S-287    HAMPER
		S-288    HAMPER

This bill is the Governor's proposed biennial budget for the 2016-2017 biennium. This bill is a concept draft pursuant to Joint Rule 208.

PART A makes appropriations and allocations of funds for the 2016-2017 biennium.

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PART B makes appropriations and allocations of funds for approved reclassifications and range changes.

PART C establishes the Total Cost of Education from Kindergarten to Grade 12 for fiscal year 2015-16, the state contribution and the annual target state share percentage.

PART D repeals the excise tax on telecommunications equipment and repeals the telecommunications equipment exemption from local property taxation.

PART E removes the full exemption from property taxation on properties owned by certain nonprofit organizations with an assessed value in excess of \$500,000 and reduces the exemption to 50% on the portion of the value in excess of \$500,000.

PART F amends the Maine Resident Homestead Property Tax Exemption to restrict the exemption to residents who are 65 or older and to increase the exemption from \$10,000 to \$20,000 for property tax years beginning on or after April 1, 2015.

PART G phases out and eliminates the Business Equipment Tax Reimbursement (BETR) program and transitions property eligible for the BETR program as of April 1, 2015 into the Business Equipment Tax Exemption (BETE) program.

PART H does the following: 1) extends the current tax rates past the current sunset date of June 30, 2015 to December 31, 2015, and sets new rates effective January 1, 2016; 2) extends the sales and use tax to consumer purchases of various new services effective January 1, 2016; 3) changes the sales and use tax law as it applies to leases so that the tax must be collected on the "lease stream" effective January 1, 2016; 4) enacts a collection allowance in order to compensate retailers for the administrative costs involved in charging, collecting and remitting the sales tax; and 5) makes various other related changes.

PART I amends the service provider tax in order to increase the rate effective January 1, 2016; expands the tax to basic cable and satellite television services, including radio services; provides for the taxation of interstate and international telephone services sold to non-business customers; and makes other changes consistent with the changes to the sales and use tax law made by Part E.

PART J increases the exclusion amounts for estates of decedent dying in calendar year 2016 to the amount estimated to be the federal exclusion for the estates of 2016 decedents and eliminates the Maine estate tax for decedents dying on or after January 1, 2017.

PART K does the following: 1) repeals the provision of law requiring Maine Revenue Services to provide for the assignment of income tax refunds on income tax returns to the NextGen college tuition program administered by the Finance Authority of Maine; 2) reduces the individual income tax rates over four years; 3) repeals the income addition modification for State contributions to the Maine Public Employees Retirement System on behalf of the taxpayer for tax years beginning on or after January 1, 2016; 4) repeals and replaces the current Maine pension deduction for tax years beginning on or after January 1, 2016; 5) increases the current Maine pension deduction for non-military retirement plan benefits from \$10,000 to \$35,000 over a 5-year period beginning in 2016 and exempts from Maine income tax 100% of military retirement plan benefits for tax years beginning on or after January 1, 2016; 6) repeals the income subtraction modification for long-term care premiums paid for tax years beginning on or after January 1, 2016; 7) repeals the income subtraction modification for contributions of up to \$250 per beneficiary to 529 college tuition plans for tax years beginning on or after January 1, 2016; 8) repeals Maine itemized deductions for tax years beginning after December 31, 2015; 9) reduces the corporate income tax rates over five years; 10) eliminates the corporate alternative minimum tax for tax years beginning after December 31, 2015; 11) creates a refundable individual income tax sales tax fairness credit for tax years beginning on or after January 1, 2016; 12) repeals the jobs and investment tax credit, but retains the carryforward of unused credit amounts for tax years beginning after December 31, 2015; 13) repeals the credit for contributions to family

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development account reserve funds for tax years beginning on or after January 1, 2016; 14) increases the income tax credit for child care expenses that do not qualify as quality child care expenses to 50% of the federal child care credit for the taxable year; 15) repeals the credit for employer-assisted day care, but retains the carryforward of unused credit amounts for tax years beginning after December 31, 2015; 16) repeals the employer-provided long-term care benefits credit, but retains the carryforward of unused credit amounts for tax years beginning after December 31, 2015; 17) repeals the retirement and disability credit for tax years beginning on or after January 1, 2016; 18) repeals the forest management planning income tax credit for tax years beginning on or after January 1, 2016; 19) repeals the high-technology investment tax credit, but retains the carryforward of unused credit amounts for tax years beginning after December 31, 2015; 20) repeals the credit for dependent health benefits paid by an employer, but retains the carryforward of unused credit amounts for tax years beginning after December 31, 2015; 21) repeals the quality child care investment credit, but retains the carryforward of unused credit amounts for tax years beginning after December 31, 2015; 22) repeals the Maine earned income tax credit for tax years beginning on or after January 1, 2016; 23) repeals the credit for biofuel commercial production and commercial use, but retains the carryforward of unused credit amounts for tax years beginning after December 31, 2015; 24) makes the following changes to the property tax fairness credit for tax years beginning on or after January 1, 2015: a) clarifies that the benefit base cap that applies to married taxpayers filing joint or head-of-household returns also applies to taxpayers whose filing status is qualifying widow(er); b) amends the property tax fairness credit to remove the reference to married individuals filing separate returns; and c) restricts married individuals filing separate returns from taking the property tax fairness credit; 25) makes the following changes to the property tax fairness credit for tax years beginning on or after January 1, 2016: a) increases the maximum property tax paid (or rent constituting property tax paid) that may be claimed for the credit; b) increases the credit amounts and increases the maximum credits for individuals younger than 65 and for individuals 65 or older; c) creates a medical expense tax credit for tax years beginning on or after January 1, 2016; and d) removes charitable contribution checkoffs from Maine individual income tax forms for tax years beginning on or after January 1, 2016; and 26) amends the law governing the inflation adjustment of individual income tax rate brackets, the maximum itemized deduction amount, the benefit base amounts in the sales and property tax fairness credits, and the pension deduction in order to reflect amendments to the individual income tax rate schedules, the property tax fairness credit benefit base amounts and pension deduction amount, the repeal of the allowance of itemized deductions and enactment of the sales tax fairness credit for tax years beginning after December 31, 2015.

PART L adjusts revenue sharing for fiscal year 2015-16 to set a fixed amount of total revenue sharing transfers to approximately the current projected level of fiscal year 2014-15 and repeals revenue sharing July 30, 2016.

PART M does the following: 1) revises the distribution of available balances in the unappropriated surplus of the General Fund. In addition to the fixed transfer replenishing the Contingent Account up to \$350,000 and the fixed transfer for the Loan Insurance Reserve up to an amount of \$1,000,000, this part establishes a fixed transfer for the General Fund Operating Reserve to an amount up to \$2,500,000 and the Retiree Health Internal Service Fund up to an amount of \$4,000,000 over the 2016-2017 biennium and up to an amount of \$2,000,000 thereafter; 2) revises the growth limitation factor to the 10 year average of nominal personal income growth plus one; 3) sets the "biennial base year appropriation" to the appropriation enacted for fiscal year 2016-17 as of December 1, 2016; 4) eliminates all language dealing with the calculation of the state tax burden and how the growth limitation factor changes depending on the State's ranking; and 5) revises the appropriation limitation to be based on all General Funding spending.

PART N authorizes new Maine Governmental Facilities Authority borrowing of \$112,000,000 to provide funding for capital repairs and improvements to state facilities.

PART O reduces the amount of funding transferred from the real estate transfer tax to the Maine State Housing Authority by increasing the amount transferred to the General Fund of \$6,291,740 in fiscal year 2015-16 and \$6,090,367 in fiscal year 2016-17.

PART P continues authorization for each individual tax expenditure provided by statute.

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PART Q recognizes an increase in the attrition rate to 3% for the 2016-2017 biennium for judicial branch and executive branch departments and agencies.

PART R authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2015-16 and 2016-17 for the acquisition of motor vehicles for the Central Fleet Management Division.

PART S authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2015-16 and 2016-17 for the acquisition of motor vehicles for the Department of Public Safety.

PART T continues the voluntary employee incentive program through the 2016-2017 biennium.

PART U requires the State Controller to transfer \$5,000,000 in each fiscal year of the 2016-2017 biennium, as a one-time transfer, from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Local and Regional Services, Other Special Revenue account within the Department.

PART V makes the Director of the Division of Quality Assurance and Regulation and the Director of the Division of Animal and Plant Health, within the Department of Agriculture, Conservation and Forestry, no longer subject to appointment by the commissioner.

PART W removes the Director, Bureau of Resource Information and Land Use Planning within the Department of Agriculture, Conservation and Forestry.

PART X gradually reduces the added surcharge assessed on product name commercial feed pet food and home-based manufacturer of pet food over the 2016-2017 biennium.

PART Y creates a new Bureau of Conservation and reduces the overall number of bureaus.

PART Z increases the annual fee paid by the State to appointed forest fire wardens from \$100 to \$400.

PART AA expands the forest ranger duties with respect to detecting and monitoring conditions potentially injurious to the health of the forest resources of the state. All law enforcement duties are reassigned to Natural Resources Law Enforcement Officers within the Department of Agriculture, Conservation and Forestry.

PART BB does the following: 1) amends the definition of forest management and harvest plan as proposed in the Maine Forest Service 2014 report to the Taxation Committee (both Tree Growth and Open Space Laws); 2) requires landowners to have access to their forest management and harvest plans as proposed in the Maine Forest Service 2014 report to the Taxation Committee; 3) requires a sworn statement from a licensed forester that the landowner is following the licensed forester's plan; 4) gives the Maine Forest Service the authority to require landowners to submit plans directly to the Maine Forest Service for review, and to allow the Maine Forest Service to inspect properties for compliance; 5) repeals the Maine Forest Service audit sunset date; 6) authorizes the State Tax Assessor to reduce a municipality's Tree Growth reimbursement for one year if: (a) the town fails to timely file its Tree Growth information with the Maine Forest Service as required by law; and (b) the town fails to timely act upon recommendations by the Maine Forest Service regarding a landowner's compliance with the law's requirements; and 7) provides for a penalty if a landowner found in non-compliance transfers the landowner's land from Tree Growth to Open Space or Farmland.

PART CC reduces the minimum number of field foresters in the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry from 16 to 10.

PART DD eliminates the training and policy exemption for an agent or representative of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry.

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PART EE repeals the requirement that the former Department of Conservation sell all bullet proof vests, firearms and related equipment. It also repeals the statute prohibiting the Commissioner of Conservation (now Agriculture, Conservation and Forestry) from purchasing bullet proof vests, firearms or related material without specific authorization from the Legislature.

PART FF authorizes a one-time transfer of all funds in excess of \$500,000 from unencumbered balance forward in the Personal Services line category in the Division of Forest Protection, General Fund account to the Capital Expenditures line category in the Division of Forest Protection, General Fund account to fund the overhaul of existing helicopters.

PART GG renames various programs within the Department of Agriculture, Conservation and Forestry to Agricultural Resource Development.

PART HH strikes and replaces references to the Department of the Attorney General with the Department of Health and Human Services to reflect the transfer of the Sexual Assault Forensic Examiner training program from the Department of the Attorney General to the Department of Health and Human Services.

PART II authorizes the Department of Corrections to transfer by financial order Personal Services, All Other and Capital Expenditures funding between accounts within the same fund for the purposes of paying departmental overtime expenses for the 2016-2017 biennium.

PART JJ allows the Department of Corrections to carry unexpended Personal Services balances to the Capital Expenditures line category in the following year for the 2016-2017 biennium.

PART KK requires the Commissioner of Corrections to review the current organizational structure to improve organizational efficiency and authorizes the State Budget Officer to transfer positions and available balances by financial order. The ability to make these transfers is limited to the period of July 1st to December 1st of each fiscal year in the 2016-2017 biennium. Any transfers resulting in a mission change or facility closure must have legislative review.

PART LL authorizes the Department of Corrections to transfer from the All Other line category funds by financial order between accounts within the same fund for the purposes of paying food, heating and utility expenses for the 2016-2017 biennium.

PART MM provides temporary funding for the Administration - Maine Emergency Management Agency program within the Department of Defense, Veterans and Emergency Management until federal funding becomes available.

PART NN lapses \$1,537,761 in each fiscal year of the biennium to unappropriated surplus of the General Fund that is not anticipated to be needed by the Maine Technology Institute in fiscal years 2015-16 and 2016-17.

PART OO removes the Chief Academic Officer and Director, Special Services Team positions from the list of major policy-influencing positions within the Department of Education and from the list of the Commissioner of Education's appointments within the department.

PART PP authorizes the Department of Education to purchase portable computer devices for students and educators in fiscal years 2015-16 and 2016-17.

PART QQ transfers \$5,000,000 in each fiscal year of the 2016-2017 biennium, as a one-time transfer, from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Educational Services, Other Special Revenue account within the Department.

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PART RR renames the PK-20, Adult Education and Federal Programs Team program within the Department of Education to the Learning Systems Team.

PART SS aligns and standardizes the statutory range of licensing fees for adult and children's residential drug treatment centers, children's residential care facilities, and licensed mental health services and standardizes the issuance of a full license for a term of two years.

PART TT directs the Department of Health and Human Services to submit a Medicaid state plan amendment to remove the income disregard and effectively reduce the income limits to the federal minimums required in the Medicare savings program. It also reduces the income limit in the elderly low-cost drug program.

PART UU requires a liquid asset test in eligibility determinations for the Low Cost Drugs for the Elderly and Disabled program.

Part VV gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of this Act over which it has specific authority that has not been addressed by some other Part of the Act without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART WW allows remaining balances at the end of each fiscal year in the Consumer Directed Services program and the Bridging Rental Assistance Program General Fund accounts in the Department of Health and Human Services to be carried forward for use by the program in the next fiscal year.

PART XX establishes the Bridging Rental Assistance Program in the Department of Health and Human Services.

PART YY authorizes the Department of Health and Human Services to transfer funds appropriated for state supplemental income for blind, disabled and elderly people authorized under the Maine Revised Statutes, Title 22, sections 3271 and 3274 by financial order to the Department of Health and Human Services Departmentwide account.

PART ZZ does the following: 1) repeals the provision that requires the Department of Health and Human Services to provide a food supplement program for non-citizens who would be eligible for federal SNAP benefits but for their status as aliens under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; 2) repeals the provision that requires the Department of Health and Human Services to provide supplemental security income for non-citizens who would be eligible for federal Supplemental Security Income but for their status as aliens under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and 3) repeals the provision that requires the Department of Health and Human Services to provide financial assistance to individuals who would be eligible for Temporary Assistance to Needy Families but for their status as aliens under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

PART AAA authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services-Community program account to the Crisis Outreach Program account for the 2016-2017 biennium.

PART BBB changes the disability determination cut-off from 45 days to 90 days for applications for aid based on a disability and eliminates the requirement to provide state-funded temporary medical coverage and directs the Department of Health and Human Services to seek relief from the decision process required by the *Polk v. Longley* consent decision.

PART CCC authorizes the Department of Health and Human Services to transfer funds between the General Fund accounts of the MaineCare related appropriations for the 2016-2017 biennium.

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PART DDD authorizes the Department of Health and Human Services to eliminate General Assistance to non-citizens who are not qualified to receive such assistance pursuant to federal law.

PART EEE authorizes the Department of Health and Human Services to transfer Family Support funds in the Developmental Services - Community program to the Office of Aging and Disability Services Central Office program and the Long Term Care - Office of Aging and Disability Services program by financial order.

PART FFF authorizes the Department of Health and Human Services to transfer appropriations from the Nursing Facilities program to the Home Based Care program when individuals meet the transition criteria.

PART GGG authorizes the Department of Health and Human Services to transfer appropriations within the Office of Child and Family Services related to the child welfare program.

PART HHH authorizes the Department of Health and Human Services to change the rate of reimbursement for critical access hospitals.

PART III changes the salary of one Deputy Commissioner in the Department of Health and Human Services from range 38 to range 90.

PART JJJ does the following: 1) authorizes the transfer by financial order of any available appropriations including those in Personal Services, to MaineCare in order to fully fund weekly cycle payments; and 2) authorizes the transfer by financial order of available Personal Services balances in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program in order to provide funds for an electronic medical records system.

PART KKK makes a technical correction to the state valuation amount recorded in state reimbursement to municipalities for municipal general assistance, changes the method of reimbursement methodology and requires monthly reporting for any municipality expected to receive more than \$10,000 in the current fiscal year.

PART LLL transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations program, General Fund account to purchase one replacement aircraft in fiscal year 2015-16.

PART MMM transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft engine in fiscal year 2015-16 and one replacement aircraft engine in fiscal year 2016-17.

PART NNN amends language pertaining to the Lifetime License Fund such that the Department of Inland Fisheries and Wildlife can request the Treasurer of State transfer less than 5% of the Lifetime License Fund's principal balance on an annual basis.

PART OOO amends the fiscal stability program to begin in the 2017-2018 biennium.

PART PPP raises the per diem compensation for active retired judges from \$300/day to \$500/day. It fixes the per diem compensation for active retired family law magistrates at 75% of the per diem compensation paid to active retired judges. It also provides for the same limitations on compensation and benefits as exists for other retired state employees who retire and return to work under Title 5, section 17859.

PART QQQ makes the mileage rate paid to jurors pursuant to Title 5 section 8 begin in fiscal year 2016-17 and increases the daily rate paid to jurors from \$10 per day to \$15 per day.

PART RRR eliminates the municipality of Madawaska as a place to hold district court.

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PART SSS authorizes a range change for the Administrator, Office of Securities from range 88 to range 90 in the Department of Professional and Financial Regulation.

PART TTT does the following: 1) amends Title 20-A, section 6103 to reflect the deposit of fees for criminal history record checks to the Department of Public Safety rather than to Department of Education; 2) provides that, with respect to fingerprint-supported criminal history record checks, the full fee charged must be deposited in an Other Special Revenue Funds account for the purpose of paying the costs of the Department of Public Safety to administer the criminal history record check program; and 3) transfers the cash balance of the Criminal History Record Check Fund from the Department of Education to the Department of Public Safety.

PART UUU authorizes the Department of Secretary of State to carry Personal Services funding in the Administration - Archives program and authorizes the carried funds to be transferred by financial order to the All Other line category in the same program.

PART VVV transfers \$900,000 in fiscal year 2015-16 and \$750,000 in fiscal year 2016-17 from the unappropriated surplus of the General Fund to the Callahan Mine Site Restoration program, Other Special Revenue Funds account within the Department of Transportation.

PART WWW removes the media and public information officer from the appointment authority of the Commissioner of Corrections. This position is proposed to be eliminated effective in fiscal year 2015-16.

PART XXX continues limited period positions set to expire June 2015 through August 1, 2015.

### **Committee Amendment "A" (H-415)**

This amendment is the majority report of the committee and it replaces the bill.

PART A makes appropriations and allocations of funds for the 2016-2017 biennium.

PART B makes appropriations and allocations of funds for approved reclassifications and range changes.

PART C establishes the total cost of education from kindergarten to grade 12 for fiscal year 2015-16, the state contribution and the annual target state share percentage and makes other changes related to the funding of K-12 education.

PART D repeals the requirement that the Commissioner of Public Safety and the Attorney General pursue federal funding to establish a cold case homicide unit and provision of law that makes establishment of a cold case homicide unit contingent upon availability of federal funding.

PART E makes changes to the timing of transfers from the General Fund undedicated revenue to the Maine Clean Election Fund in 2016 and 2017.

PART F amends the laws governing disclosures made by lobbyists.

PART G directs the Judicial Department to conduct or contract for architectural feasibility studies to improve court facilities in Oxford County, Waldo County and York County and report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 1, 2017.

PART H provides for an interfund advance of \$37,000,000 from Other Special Revenue Funds to the General Fund unappropriated surplus required for one day at the end of fiscal year 2015-16.

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PART I reduces funding for debt service in fiscal year 2014-2015.

PART J provides that, for estates of decedents dying on or after January 1, 2016, the amount excluded from the Maine estate tax is the same as the applicable federal exclusion amount, which is indexed annually for inflation.

PART K increases the homestead property tax exemption from \$10,000 to \$15,000 for property tax years beginning on or after April 1, 2016 and requires the State to reimburse municipalities for 100% for the property tax loss attributable to the increase in the first two years and 75% of the property tax loss in subsequent years.

PART L adjusts municipal revenue sharing for fiscal years 2015-16 and 2016-17 to set a fixed level of total revenue sharing transfers of \$62,500,000, which is approximately the current projected level for fiscal year 2014-15.

PART M does the following: 1) changes the distribution of available balances in the unappropriated surplus of the General Fund; 2) changes the growth limitation factor in the laws governing limits on government spending and sets the biennial base year appropriation to the appropriation for the 2018-2019 biennium enacted for fiscal year 2016-17 as of December 1, 2016; 3) eliminates all language dealing with the calculation of the state and local tax burden and how the growth limitation factor changes depending on how the state and local tax burden of this State compares to that of other states; and 4) raises the limit on the balance in the Maine Budget Stabilization Fund from 12% of total General Fund revenues in the immediately preceding state fiscal year to 18%.

PART N authorizes new Maine Governmental Facilities Authority borrowing to provide funding for capital repairs and improvements to state facilities.

PART O reduces the amount of funding transferred from the real estate transfer tax to the Maine State Housing Authority in fiscal years 2015-16 and 2016-17.

PART P continues authorization for each individual tax expenditure provided by statute.

PART Q establishes an attrition rate of 3% for the 2016-2017 biennium for all judicial branch and executive branch departments and agencies, except the District Attorneys Salaries program and directs the State Budget Officer to make certain considerations when developing budgeted attrition savings.

PART R authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2015-16 and 2016-17 for the acquisition of motor vehicles for the Central Fleet Management Division.

PART S authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2015-16 and 2016-17 for the acquisition of motor vehicles for the State Police.

PART T continues the voluntary employee incentive program for state employees through the 2016-2017 biennium.

PART U requires the State Controller to transfer \$750,000 in each fiscal year of the 2016-2017 biennium from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Local and Regional Services - Administration, Other Special Revenue Funds account within the Department of Administrative and Financial Services.

PART V provides that the Director of the Division of Quality Assurance and Regulation and the Director of the Division of Animal and Plant Health, both within the Department of Agriculture, Conservation and Forestry, are no longer subject to appointment by the Commissioner of Agriculture, Conservation and Forestry.

PART W extends the requirement that the Commissioner of Corrections, or the commissioner's designee, assume the duties of the State Board of Corrections from July 1, 2015 to July 1, 2016. This Part also requires the Commissioner of Corrections or the commissioner's designee to distribute fiscal year 2015-16 payments to support

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county jail operations.

PART X transfers \$700,000 in fiscal year 2015-16 from the Dirigo Health Fund to the unappropriated surplus of the General Fund.

PART Y clarifies the powers and duties of the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry.

PART Z provides emergency rule-making authority to the Maine Commission on Indigent Legal Services necessary to implement a rate increase for assigned counsel and contract counsel.

PART AA requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to appoint no fewer than 45 and no more than 50 Forest Ranger II positions, subject to the Civil Service Law. Additionally, the director is required to appoint no fewer than 17 forest rangers classified as follows: three Regional Rangers, eight District Rangers, one Forest Fire Prevention Specialist, one Ranger Pilot Supervisor and four Ranger Pilots. It also adds additional forest ranger duties. It also repeals two provisions of Public Law 1999, chapter 352 that require the Commissioner of Conservation to sell all bullet-proof vests, firearms and related equipment and that prohibit the commissioner from purchasing bullet-proof vests, firearms or related equipment without specific authorization by the Legislature.

PART BB requires the Department of Health and Human Services to contract with a third party to conduct a rate study of medication management services and outpatient services under Rule Chapter 101: MaineCare Benefits Manual, Section 65: Behavioral Health Services and all services in Section 28: Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations.

PART CC requires the unused balance of Part A appropriations to the Drug Enforcement Agency program within the Department of Public Safety for processing crime scenes involving the seizure of methamphetamine laboratories and Part A All Other appropriations to the Remediation and Waste Management program within the Department of Environmental Protection not used for cleanup of illegal drug operations or natural gas contamination be transferred to the unappropriated surplus of the General Fund no later than June 30th of each year of the biennium.

PART DD limits the exemption from the Maine Criminal Justice Academy training standards and law enforcement agency policy requirements under Title 25, chapter 341 to agents or representatives of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry who do not carry a firearm.

PART EE provides an income tax exemption for benefits received under a military retirement plan up to \$25,000 for tax years beginning on or after January 1, 2016.

PART FF authorizes a one-time transfer of all funds in excess of \$500,000 from unencumbered balance forward in the Personal Services line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account to the Capital Expenditures line category in the Division of Forest Protection, General Fund account to fund the overhaul of helicopters owned by the State.

PART GG limits timber harvesting on public reserved lands and nonreserved public lands to an average of 160,000 cords per year over any three-year period. It allows the Department of Agriculture, Conservation and Forestry by rule, based on an independent timber inventory conducted after July 1, 2015, to establish a different sustainable harvest level. The rules are major substantive rules and must be reviewed by the joint standing committee of the Legislature having jurisdiction over public reserved and nonreserved lands matters.

PART HH transfers the sexual assault forensic examiner training program from the Department of the Attorney General to the Department of Health and Human Services.

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PART II authorizes the Department of Corrections to transfer Personal Services, All Other and Capital Expenditures funding between accounts within the same fund for the purpose of paying departmental overtime expenses for the 2016-2017 biennium.

PART JJ provides that if an applicant for general assistance under Title 22, chapter 1161 has been released from a correctional facility within 45 days of application, the municipality of responsibility for the first 12 months of benefits is the municipality that was on record as the residence of the applicant when the applicant was committed to the correctional facility. It requires that a responsible municipality accept applications by telephone as long as the call is being made from a municipal office and the written application is contemporaneously faxed or sent electronically to the municipality of responsibility.

PART KK requires the Commissioner of Corrections to review the current organizational structure of the Department of Corrections to improve organizational efficiency and authorizes the State Budget Officer to transfer positions and available balances based on the review by financial order and establishes reporting requirements for certain transfers. The ability to make these transfers as an adjustment to position count or appropriations is limited to the period of July 1st to December 1st of each fiscal year in the 2016-2017 biennium.

PART LL authorizes the Department of Corrections to transfer, from the All Other line category, funds by financial order between accounts within the same fund for the purposes of paying food, heating and utility expenses for the 2016-2017 biennium.

PART MM provides temporary funding for the Administration - Maine Emergency Management Agency program within the Department of Defense, Veterans and Emergency Management until federal funding becomes available.

PART NN lapses \$1,537,761 in each fiscal year of the biennium to the unappropriated surplus of the General Fund that is not anticipated to be needed by the Maine Technology Institute in fiscal years 2015-16 and 2016-17.

PART OO removes the Chief Academic Officer and Director, Special Services Team positions from the list of major policy-influencing positions within the Department of Education and eliminates the Deputy Chief of Staff position and creates a Science, Technology, Engineering and Mathematics Workforce Coordinator position in the list of the Commissioner of Education's appointments within the department.

PART PP authorizes the Department of Education to purchase portable computer devices for students and educators in fiscal years 2015-16 and 2016-17.

PART QQ transfers \$750,000 in each fiscal year of the 2016-2017 biennium from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education.

PART RR renames the PK-20, Adult Education and Federal Programs Team program within the Department of Education the Learning Systems Team program.

PART SS aligns and standardizes the statutory range of licensing fees for adult and children's residential drug treatment centers, children's residential care facilities and mental health services facilities with the exact fees to be established by rule by the Department of Health and Human Services. This Part also standardizes the terms of these licenses at two years.

PART TT creates a stakeholder group, including representatives of patients and outpatient methadone treatment providers, to review criteria for receiving treatment, prior approvals and treatment service options for patients seeking methadone treatment services and establishes reporting requirements.

PART UU establishes a liquid asset test in eligibility determinations for the elderly low cost drug program.

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PART VV gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of this Act over which it has specific authority that has not been addressed by some other Part of the Act.

PART WW allows remaining balances at the end of each fiscal year in the Consumer-directed Services program and the Bridging Rental Assistance Program, General Fund accounts in the Department of Health and Human Services to be carried forward for use by those programs in the next fiscal year.

PART XX establishes the Bridging Rental Assistance Program in the Department of Health and Human Services. The program provides up to 24 months of housing assistance to persons with mental illness transitioning to Section 8 housing assistance or an alternative housing placement.

PART YY authorizes the Department of Health and Human Services to transfer funds appropriated for state supplemental income for blind, disabled and elderly people authorized under Title 22, sections 3271 and 3274 by financial order to the Department of Health and Human Services, Departmentwide program.

PART ZZ directs the Department of Transportation, in consultation with the cities of Lewiston and Auburn and the Northern New England Passenger Rail Authority, to conduct a study and complete a plan for the implementation of passenger rail service between the cities of Lewiston and Auburn and the Amtrak Downeaster service. This Part also provides for a transfer \$150,000 from the unappropriated surplus of the General Fund to the Multimodal - Passenger Rail program, Other Special Revenue Funds account in the Department of Transportation and requires the cities of Lewiston and Auburn to remit \$50,000 each to the State to fund the study.

PART AAA authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services - Community program account to the Crisis Outreach Program account for the 2016-2017 biennium.

PART BBB requires the Department of Health and Human Services to request a waiver to include as a reimbursable service under MaineCare home-delivered meals to individuals qualified for MaineCare benefits who also are experiencing transitions of care, have debilitating or acute illnesses or are primarily homebound and unable to prepare nutritious meals.

PART CCC authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for the 2016-2017 biennium.

PART DDD implements certain recommendations of the Task Force To End Student Hunger in Maine.

PART EEE authorizes the Department of Health and Human Services to transfer family support services funds in the Developmental Services - Community program to the Office of Aging and Disability Services Central Office program and the Long Term Care - Office of Aging and Disability Services program by financial order.

PART FFF authorizes the Department of Health and Human Services to transfer appropriations from the Nursing Facilities program to the home-based care program.

PART GGG authorizes the Department of Health and Human Services to transfer appropriations within the Office of Child and Family Services related to the cost of administering the child welfare program.

PART HHH authorizes a school board to designate an existing school or establish a new school to be a community school that participates with community partners to provide various educational and social services to students, families and community members and provides the steps a school board must complete in order to establish a new community school. This Part also authorizes the Department of Education to provide funding to support the

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implementation of three community schools.

PART III changes the salary of one deputy commissioner in the Department of Health and Human Services from range 38 to range 90.

PART JJJ authorizes the Department of Health and Human Services to transfer by financial order any available appropriations, including those in Personal Services, between MaineCare accounts and to transfer by financial order available Personal Services balances in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program in order to provide funds for an electronic medical records system.

PART KKK provides for the allocation of funding among Maine's federally qualified health centers to support access to primary medical, behavioral health and dental services for residents in rural and underserved communities.

PART LLL transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft in fiscal year 2015-16.

PART MMM transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft engine in fiscal year 2015-16 and one replacement aircraft engine in fiscal year 2016-17.

PART NNN amends language pertaining to the Lifetime License Fund to allow the Department of Inland Fisheries and Wildlife to request that the Treasurer of State transfer less than 5% of the Lifetime License Fund's principal balance on an annual basis.

PART OOO amends the Fiscal Stability Program established to support the fish and wildlife conservation programs of the Department of Inland Fisheries and Wildlife so that it begins in the 2018-2019 biennium.

PART PPP requires the Department of Education to develop and support local food training programs for public school food service personnel and facilitate the use of local food hubs to expand the use of local foods in schools.

PART QQQ ties the mileage rate paid to jurors to the rate paid by the State to state employees who use their vehicles for state business beginning July 1, 2016. It also increases the daily rate paid to jurors from \$10 per day to \$15 per day.

PART RRR makes changes to the educational opportunity tax credit.

PART SSS authorizes a range change from salary range 88 to salary range 90 for the Securities Administrator within the Office of Securities in the Department of Professional and Financial Regulation.

PART TTT amends the law to require that fees for criminal history record checks for school employees be deposited in an Other Special Revenue account of the Department of Public Safety rather than the Department of Education and transfers the cash balance of the Criminal History Record Check Fund from the Department of Education to the Department of Public Safety.

PART UUU authorizes the Department of the Secretary of State to carry Personal Services and All Other funding in the Administration - Archives program and transfer balances to the All Other line category in the same program.

PART VVV requires the State Controller to transfer \$900,000 in fiscal year 2015-16 and \$750,000 in fiscal year 2016-17 from the unappropriated surplus of the General Fund to the Callahan Mine Site Restoration program, Other Special Revenue Funds account within the Department of Transportation.

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PART WWW removes the authority of the Commissioner of Corrections to appoint a media and public information officer.

PART XXX continues through August 1, 2015 limited-period positions that are set to expire during June 2015.

PART YYY requires the State Controller to transfer \$100,000 in each fiscal year of the 2016-2017 biennium from the Bureau of Revenue Services Fund program, Bureau of Revenue Services Fund account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus.

PART ZZZ changes the laws regarding the Maine Library of Geographic Information to specify that "state funds" includes only bond revenues and General Fund money and the laws regarding geospatial data accounts to clarify that only General Fund appropriations and bond proceeds are subject to a one-to-one match. Funds in those accounts from other sources do not require a match.

PART AAAA provides that balances remaining in the Department of Administrative and Financial Services, Information Services program, General Fund account must be carried forward in the 2016-2017 biennium.

PART BBBB establishes the Put ME to Work Program in the Maine Quality Centers; directs the Board of Trustees of the Maine Community College System to adopt necessary policies and procedures for the Maine Quality Centers; requires program participants to use existing financial aid resources available through their sponsoring postsecondary education institution before using program resources; and specifies certain wage parameters for participating employers. This Part is amended by Senate Amendment "A" to Committee Amendment "A".

PART CCCC exempts from the motor vehicle excise tax adaptive equipment installed on a motor vehicle owned by a carrier engaged in furnishing passenger service for hire. It also reduces by half the motor vehicle registration fee of a passenger vehicle used for hire that is equipped with adaptive equipment to make that vehicle operable or accessible by a person with a disability.

PART DDDD provides that the average annual rate of earnable compensation of a member of the Maine Public Employees Retirement System during the three years of creditable service as an employee in Maine, not necessarily consecutive, in which the member's annual rate of earnable compensation is highest must be determined as if the member had not been provided days off without pay or with reduced pay during fiscal year 2012-13 if the member elects to make a payment equal to the employee contribution that member would have made on compensation that would have been paid to that member on the days off without pay or at reduced pay.

PART EEEE authorizes the State Budget Officer to transfer up to \$6,500,000 in the fiscal year ending June 30, 2016 and in the fiscal year ending June 30, 2017 from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services to programs within the Department of Corrections to implement wage adjustments to aid in the recruitment and retention of employees and to provide parity between state correctional employees and county or regional jail employees who perform similar direct care or supervision of prisoners.

PART FFFF requires the Department of Administrative and Financial Services, Bureau of the Budget to review vacant positions and submit a report to the Joint Standing Committee on Appropriations and Financial Affairs with recommendations on eliminating vacant positions. The report must also be submitted to the Joint Standing Committee on Transportation if the report includes positions funded by the Highway Fund or by internal service funds, enterprise funds or Other Special Revenue Funds accounts of the Department of Transportation, the Department of Public Safety or the Department of the Secretary of State.

PART GGGG requires the Attorney General and the eight district attorneys to jointly develop a proposed policy on the distribution of assistant district attorney positions across all prosecutorial districts that is equitable to each district. The Attorney General and the district attorneys must submit a written report that contains the proposed

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policy, a description of the process used to develop the proposed policy and any other information the Attorney General and the district attorneys believe is relevant. The Joint Standing Committee on Judiciary is authorized to report out legislation related to the report to the Second Regular Session of the 127th Legislature.

PART HHHH establishes the Commission To Study the Public Reserved Lands Management Fund.

PART IIII renames the Land and Water Quality program the Water Quality program and establishes the Land Resources program within the Department of Environmental Protection.

PART JJJJ changes the position of Director of the Bureau of Land and Water Quality to Director of the Bureau of Water Quality and adds the position of Director of the Bureau of Land Resources.

PART KKKK continues the authorization for the Maine Health Data Organization to transfer available Personal Services balances up to a specified amount to All Other in the Maine Health Data Organization, Other Special Revenue Funds account through the 2016-2017 biennium, the amount for the 2016-2017 biennium being raised to up to \$286,000, and clarifies that the transfer is authorized in each fiscal year of the biennium and is done by financial order.

PART LLLL provides an exemption from sales tax to certain greenhouse facilities for 95% of the sale price of fuel used by those greenhouse facilities. The exemption is repealed December 31, 2019.

PART MMMM amends the definition of "lead poisoning" in the Lead Poisoning Control Act, making the State's standard for lead exposure in children consistent with the federal standard. In addition, this Part grants the Department of Health and Human Services authority to impose penalties for violations of the Lead Poisoning Control Act and the rules adopted pursuant to that Act.

PART NNNN transfers \$200,000 from the Fund for a Healthy Maine to the Maine State Housing Authority and specifies that the funds must be used to provide loans and grants to low-income homeowners for repairs to remediate arsenic in drinking water.

PART OOOO provides that a portion of special revenues received by the Department of Environmental Protection related to uncontrolled hazardous substance sites must be transferred to the Board of Environmental Protection Fund.

PART PPPP provides an exemption from sales tax and service provider tax for certain nonprofit library collaboratives.

PART QQQQ maintains the sales tax on lodging; liquor sold in licensed establishments; and prepared food at 8% after July 1, 2015.

PART RRRR requires the Legislative Council to solicit bids for the equipment needed for the Maine Public Broadcasting Network to operate the Maine Capitol Connection channel.

PART SSSS establishes a working group to evaluate the extent to which extremely low-income households, including families, persons with disabilities and elderly persons, lack access to safe and affordable housing and the burden that this inadequacy creates for individuals and communities and authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to report out a bill to implement the legislation.

### **Committee Amendment "B" (H-416)**

This is the minority report of the committee and it replaces the bill.

PART A makes appropriations and allocations of funds for the 2016-2017 biennium.

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PART B makes appropriations and allocations of funds for approved reclassifications and range changes.

PART C establishes the total cost of education from kindergarten to grade 12 for fiscal year 2015-16, the state contribution and the annual target state share percentage and makes other changes related to the funding of K-12 education; delays until fiscal year 2017-18 a requirement that \$4,000,000 in revenue from casinos provide start-up funds for public preschool programs; authorizes the Commissioner of Education to expend and disburse funds to support school improvement activities, enhancements to career and technical education programs and performance evaluation and professional growth systems; and directs the Department of Education to review certain essential programs and services components.

PART D maintains state-municipal revenue sharing at \$62,500,000 in fiscal years 2015-16 and 2016-17 and changes the share of income tax, sales tax and service provider tax that is transferred for revenue sharing beginning July 1, 2017 from 5% to 2%.

PART E provides that the sales tax rate on prepared food, liquor and lodging continues at 8% after June 30, 2015 and until January 1, 2016, when it increases to 9%, and that the sales tax rate on other tangible personal property and taxable services continues at 5.5% after June 30, 2015. It also expands the list of food products that are not exempt as grocery staples and are thus subject to sales tax

PART F increases the service provider tax from 5% to 6% on January 1, 2016 and expands the tax to cover basic cable and satellite television and radio services and international and interstate telecommunications service sold to a business for use directly in that business.

PART G makes the following changes to the income tax laws: 1) reduces the lower individual income tax rate from the current rate of 6.5% to 5% and the top rate from the current rate of 7.95 % to 6.2% over 4 years; 2) repeals individual income deductions for long-term care insurance and contributions to college savings programs and the jobs and investment tax credit; the credit for family development account reserve fund contributions; the credit for employer-provided long-term care benefits; the credit for employer-assisted day care; the retirement and disability credit; the forest management planning credit; the high-technology investment tax credit; the credit for certain employer-paid dependent health insurance; the credit for quality child care investment; the earned income tax credit; and the credit for biofuel commercial production and use; 3) reduces the cap on itemized deductions to \$25,000 for the 2016 tax years then increases it over four years to \$29,500; and 4) reduces the corporate income tax rate from the current rate of 8.93% to 7.5% over four years.

PART H provides that, for estates of decedents dying on or after January 1, 2016, the amount excluded from the Maine estate tax is the same as the applicable federal exclusion amount, which is indexed annually for inflation.

PART I phases out and eliminates the Business Equipment Tax Reimbursement, or BETR, program and transitions property eligible for the BETR program as of April 1, 2015 into the so-called Business Equipment Tax Exemption, or BETE, program.

PART J makes changes to the timing of transfers from the General Fund undedicated revenue to the Maine Clean Election Fund in 2016 and 2017.

PART K reduces funding for debt service in fiscal year 2014-15.

PART L repeals the requirement that the Commissioner of Public Safety and the Attorney General pursue federal funding to establish a cold case homicide unit and the provision of law that makes establishment of a cold case homicide unit contingent upon availability of federal funding.

PART M does the following: 1) changes the distribution of available balances in the unappropriated surplus of the

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General Fund; changes the growth limitation factor in the laws governing limits on government spending; 2) sets the biennial base year appropriation to the appropriation for the 2018-2019 biennium enacted for fiscal year 2016-17 as of December 1, 2016; 3) eliminates all language dealing with the calculation of the state and local tax burden and how the growth limitation factor changes depending on how the state and local tax burden of this State compares to that of other states; and 4) changes the appropriation limitation to be based all General Fund spending; and raises the limit on the balance in the Maine Budget Stabilization Fund from 12% of total General Fund revenues in the immediately preceding state fiscal year to 18%.

PART N authorizes new Maine Governmental Facilities Authority borrowing to provide funding for capital repairs and improvements to state facilities.

PART O reduces the amount of funding transferred from the real estate transfer tax to the Maine State Housing Authority in fiscal years 2015-16 and 2016-17.

PART P continues authorization for each individual tax expenditure provided by statute.

PART Q establishes an attrition rate of 3% for the 2016-2017 biennium for all judicial branch and executive branch departments and agencies, except the District Attorneys Salaries program and directs the State Budget Officer to make certain considerations when developing budgeted attrition savings.

PART R authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2015-16 and 2016-17 for the acquisition of motor vehicles for the Central Fleet Management Division.

PART S authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2015-16 and 2016-17 for the acquisition of motor vehicles for the State Police.

PART T continues the voluntary employee incentive program for state employees through the 2016-2017 biennium.

PART U requires the State Controller to transfer \$3,000,000 in each fiscal year of the 2016-2017 biennium from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Local and Regional Services - Administration, Other Special Revenue Funds account within the Department of Administrative and Financial Services.

PART V provides that the Director of the Division of Quality Assurance and Regulation and the Director of the Division of Animal and Plant Health, both within the Department of Agriculture, Conservation and Forestry, are no longer subject to appointment by the Commissioner of Agriculture, Conservation and Forestry.

PART W extends the requirement that the Commissioner of Corrections, or the commissioner's designee, assume the duties of the State Board of Corrections from July 1, 2015 to July 1, 2016. This Part also requires the Commissioner of Corrections or the commissioner's designee to distribute fiscal year 2015-16 payments to support county jail operations.

PART X transfers \$700,000 in fiscal year 2015-16 from the Dirigo Health Fund to the unappropriated surplus of the General Fund.

PART Y clarifies the powers and duties of the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry.

PART Z increases by \$10, from \$80 to \$90, the annual per product registration fee on pet food; increases the percentage of the registration fee revenues going to the General Fund from 50% to 60%, and decreases the percentage going to the Animal Welfare Fund from 50% to 40%; requires a yearly General Fund transfer from these revenues of \$100,000 to the Companion Animal Sterilization Fund, which had been funded by the \$20 annual per

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product pet food surcharge.

PART AA requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to appoint no fewer than 45 and no more than 50 Forest Ranger II positions, subject to the Civil Service Law. Additionally, the director is required to appoint no fewer than 17 forest rangers classified as follows: three Regional Rangers, eight District Rangers, one Forest Fire Prevention Specialist, one Ranger Pilot Supervisor and four Ranger Pilots. It also adds additional forest ranger duties. It also repeals two provisions of Public Law 1999, chapter 352 that require the Commissioner of Conservation to sell all bullet-proof vests, firearms and related equipment and that prohibit the commissioner from purchasing bullet-proof vests, firearms or related equipment without specific authorization by the Legislature.

PART BB requires the Department of Health and Human Services to contract with a third party to conduct a rate study of medication management services and outpatient services under Rule Chapter 101: MaineCare Benefits Manual, Section 65: Behavioral Health Services and all services in Section 28: Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations.

PART CC requires the unused balance of Part A appropriations to the Drug Enforcement Agency program within the Department of Public Safety for processing crime scenes involving the seizure of methamphetamine laboratories and All Other appropriations to the Remediation and Waste Management program within the Department of Environmental Protection not used for cleanup of illegal drug operations or natural gas contamination be transferred to the unappropriated surplus of the General Fund no later than June 30th of each year of the biennium.

PART DD limits the exemption from the Maine Criminal Justice Academy training standards and law enforcement agency policy requirements under the Maine Revised Statutes, Title 25, chapter 341 to agents or representatives of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry who do not carry a firearm.

PART EE repeals the provisions of law that require the Commissioner of Conservation to sell all bullet-proof vests, firearms and related equipment and that prohibit the commissioner from purchasing bullet-proof vests, firearms or related equipment without specific authorization by the Legislature.

PART FF authorizes a one-time transfer of all funds in excess of \$500,000 from unencumbered balance forward in the Personal Services line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account to the Capital Expenditures line category in the Division of Forest Protection, General Fund account to fund the overhaul of helicopters owned by the State.

PART GG limits timber harvesting on public reserved lands and nonreserved public lands to an average of 160,000 cords per year over any three-year period. It allows the Department of Agriculture, Conservation and Forestry by rule, based on an independent timber inventory conducted after July 1, 2015, to establish a different sustainable harvest level. The rules are major substantive rules and must be reviewed by the joint standing committee of the Legislature having jurisdiction over public reserved and nonreserved lands matters.

PART HH transfers the sexual assault forensic examiner training program from the Department of the Attorney General to the Department of Health and Human Services.

PART II authorizes the Department of Corrections to transfer, Personal Services, All Other and Capital Expenditures funding between accounts within the same fund for the purpose of paying departmental overtime expenses for the 2016-2017 biennium.

PART JJ amends the laws governing disclosures made by lobbyists.

PART KK requires the Commissioner of Corrections to review the current organizational structure of the Department of Corrections to improve organizational efficiency and authorizes the State Budget Officer to transfer

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positions and available balances based on the review by financial order and establishes reporting requirements for certain transfers. The ability to make these transfers as an adjustment to position count or appropriations is limited to the period of July 1st to December 1st of each fiscal year in the 2016-2017 biennium.

PART LL authorizes the Department of Corrections to transfer, from the All Other line category, funds by financial order between accounts within the same fund for the purposes of paying food, heating and utility expenses for the 2016-2017 biennium.

PART MM provides temporary funding for the Administration - Maine Emergency Management Agency program within the Department of Defense, Veterans and Emergency Management until federal funding becomes available.

PART NN lapses \$1,537,761 in each fiscal year of the biennium to the unappropriated surplus of the General Fund that is not anticipated to be needed by the Maine Technology Institute in fiscal years 2015-16 and 2016-17.

PART OO removes the Chief Academic Officer and Director, Special Services Team positions from the list of major policy-influencing positions within the Department of Education and eliminates the Deputy Chief of Staff position and creates a Science, Technology, Engineering and Mathematics Workforce Coordinator position in the list of the Commissioner of Education's appointments within the department.

PART PP authorizes the Department of Education to purchase portable computer devices for students and educators in fiscal years 2015-16 and 2016-17.

PART QQ transfers \$3,000,000 in each fiscal year of the 2016-2017 biennium from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education.

PART RR renames the PK-20, Adult Education and Federal Programs Team program within the Department of Education the Learning Systems Team program.

PART SS aligns and standardizes the statutory range of licensing fees for adult and children's residential drug treatment centers, children's residential care facilities and mental health services facilities with the exact fees to be established by rule by the Department of Health and Human Services. This Part also standardizes the terms of these licenses at two years.

PART TT creates a stakeholder group, including representatives of patients and outpatient methadone treatment providers, to review criteria for receiving treatment, prior approvals and treatment service options for patients seeking methadone treatment services and establishes reporting requirements.

PART UU establishes a liquid asset test in eligibility determinations for the elderly low cost drug program.

PART VV gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of this Act over which it has specific authority that has not been addressed by some other Part of the Act.

PART WW allows remaining balances at the end of each fiscal year in the Consumer-directed Services program and the Bridging Rental Assistance Program, General Fund accounts in the Department of Health and Human Services to be carried forward for use by those programs in the next fiscal year.

PART XX establishes the Bridging Rental Assistance Program in the Department of Health and Human Services. The program provides up to 24 months of housing assistance to persons with mental illness transitioning to Section 8 housing assistance or an alternative housing placement.

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PART YY authorizes the Department of Health and Human Services to transfer funds appropriated for state supplemental income for blind, disabled and elderly people authorized under Title 22, sections 3271 and 3274 by financial order to the Department of Health and Human Services, Departmentwide program.

PART ZZ repeals the provision that requires the Department of Health and Human Services to provide a food supplement program for noncitizens who would be eligible for federal Supplemental Nutrition Assistance Program benefits but for their status as aliens under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996; repeals the provision that requires the Department of Health and Human Services to provide supplemental security income for noncitizens who would be eligible for federal supplemental security income but for their status as aliens under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and repeals the provision that requires the Department of Health and Human Services to provide financial assistance to noncitizens who would be eligible for Temporary Assistance for Needy Families but for their status as aliens under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

PART AAA authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services - Community program account to the Crisis Outreach Program account for the 2016-2017 biennium.

PART BBB changes the disability determination time frame from 45 days to 90 days for applications for aid to needy persons based on a disability and eliminates the requirement to provide state-funded temporary medical coverage.

PART CCC authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for the 2016-2017 biennium.

PART DDD changes the definition of "eligible person" in the laws governing municipal general assistance to eliminate general assistance for certain aliens and nonimmigrants as defined in federal law.

PART EEE authorizes the Department of Health and Human Services to transfer family support services funds in the Developmental Services - Community program to the Office of Aging and Disability Services Central Office program and the Long Term Care - Office of Aging and Disability Services program by financial order.

PART FFF authorizes the Department of Health and Human Services to transfer appropriations from the Nursing Facilities program to the home-based care program.

PART GGG authorizes the Department of Health and Human Services to transfer appropriations within the Office of Child and Family Services related to the cost of administering the child welfare program.

PART HHH directs the Judicial Department to conduct or contract for architectural feasibility studies to improve court facilities in Oxford County, Waldo County and York County and establishes reporting requirements.

PART III changes the salary of one deputy commissioner in the Department of Health and Human Services from range 38 to range 90.

PART JJJ authorizes the Department of Health and Human Services to transfer by financial order any available appropriations, including those in Personal Services, between MaineCare accounts and to transfer by financial order available Personal Services balances in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program in order to provide funds for an electronic medical records system.

PART KKK makes a correction to the state valuation amount recorded in state reimbursement to municipalities for municipal general assistance, changes the reimbursement methodology effective July 1, 2015 and requires monthly

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reporting for any municipality that received reimbursement of \$10,000 or more during the previous fiscal year or expects to receive more than \$10,000 in the current fiscal year..

PART LLL transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft in fiscal year 2015-16.

PART MMM transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft engine in fiscal year 2015-16 and one replacement aircraft engine in fiscal year 2016-17.

PART NNN amends language pertaining to the Lifetime License Fund to allow the Department of Inland Fisheries and Wildlife to request that the Treasurer of State transfer less than 5% of the Lifetime License Fund's principal balance on an annual basis.

PART OOO amends the Fiscal Stability Program established to support the fish and wildlife conservation programs of the Department of Inland Fisheries and Wildlife so that it begins in the 2018-2019 biennium.

PART PPP permits adult offenders of any age to be housed at the Mountain View Youth Development Center. Current law allows only adult offenders who have not attained 26 years of age to be housed at the center.

PART QQQ ties the mileage rate paid to jurors to the rate paid by the State to state employees who use their vehicles for state business beginning July 1, 2016. It also increases the daily rate paid to jurors from \$10 per day to \$15 per day.

PART RRR eliminates the Town of Madawaska as a place to hold district court.

PART SSS authorizes a range change from salary range 88 to salary range 90 for the Securities Administrator within the Office of Securities in the Department of Professional and Financial Regulation.

PART TTT amends the law to require that fees for criminal history record checks for school employees be deposited in an Other Special Revenue account of the Department of Public Safety rather than the Department of Education and transfers the cash balance of the Criminal History Record Check Fund from the Department of Education to the Department of Public Safety.

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PART YYY requires the State Controller to transfer \$100,000 in each fiscal year of the 2016-2017 biennium from the Bureau of Revenue Services Fund program, Bureau of Revenue Services Fund account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus.

PART ZZZ changes the laws regarding the Maine Library of Geographic Information to specify that "state funds"

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includes only bond revenues and General Fund money and the laws regarding geospatial data accounts to clarify that only General Fund appropriations and bond proceeds are subject to a one-to-one match. Funds in those accounts from other sources do not require a match.

PART AAAA provides that balances remaining in the Department of Administrative and Financial Services, Information Services program, General Fund account must be carried forward in the 2016-2017 biennium.

PART BBBB repeals the provisions that require the rent paid for the Maine Military Authority facilities in Limestone to be paid to the Bureau of General Services in the Department of Administrative and Financial Services and instead requires the rent be paid directly to the Loring Development Authority of Maine.

PART CCCC exempts from the motor vehicle excise tax adaptive equipment installed on a motor vehicle owned by a carrier engaged in furnishing passenger service for hire. It also reduces by half the motor vehicle registration fee of a passenger vehicle used for hire that is equipped with adaptive equipment to make that vehicle operable or accessible by a person with a disability.

PART DDDD provides that the average annual rate of earnable compensation of a member of the Maine Public Employees Retirement System during the three years of creditable service as an employee in Maine, not necessarily consecutive, in which the member's annual rate of earnable compensation is highest must be determined as if the member had not been provided days off without pay or with reduced pay during fiscal year 2012-13 if the member elects to make a payment equal to the employee contribution that member would have made on compensation that would have been paid to that member on the days off without pay or at reduced pay.

PART EEEE authorizes the State Budget Officer to transfer up to \$6,500,000 in the fiscal year ending June 30, 2016 and in the fiscal year ending June 30, 2017 from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services to programs within the Department of Corrections to implement wage adjustments to aid in the recruitment and retention of employees and to provide parity between state correctional employees and county or regional jail employees who perform similar direct care or supervision of prisoners.

PART FFFF requires the Department of Administrative and Financial Services, Bureau of the Budget to review vacant positions and submit a report to the Joint Standing Committee on Appropriations and Financial Affairs with recommendations on eliminating vacant positions. The report must also be submitted to the Joint Standing Committee on Transportation if the report includes positions funded by the Highway Fund or by internal service funds, enterprise funds or Other Special Revenue Funds accounts of the Department of Transportation, the Department of Public Safety or the Department of the Secretary of State.

PART GGGG requires the Attorney General and the eight district attorneys to jointly develop a proposed policy on the distribution of assistant district attorney positions across all prosecutorial districts that is equitable to each district. The Attorney General and the district attorneys must submit a written report that contains the proposed policy, a description of the process used to develop the proposed policy and any other information the Attorney General and the district attorneys believe is relevant. The Joint Standing Committee on Judiciary is authorized to report out legislation related to the report to the Second Regular Session of the 127th Legislature.

PART HHHH directs the Adjutant General to establish maximum hourly base rates of pay, overtime rates of pay or total compensation to comply with limits established in a master cooperative agreement or an appendix to such an agreement between the United States Department of Defense, National Guard Bureau and the State.

PART IIII renames the Land and Water Quality program the Water Quality program and establishes the Land Resources program within the Department of Environmental Protection.

PART JJJJ changes the position of Director of the Bureau of Land and Water Quality to Director of the Bureau of Water Quality and adds the position of Director of the Bureau of Land Resources.

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PART KKKK continues the authorization for the Maine Health Data Organization to transfer available Personal Services balances up to a specified amount to All Other in the Maine Health Data Organization, Other Special Revenue Funds account through the 2016-2017 biennium, the amount for the 2016-2017 biennium being raised to up to \$286,000, and clarifies that the transfer is authorized in each fiscal year of the biennium and is done by financial order.

PART LLLL transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to cover Personal Services costs in fiscal year 2014-15.

PART MMMM provides that a portion of special revenues received by the Department of Environmental Protection related to uncontrolled hazardous substance sites must be transferred to the Board of Environmental Protection Fund.

PART NNNN provides an exemption from sales tax and service provider tax for certain nonprofit library collaboratives.

PART OOOO provides emergency rule-making authority to the Maine Commission on Indigent Legal Services necessary to implement a rate increase for assigned counsel and contract counsel.

### **Senate Amendment "A" To Committee Amendment "A" (S-287)**

This amendment makes the following clarifications to the Put ME to Work Program that is established in Committee Amendment "A":

1. It specifies that the job training programs must be established at the community colleges;
2. It specifies that the centers may work with trade associations as well as private businesses and that costs for the job training programs may be provided by an industry partnership; and
3. It clarifies that, in selecting awardees for the program, the Board of Trustees of the Maine Community College System shall consider various factors as they relate to the business or industry partnership.

### **Senate Amendment "B" To Committee Amendment "A" (S-288)**

This amendment does the following.

1. It removes the interfund advance of funds for one day at the end of fiscal year 2015-16.
2. It strikes Part J of the majority committee amendment and instead indexes the Maine exclusion amount for decedents dying on or after January 1, 2016 to the federal exclusion amount. It also amends the section of the estate tax law that applies to the tax on resident estates to apply the tax rates to each \$3,000,000 increment above the yearly exclusion amount.
3. It increases the homestead property tax exemption by \$5,000 to \$15,000 for property tax years beginning on April 1, 2016 and by \$10,000 to \$20,000 for property tax years beginning on or after April 1, 2017 while increasing state reimbursement to 50% for the additional exemption amount for property tax years beginning April 1, 2016 and to 75% for property tax years beginning on or after April 1, 2017.
4. It provides that for fiscal years 2015-16, 2016-17, 2017-18 and 2018-19 the amount transferred for state-municipal revenue sharing is 2% of revenue from the income tax, the sales tax and a portion of the service provider tax.

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5. It makes the following changes to the individual income tax:
  - a) Repeals the provision of law requiring the Department of Administrative and Financial Services, Maine Revenue Services to provide for the assignment of income tax refunds on income tax returns to the Maine College Savings Program administered by the Finance Authority of Maine;
  - b) Reduces the individual income tax rates and establishes new tax bracket amounts for tax years beginning after 2015 such that the proposed rate structure for tax years beginning after December 31, 2015 consists of 5.8%, 6.75% and 7.15% taxable income brackets;
  - c) Repeals the income subtraction modifications for long-term care premiums paid and for contributions of up to \$250 per beneficiary to 529 college tuition plans for tax years beginning on or after January 1, 2016;
  - d) Eliminates the jobs and investment tax credit, the credit for employer-assisted day care, the credit for employer-provided long-term care benefits, the high-technology investment tax credit, the credit for dependent health benefits, the quality child care investment credit and the credit for biofuel commercial production but retains the carry-forward of unused credit amounts for tax years beginning after December 31, 2015;
  - e) Eliminates the credit for contributions to family development account reserve funds, the retirement and disability credit and the forest management planning income tax credit and removes refundability of the Maine child care credit refundable for nonresident taxpayers;
  - f) Amends the law governing the cost-of-living adjustment of individual income tax rate brackets and the maximum itemized deduction amount and the benefit base amounts in the sales tax fairness credits in order to reflect amendments to the individual income tax rate schedules, enactment of the sales tax fairness credit and phase-out of the standard and itemized deduction deductions for individuals with income exceeding certain levels;
  - g) Phases out the value of the standard deduction amount or itemized deduction amount, whichever applies, for taxpayers whose Maine adjusted gross income exceeds \$70,000 for single individuals and married persons filing separate returns; \$105,000 for individuals filing as heads of households; and \$140,000 for individuals filing married joint returns or as a surviving spouse;
  - h) Provides an income tax exemption for all military retirement plan benefits;
  - i) Establishes, for tax years beginning after 2015, separate Maine standard deduction amounts that previously were equal to the federal standard deduction amounts;
  - j) Repeals the exception to the itemized deductions limitation applicable to charitable contributions that had applied to tax years beginning after December 31, 2015;
  - k) Enacts an income tax credit to provide sales tax relief for low-income and middle-income families by providing a base credit that is based on the number of persons claimed as dependents on an income tax return and phased out as family income increases; and
  - l) Makes the earned income credit refundable for tax years beginning on or after January 1, 2016.
  
6. It makes the following changes to the sales tax laws:
  - a) Provides that the sales tax on prepared food and liquor continues at 8%, the sales tax on lodging continues at 8% until January 1, 2016 then increases to 9% and the sales tax rate on other tangible personal property and taxable services continues at 5.5% after June 30, 2015;
  - b) Expands the list of food products that are not exempt as grocery staples and are thus subject to sales tax; and
  - c) Provides an exemption from sales tax for certain nonprofit library collaboratives and veterans' support organizations.
  
7. It makes the following changes to the laws governing public assistance:
  - a) Sets the date on which child care assistance begins to the date of application if the applicant is eligible;
  - b) Eliminates the "gross income test" for working TANF recipients;
  - c) Increases the number of months eligible individuals may receive transitional transportation benefits from 12 months to 18 months; and
  - d) Authorizes the Department of Health and Human Services, beginning in fiscal year 2016-17, to use \$500,000 from the Temporary Assistance for Needy Families block grant to promote financial literacy and healthy savings habits of families with income less than 200% of the federal poverty guidelines by placing funds in family development accounts.

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8. It changes the reimbursement rates paid by the State for municipal general assistance to 70% of the direct costs incurred by a municipality or Indian tribe beginning with costs incurred on or after July 1, 2015.
9. It removes the state reimbursement for administrative costs of a municipality or Indian tribe and changes the reimbursement reporting to a monthly basis for all municipalities and Indian tribes.
10. It extends the service provider tax to basic cable and satellite television and radio and interstate and international telecommunication services sold to a business.
11. It enacts service provider tax exemptions for sales to certain nonprofit library collaboratives and certain veterans' support organizations.
12. It adds appropriations and allocations for:
  - a) The increase in the homestead property tax exemption amount;
  - b) The reduction of the waiting list for community-based services for MaineCare members with intellectual disabilities or autistic disorder and adults with brain injury;
  - c) Nursing home reimbursements; and
  - d) An increase from 12 to 18 in the number of months an individual may receive transitional transportation benefits under the Temporary Assistance for Needy Families program.

### **Enacted Law Summary**

Public Law 2015, chapter 267 does the following.

PART A makes appropriations and allocations of funds for the 2016-2017 biennium.

PART B makes appropriations and allocations of funds for approved reclassifications and range changes.

PART C establishes the total cost of education from kindergarten to grade 12 for fiscal year 2015-16, the state contribution and the annual target state share percentage and makes other changes related to the funding of K-12 education.

PART D repeals the requirement that the Commissioner of Public Safety and the Attorney General pursue federal funding to establish a cold case homicide unit and provision of law that makes establishment of a cold case homicide unit contingent upon availability of federal funding.

PART E makes changes to the timing of transfers from the General Fund undedicated revenue to the Maine Clean Election Fund in 2016 and 2017.

PART F amends the laws governing disclosures made by lobbyists.

PART G directs the Judicial Department to conduct or contract for architectural feasibility studies to improve court facilities in Oxford County, Waldo County and York County.

PART H reduces funding for debt service in fiscal year 2014-2015.

PART I reduces funding for debt service in fiscal year 2014-2015.

PART J increases the homestead property tax exemption by \$5,000 to \$15,000 for property tax years beginning on April 1, 2016 and by \$10,000 to \$20,000 for property tax years beginning on or after April 1, 2017 while increasing state reimbursement to 50% for the additional exemption amount for property tax years beginning April 1, 2016 and to 75% for property tax years beginning on or after April 1, 2017.

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PART K provides that for fiscal years 2015-16, 2016-17, 2017-18 and 2018-19 the amount transferred for state-municipal revenue sharing is 2% of revenue from the income tax, the sales and use tax and a portion of the service provider tax.

PART L changes the distribution of available balances in the unappropriated surplus of the General Fund, changes the growth limitation factor in the laws governing limits on government spending; sets the biennial base year appropriation to the appropriation for the 2018-2019 biennium enacted for fiscal year 2016-17 as of December 1, 2016; eliminates all language dealing with the calculation of the state and local tax burden and how the growth limitation factor changes depending on how the state and local tax burden of this State compares to that of other states; and raises the limit on the balance in the Maine Budget Stabilization Fund from 12% of total General Fund revenues in the immediately preceding state fiscal year to 18%.

PART M authorizes new Maine Governmental Facilities Authority borrowing to provide funding for capital repairs and improvements to state facilities.

PART N reduces the amount of funding transferred from the real estate transfer tax to the Maine State Housing Authority in fiscal years 2015-16 and 2016-17.

PART O continues authorization for each individual tax expenditure provided by statute.

PART P establishes an attrition rate of 3% for the 2016-2017 biennium for all judicial branch and executive branch departments and agencies, except the District Attorney's Salaries program and directs the State Budget Officer to make certain considerations when developing budgeted attrition savings.

PART Q authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2015-16 and 2016-17 for the acquisition of motor vehicles for the Central Fleet Management Division.

PART R authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2015-16 and 2016-17 for the acquisition of motor vehicles for the State Police.

PART S continues the voluntary employee incentive program for state employees through the 2016-2017 biennium.

PART T requires the State Controller to transfer \$750,000 in each fiscal year of the 2016-2017 biennium from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Local and Regional Services - Administration, Other Special Revenue Funds account within the Department of Administrative and Financial Services.

PART U provides that the Director of the Division of Quality Assurance and Regulation and the Director of the Division of Animal and Plant Health, both within the Department of Agriculture, Conservation and Forestry, are no longer subject to appointment by the Commissioner of Agriculture, Conservation and Forestry.

PART V extends the requirement that the Commissioner of Corrections, or the commissioner's designee, assume the duties of the State Board of Corrections from July 1, 2015 to July 1, 2016. This Part also requires the Commissioner of Corrections or the commissioner's designee to distribute fiscal year 2015-16 payments to support county jail operations. This Part is superseded by Public Law 2015, chapter 335.

PART W transfers \$700,000 in fiscal year 2015-16 from the Dringo Health Fund to the unappropriated surplus of the General Fund.

PART X clarifies the powers and duties of the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry.

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PART Y provides emergency rule-making authority to the Maine Commission on Indigent Legal Services necessary to implement a rate increase for assigned counsel and contract counsel.

PART Z requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to appoint no fewer than 45 and no more than 50 Forest Ranger II positions, subject to the Civil Service Law. Additionally, the director is required to appoint no fewer than 17 forest rangers classified as follows: three Regional Rangers, eight District Rangers, one Forest Fire Prevention Specialist, one Ranger Pilot Supervisor and four Ranger Pilots. It also adds additional forest ranger duties. It also repeals two provisions of Public Law 1999, chapter 352 that require the Commissioner of Conservation to sell all bullet-proof vests, firearms and related equipment and that prohibit the commissioner from purchasing bullet-proof vests, firearms or related equipment without specific authorization by the Legislature.

PART AA requires the Department of Health and Human Services to contract with a third party to conduct a rate study of medication management services and outpatient services under Rule Chapter 101: MaineCare Benefits Manual, Section 65: Behavioral Health Services and all services in Section 28: Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations.

PART BB requires the unused balance of Part A appropriations to the Drug Enforcement Agency program within the Department of Public Safety for processing crime scenes involving the seizure of methamphetamine laboratories and Part A All Other appropriations to the Remediation and Waste Management program within the Department of Environmental Protection not used for cleanup of illegal drug operations or natural gas contamination be transferred to the unappropriated surplus of the General Fund no later than June 30th of each year of the biennium.

PART CC limits the exemption from the Maine Criminal Justice Academy training standards and law enforcement agency policy requirements under the Maine Revised Statutes, Title 25, chapter 341 to agents or representatives of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry who do not carry a firearm.

PART DD makes the following changes to the individual income tax: 1) repeals the provision of law requiring the Department of Administrative and Financial Services, Maine Revenue Services to provide for the assignment of income tax refunds on income tax returns to the Maine College Savings Program administered by the Finance Authority of Maine; 2) reduces the individual income tax rates and establishes new tax bracket amounts for tax years beginning after 2015 such that the proposed rate structure for tax years beginning after December 31, 2015 consists of 5.8%, 6.75% and 7.15% taxable income brackets; 3) repeals the income subtraction modifications for long-term care premiums paid and for contributions of up to \$250 per beneficiary to 529 college tuition plans for tax years beginning on or after January 1, 2016; 4) eliminates the jobs and investment tax credit, the credit for employer-assisted day care, the credit for employer-provided long-term care benefits, the high-technology investment tax credit, the credit for dependent health benefits, the quality child care investment credit and the credit for biofuel commercial production but retains the carry-forward of unused credit amounts for tax years beginning after December 31, 2015; 5) eliminates the credit for contributions to family development account reserve funds, the retirement and disability credit and the forest management planning income tax credit and removes refundability of the Maine child care credit refundable for nonresident taxpayers; 6) amends the law governing the cost-of-living adjustment of individual income tax rate brackets and the maximum itemized deduction amount and the benefit base amounts in the sales tax fairness credits in order to reflect amendments to the individual income tax rate schedules, enactment of the sales tax fairness credit and phase-out of the standard and itemized deduction deductions for individuals with income exceeding certain levels; 7) phases out the value of the standard deduction amount or itemized deduction amount, whichever applies, for taxpayers whose Maine adjusted gross income exceeds \$70,000 for single individuals and married persons filing separate returns; \$105,000 for individuals filing as heads of households; and \$140,000 for individuals filing married joint returns or as a surviving spouse; 8) provides an income tax exemption for all military retirement plan benefits; 9) establishes, for tax years beginning after 2015, separate Maine standard deduction amounts that previously were equal to the federal standard deduction amounts; 10) repeals the exception to the itemized deductions limitation applicable to charitable contributions that had

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applied to tax years beginning after December 31, 2015; 11) enacts an income tax credit to provide sales tax relief for low-income and middle-income families by providing a base credit that is based on the number of persons claimed as dependents on an income tax return and phased out as family income increases; and 12) makes the earned income credit refundable for tax years beginning on or after January 1, 2016.

Part DD is further amended by LD 1452, Public Law 2015, chapter 328.

PART EE authorizes a one-time transfer of all funds in excess of \$500,000 from unencumbered balance forward in the Personal Services line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account to the Capital Expenditures line category in the Division of Forest Protection, General Fund account to fund the overhaul of helicopters owned by the State.

PART FF limits timber harvesting on public reserved lands and nonreserved public lands to an average of 160,000 cords per year over any three-year period. It allows the Department of Agriculture, Conservation and Forestry by rule, based on an independent timber inventory conducted after July 1, 2015, to establish a different sustainable harvest level. The rules are major substantive rules and must be reviewed by the joint standing committee of the Legislature having jurisdiction over public reserved and nonreserved lands matters.

PART GG transfers the sexual assault forensic examiner training program from the Department of the Attorney General to the Department of Health and Human Services.

PART HH authorizes the Department of Corrections to transfer Personal Services, All Other and Capital Expenditures funding between accounts within the same fund for the purpose of paying departmental overtime expenses for the 2016-2017 biennium.

PART II provides that if an applicant for general assistance under Title 22, chapter 1161 has been released from a correctional facility within 45 days of application, the municipality of responsibility for the first 12 months of benefits is the municipality that was on record as the residence of the applicant when the applicant was committed to the correctional facility. It requires that a responsible municipality accept applications by telephone as long as the call is being made from a municipal office and the written application is contemporaneously faxed or sent electronically to the municipality of responsibility.

PART JJ requires the Commissioner of Corrections to review the current organizational structure of the Department of Corrections to improve organizational efficiency and authorizes the State Budget Officer to transfer positions and available balances based on the review by financial order and establishes reporting requirements for certain transfers. The ability to make these transfers as an adjustment to position count or appropriations is limited to the period of July 1st to December 1st of each fiscal year in the 2016-2017 biennium.

PART KK authorizes the Department of Corrections to transfer from the All Other line category funds by financial order between accounts within the same fund for the purposes of paying food, heating and utility expenses for the 2016-2017 biennium.

PART LL provides temporary funding for the Administration - Maine Emergency Management Agency program within the Department of Defense, Veterans and Emergency Management until federal funding becomes available.

PART MM lapses \$1,537,761 in each fiscal year of the biennium to the unappropriated surplus of the General Fund that is not anticipated to be needed by the Maine Technology Institute in fiscal years 2015-16 and 2016-17.

PART NN removes the Chief Academic Officer and Director, Special Services Team positions from the list of major policy-influencing positions within the Department of Education and eliminates the Deputy Chief of Staff position and creates a Science, Technology, Engineering and Mathematics Workforce Coordinator position in the list of the Commissioner of Education's appointments within the department.

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PART OO authorizes the Department of Education to purchase portable computer devices for students and educators in fiscal years 2015-16 and 2016-17.

PART PP transfers \$750,000 in each fiscal year of the 2016-2017 biennium from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education.

PART QQ renames the PK-20, Adult Education and Federal Programs Team program within the Department of Education the Learning Systems Team program.

PART RR aligns and standardizes the statutory range of licensing fees for adult and children's residential drug treatment centers, children's residential care facilities and mental health services facilities with the exact fees to be established by rule by the Department of Health and Human Services. This Part also standardizes the terms of these licenses at two years.

PART SS creates a stakeholder group, including representatives of patients and outpatient methadone treatment providers, to review criteria for receiving treatment, prior approvals and treatment service options for patients seeking methadone treatment services and establishes reporting requirements.

PART TT establishes a liquid asset test in eligibility determinations for the elderly low cost drug program.

PART UU gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of this Act over which it has specific authority that has not been addressed by some other Part of the Act.

PART VV allows remaining balances at the end of each fiscal year in the Consumer-directed Services program and the Bridging Rental Assistance Program, General Fund accounts in the Department of Health and Human Services to be carried forward for use by those programs in the next fiscal year.

PART WW establishes the Bridging Rental Assistance Program in the Department of Health and Human Services. The program provides up to 24 months of housing assistance to persons with mental illness transitioning to Section 8 housing assistance or an alternative housing placement.

PART XX authorizes the Department of Health and Human Services to transfer funds appropriated for state supplemental income for blind, disabled and elderly people authorized under Title 22, sections 3271 and 3274 by financial order to the Department of Health and Human Services, Departmentwide program.

PART YY directs the Department of Transportation, in consultation with the cities of Lewiston and Auburn and the Northern New England Passenger Rail Authority, to conduct a study and complete a plan for the implementation of passenger rail service between the cities of Lewiston and Auburn and the Amtrak Downeaster service. This Part also provides for a transfer \$150,000 from the unappropriated surplus of the General Fund to the Multimodal - Passenger Rail program, Other Special Revenue Funds account in the Department of Transportation and requires the cities of Lewiston and Auburn to remit \$50,000 each to the State to fund the study.

PART ZZ authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services - Community program account to the Crisis Outreach Program account for the 2016-2017 biennium.

PART AAA requires the Department of Health and Human Services to request a waiver to include as a reimbursable service under MaineCare home-delivered meals to certain individuals qualified for MaineCare benefits.

PART BBB authorizes the Department of Health and Human Services to transfer available balances of

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appropriations between the MaineCare General Fund accounts for the 2016-2017 biennium.

PART CCC implements certain recommendations of the Task Force To End Student Hunger in Maine.

PART DDD authorizes the Department of Health and Human Services to transfer family support services funds in the Developmental Services - Community program to the Office of Aging and Disability Services Central Office program and the Long Term Care - Office of Aging and Disability Services program by financial order.

PART EEE authorizes the Department of Health and Human Services to transfer appropriations from the Nursing Facilities program to the home-based care program.

PART FFF authorizes the Department of Health and Human Services to transfer appropriations within the Office of Child and Family Services related to the cost of administering the child welfare program.

PART GGG authorizes a school board to designate an existing school or establish a new school to be a community school that participates with community partners to provide various educational and social services to students, families and community members and provides the steps a school board must complete in order to establish a new community school. This Part also authorizes the Department of Education to provide funding to support the implementation of three community schools.

PART HHH changes the salary of one deputy commissioner in the Department of Health and Human Services from range 38 to range 90.

PART III authorizes the Department of Health and Human Services to transfer by financial order any available appropriations, including those in Personal Services, between MaineCare accounts and to transfer by financial order available Personal Services balances in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program in order to provide funds for an electronic medical records system.

PART JJJ provides for the allocation of funding among Maine's federally qualified health centers to support access to primary medical, behavioral health and dental services for residents in rural and underserved communities.

PART KKK transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft in fiscal year 2015-16.

PART LLL transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft engine in fiscal year 2015-16 and one replacement aircraft engine in fiscal year 2016-17.

PART MMM amends language pertaining to the Lifetime License Fund to allow the Department of Inland Fisheries and Wildlife to request that the Treasurer of State transfer less than 5% of the Lifetime License Fund's principal balance on an annual basis.

PART NNN amends the Fiscal Stability Program established to support the fish and wildlife conservation programs of the Department of Inland Fisheries and Wildlife so that it begins in the 2018-2019 biennium.

PART OOO requires the Department of Education to develop and support local food training programs for public school food service personnel and facilitate the use of local food hubs to expand the use of local foods in schools.

PART PPP ties the mileage rate paid to jurors to the rate paid by the State to state employees who use their vehicles for state business beginning July 1, 2016. It also increases the daily rate paid to jurors from \$10 per day to \$15 per

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day.

PART QQQ makes changes to the educational opportunity tax credit. Part QQQ was further amended by LD 1452, Public Law 2015, chapter 328.

PART RRR authorizes a range change from salary range 88 to salary range 90 for the Securities Administrator within the Office of Securities in the Department of Professional and Financial Regulation.

PART SSS amends the law to require that fees for criminal history record checks for school employees be deposited in an Other Special Revenue account of the Department of Public Safety rather than the Department of Education and transfers the cash balance of the Criminal History Record Check Fund from the Department of Education to the Department of Public Safety.

PART TTT authorizes the Department of the Secretary of State to carry Personal Services and All Other funding in the Administration - Archives program and transfer balances to the All Other line category in the same program.

PART UUU requires the State Controller to transfer \$900,000 in fiscal year 2015-16 and \$750,000 in fiscal year 2016-17 from the unappropriated surplus of the General Fund to the Callahan Mine Site Restoration program, Other Special Revenue Funds account within the Department of Transportation.

PART VVV removes the authority of the Commissioner of Corrections to appoint a media and public information officer.

PART WWW continues through August 1, 2015 limited-period positions that are set to expire during June 2015.

PART XXX requires the State Controller to transfer \$100,000 in each fiscal year of the 2016-2017 biennium from the Bureau of Revenue Services Fund program, Bureau of Revenue Services Fund account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus.

PART YYY changes the laws regarding the Maine Library of Geographic Information to specify that "state funds" includes only bond revenues and General Fund money and the laws regarding geospatial data accounts to clarify that only General Fund appropriations and bond proceeds are subject to a one-to-one match. Funds in those accounts from other sources do not require a match.

PART ZZZ provides that balances remaining in the Department of Administrative and Financial Services, Information Services program, General Fund account must be carried forward in the 2016-2017 biennium.

PART AAAA establishes the Put ME to Work Program in the Maine Quality Centers; directs the Board of Trustees of the Maine Community College System to adopt necessary policies and procedures for the Maine Quality Centers; requires program participants to use existing financial aid resources available through their sponsoring postsecondary education institution before using program resources; and specifies certain wage parameters for participating employers. This Part is amended by Senate Amendment "A" to Committee Amendment "A".

PART BBBB exempts from the motor vehicle excise tax adaptive equipment installed on a motor vehicle owned by a carrier engaged in furnishing passenger service for hire. It also reduces by half the motor vehicle registration fee of a passenger vehicle used for hire that is equipped with adaptive equipment to make that vehicle operable or accessible by a person with a disability.

PART CCCC provides that the average annual rate of earnable compensation of a member of the Maine Public Employees Retirement System during the three years of creditable service as an employee in Maine, not necessarily consecutive, in which the member's annual rate of earnable compensation is highest must be determined as if the member had not been provided days off without pay or with reduced pay during fiscal year 2012-13 if the member

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elects to make a payment equal to the employee contribution that member would have made on compensation that would have been paid to that member on the days off without pay or at reduced pay.

PART DDDD authorizes the State Budget Officer to transfer up to \$6,500,000 in the fiscal year ending June 30, 2016 and in the fiscal year ending June 30, 2017 from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services to programs within the Department of Corrections to implement wage adjustments to aid in the recruitment and retention of employees and to provide parity between state correctional employees and county or regional jail employees who perform similar direct care or supervision of prisoners.

PART EEEE requires the Department of Administrative and Financial Services, Bureau of the Budget to review vacant positions and submit a report to the Joint Standing Committee on Appropriations and Financial Affairs with recommendations on eliminating vacant positions. The report must also be submitted to the Joint Standing Committee on Transportation if the report includes positions funded by the Highway Fund or by internal service funds, enterprise funds or Other Special Revenue Funds accounts of the Department of Transportation, the Department of Public Safety or the Department of the Secretary of State.

PART FFFF requires the Attorney General and the eight district attorneys to jointly develop a proposed policy on the distribution of assistant district attorney positions across all prosecutorial districts that is equitable to each district. The Attorney General and the district attorneys must submit a written report that contains the proposed policy, a description of the process used to develop the proposed policy and any other information the Attorney General and the district attorneys believe is relevant. The Joint Standing Committee on Judiciary is authorized to report out legislation related to the report to the Second Regular Session of the 127th Legislature.

PART GGGG establishes the Commission To Study the Public Reserved Lands Management Fund.

PART HHHH renames the Land and Water Quality program the Water Quality program and establishes the Land Resources program within the Department of Environmental Protection.

PART IIII changes the position of Director of the Bureau of Land and Water Quality to Director of the Bureau of Water Quality and adds the position of Director of the Bureau of Land Resources.

PART JJJJ continues the authorization for the Maine Health Data Organization to transfer available Personal Services balances up to a specified amount to All Other in the Maine Health Data Organization, Other Special Revenue Funds account through the 2016-2017 biennium, the amount for the 2016-2017 biennium being raised to up to \$286,000, and clarifies that the transfer is authorized in each fiscal year of the biennium and is done by financial order.

PART KKKK provides an exemption from sales tax to certain greenhouse facilities for 95% of the sale price of fuel used by those greenhouse facilities. The exemption is repealed December 31, 2019.

PART LLLL amends the definition of "lead poisoning" in the Lead Poisoning Control Act, making the State's standard for lead exposure in children consistent with the federal standard. It also grants the Department of Health and Human Services authority to impose penalties for violations of the Lead Poisoning Control Act and the rules adopted pursuant to that Act.

PART MMMM transfers \$200,000 from the Fund for a Healthy Maine to the Maine State Housing Authority and specifies that the funds must be used to provide loans and grants to low-income homeowners for repairs to remediate arsenic in drinking water.

PART NNNN provides that a portion of special revenues received by the Department of Environmental Protection related to uncontrolled hazardous substance sites must be transferred to the Board of Environmental Protection

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Fund.

PART OOOO makes the following changes to the sales tax laws: 1) provides that the sales tax on prepared food and liquor continues at 8%, the sales tax on lodging continues at 8% until January 1, 2016 then increases to 9% and the sales tax rate on other tangible personal property and taxable services continues at 5.5% after June 30, 2015; 2) expands the list of food products that are not exempt as grocery staples and are thus subject to sales tax; and 3) provides an exemption from sales tax for certain nonprofit library collaboratives and veterans' support organizations.

PART PPPP requires the Legislative Council to solicit bids for the equipment needed for the Maine Public Broadcasting Network to operate the Maine Capitol Connection channel.

PART QQQQ establishes a working group to evaluate the extent to which extremely low-income households, including families, persons with disabilities and elderly persons, lack access to safe and affordable housing and the burden that this inadequacy creates for individuals and communities and authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to report out a bill to implement the legislation.

PART RRRR makes the following changes to the laws governing public assistance: 1) sets the date on which child care assistance begins to the date of application if the applicant is eligible; 2) eliminates the "gross income test" for working TANF recipients; 3) increases the number of months eligible individuals may receive transitional transportation benefits from 12 months to 18 months; and 4) authorizes the Department of Health and Human Services, beginning in fiscal year 2016-17, to use \$500,000 from the Temporary Assistance for Needy Families block grant to promote financial literacy and healthy savings habits of families with income less than 200% of the federal poverty guidelines by placing funds in family development accounts.

PART SSSS changes the reimbursement rates paid by the State for municipal general assistance to 70% of the direct costs incurred by a municipality or Indian tribe beginning with costs incurred on or after July 1, 2015. It also removes the state reimbursement for administrative costs of a municipality or Indian tribe and changes the reimbursement reporting to a monthly basis for all municipalities and Indian tribes.

PART TTTT Extends the service provider tax to basic cable and satellite television and radio and interstate and international telecommunication services sold to a business. It also enacts service provider tax exemptions for sales to certain nonprofit library collaboratives and veterans' support organizations.

PART UUUU adds appropriations and allocations for: 1) the increase in the homestead property tax exemption amount; 2) the reduction of the waiting list for community-based services for MaineCare members with intellectual disabilities or autistic disorder and adults with brain injury; 3) nursing home reimbursements; and 4) an increase from 12 to 18 in the number of months an individual may receive transitional transportation benefits under the Temporary Assistance for Needy Families program.

Public Law 2013, chapter 267 was enacted as an emergency measure effective June 30, 2015.

**LD 1020     An Act To Make Certain Necessary Supplemental Appropriations and Allocations**

**CARRIED OVER**

Sponsor(s)  
ROTUNDO

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. It proposes to make certain necessary supplemental appropriations and allocations necessary for the proper operation of State Government.

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This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1021     An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System**

**CARRIED OVER**

Sponsor(s)

ROTUNDO

Committee Report

Amendments Adopted

This bill does the following.

1. It clarifies that cost-of-living adjustments for benefit recipients from the Governor's Retirement Fund are the same as those paid to benefit recipients from the State Employee and Teacher Retirement Program.
2. It clarifies the authority and responsibilities of the Board of Trustees of the Maine Public Employees Retirement System with respect to eligibility and membership issues that arise in the context of the Participating Local District Retirement Program. In *Kennebec County v. Maine Public Employees Retirement System*, 2014 ME 26 (February 20, 2014), the Law Court held that the retirement system did not have the statutory authority to make final administrative decisions with respect to enrollment election matters, when the local employer's employees were not members of the Maine Public Employees Retirement System. This bill provides explicit statutory authority for the retirement system and the board to continue to make such determinations, as they had prior to the court's decision. Consistent adherence to federal law is required to ensure that the retirement plan of the Maine Public Employees Retirement System remains a qualified governmental retirement plan entitled to favorable tax treatment under the United States Internal Revenue Code of 1986, as amended.
3. It codifies language enacted in Public Law 2007, chapter 240, Part U, section 8 to make clear that administrative costs and expenses attributable to the administrative operating budget of the Maine Public Employees Retirement System are charged against the assets of applicable funds.
4. It repeals obsolete language pertaining to information included in the retirement system's annual report to the Legislature.
5. Removes the requirement that the Legislature approve collective bargaining agreements between the retirement system and its employees.
6. It amends and repeals existing laws to reflect that the retirement system no longer administers a distinct expense fund, since all administrative expenses are paid out of applicable fund assets.
7. It makes the manner in which the member contribution rate is established for specific members of the Participating Local District Retirement Program consistent with how member contribution rates are established for all other members of the program.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 1032      An Act To Implement the Combination Defined Benefit and Defined Contribution Retirement Plan Described in a Report Submitted to the Joint Standing Committee on Appropriations and Financial Affairs in March 2012      CARRIED OVER**

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

This bill establishes the Adjustable Pension Plan Program, a combined defined benefit and defined contribution retirement plan, to replace the State Employee and Teacher Retirement Program for state employees and teachers hired on or after July 1, 2017. Under the bill, all state employees and teachers hired on or after July 1, 2017 are covered by the United States Social Security Act, participate in the federal social security system and become members of the Adjustable Pension Plan Program as a condition of their employment. This bill also directs the Maine Public Employees Retirement System to review the laws governing the existing retirement program and develop proposed legislation necessary to implement the Adjustable Pension Plan Program in accordance with the plan document developed by the Maine Public Employees Retirement System and submitted in March 2012 to the Joint Standing Committee on Appropriations and Financial Affairs pursuant to Public Law 2011, chapter 380, Part U, section 2.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1053      An Act To Authorize a General Fund Bond Issue To Stimulate Investment in Innovation by Maine Businesses To Produce Nationally and Globally Competitive Products and Services      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to provide funds for investment in research, development and commercialization in the State's seven targeted technology areas to be used for infrastructure, equipment and technology upgrades that enable organizations to gain and hold market share and to expand employment or preserve jobs, to be awarded through a competitive process to Maine-based public and private entities, leveraging other funds in a one-to-one ratio.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 1069      An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings      CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$10,000,000, will be used for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to improve fish and wildlife habitat and increase community safety.

*Joint Standing Committee on Appropriations and Financial Affairs*

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 1184     An Act To Provide Funds to the Town of Millinocket Due to the Loss in Valuation of the Katahdin Paper Company** **Died Between Houses**

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

This bill provides a one-time appropriation in fiscal year 2015-16 of \$216,000 to the Town of Millinocket for the loss of taxable value suffered with the sale of the Katahdin Paper Company paper mill to GNP West, Inc.

**Committee Amendment "A" (H-486)**

This amendment incorporates a fiscal note.

**LD 1205     An Act To Authorize a General Fund Bond Issue To Support the Independence of Maine's Seniors** **PUBLIC 337**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES BURNS	OTP-AM ONTP	H-503 S-340 BURNS

The funds provided by this bond issue, in the amount of \$65,000,000, will be used to assist in the provision of energy-efficient affordable homes to low-income Maine seniors. The bulk of the bond proceeds will be used to construct new homes for seniors and to adaptively reuse existing structures to provide homes for seniors. At least one project will be located in each of Maine's 16 counties. Preference will be given to home locations that have access to health care services, other essential goods and services and public transportation. A portion of the bond proceeds will provide for home repair and weatherization of the existing homes of low-income seniors. The bond proceeds will leverage an estimated \$100,000,000 in private and other funds.

**Committee Amendment "A" (H-503)**

This amendment reduces the total bond amount to \$15,000,000 by reducing the amount for construction of new homes for seniors to \$14,500,000 from \$64,000,000 and the amount for home repair and weatherization from \$1,000,000 to \$500,000. The amount of private and other funds that this bond will leverage is reduced to \$22,600,000 from \$100,000,000. The amendment also removes the requirement that at least one project must be located in each county and the requirement that preference must be given to homes in locations that have access to public transportation.

**Senate Amendment "A" To Committee Amendment "A" (S-340)**

This amendment requires that at least four homes must be located in counties having populations under 100,000.

**Enacted Law Summary**

Public Law 2015, chapter 337 provides for a bond issue in the amount of \$15,000,000 to be used to assist in the provision of energy-efficient affordable homes to low-income Maine seniors. The funds will be used as follows: \$14,500,000 will be used to construct new homes for seniors and to adaptively reuse existing structures to provide homes for seniors and \$500,000 will be used for home repair and weatherization. At least one project will be



*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 1336 An Act To Authorize a General Fund Bond Issue for Maine's  
Community Colleges**

**CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$24,000,000, will be used to upgrade and renovate classrooms, laboratories, equipment and facilities at Maine's seven community colleges in order to strengthen educational programming, increase energy efficiency and expand capacity to serve more students.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 1341 An Act To Authorize a General Fund Bond Issue To Improve Maine's  
Housing Stock and Reduce Heating Costs and Oil Consumption**

**CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$30,000,000, will be used to provide \$23,000,000 in funds to leverage private funds on at least a two-to-one basis to modernize the State's market rate housing stock through improvements in weatherization and energy efficiency of building envelopes and heating equipment and to provide \$7,000,000 in funds to rehabilitate and modernize the State's low-income housing stock with up to four housing units through improvements in weatherization and energy efficiency of building envelopes and heating equipment.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 994 as amended by H-504.

**LD 1414 An Act Regarding the Disposition of Certain Funds Received by the  
Attorney General Pursuant to a Court Order or Settlement**

**Accepted Majority  
(ONTP) Report**

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

This bill provides that when, pursuant to a court order or settlement, the Attorney General receives money on behalf of the State that is specifically designated for antitrust enforcement or for enforcement of the Maine Unfair Trade Practices Act, the Attorney General may make a request to the State Budget Officer for reimbursement for costs incurred by the Attorney General in connection with that court order or settlement. These costs are strictly limited to expenditures for expert witness fees, copying of documents and transcripts. Current law provides that when, pursuant to a court order or settlement, the Attorney General receives money that is specifically designated for antitrust enforcement or for enforcement of the Maine Unfair Trade Practices Act, the Attorney General is authorized to expend these funds for expert witness fees, copying of documents and transcripts and any other purpose in accordance with the court order.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 1415    An Act To Authorize Two General Fund Bond Issues To Improve  
Highways, Bridges and Multimodal Facilities**

**PUBLIC 305**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER MCLEAN	OTP-AM	S-339

The funds provided by this bond issue, in the amount of \$85,000,000 in 2015 and \$90,000,000 in 2016, will be used for construction, reconstruction and rehabilitation of highways and bridges and for facilities and equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, matching an estimated \$121,500,000 in 2015 and \$126,500,000 in 2016 in federal and other funds.

**Committee Amendment "A" (S-339)**

This amendment strikes Part B of the bill, which provides for a \$90,000,000 bond referendum in November 2016.

**Enacted Law Summary**

Public Law 2015, chapter 305 provides for a bond issue in the amount of \$85,000,000 to be used for construction, reconstruction and rehabilitation of highways and bridges and for facilities and equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, matching an estimated \$121,500,000 in federal and other funds.

**LD 1445    Resolve, Reauthorizing the Balance of the 2009 Bond Issue for an  
Offshore Wind Energy Demonstration Project**

**RESOLVE 42  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER ROTUNDO	OTP-AM ONTP	S-291

This resolve extends the authority to issue bonds for the University of Maine's offshore wind energy demonstration site previously authorized in June 2010. These funds are required to complete construction of the offshore wind energy demonstration site already under construction at the university.

**Committee Amendment "A" (S-291)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2015, chapter 42 extends the authority to issue bonds for the University of Maine's offshore wind energy demonstration site previously authorized in June 2010.

Resolve 2015, chapter 42 was finally passed as an emergency measure effective July 1, 2015.

**LD 1447    An Act To Authorize Increased Borrowing by the Maine Governmental  
Facilities Authority To Support the Maine Correctional Center in South  
Windham**

**CARRIED OVER**

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

*Joint Standing Committee on Appropriations and Financial Affairs*

This bill amends current law regarding the authority of the Maine Governmental Facilities Authority to issue securities to increase the ceiling on the securities outstanding for correctional facilities to \$165,000,000 and specifies that the securities must be used for the Maine Correctional Center in South Windham.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1450 An Act To Enact an Interim Budget**

**INDEF PP**

Sponsor(s)  
SIROCKI

Committee Report

Amendments Adopted

This bill does the following.

PART A makes appropriations and allocations through July 31, 2015.

PART B reduces the percentage of tax revenue transferred to the Local Government Fund for the purpose of state-municipal revenue sharing from 5% to 2%.

PART C establishes the state contribution to the total cost of funding public education from kindergarten to grade 12 for the month of July 2015.

PART D extends by one month the current sales and use tax rates to July 31, 2015.

PART E continues authorization for each individual tax expenditure provided by statute.

PART F gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of this legislation over which the department has specific authority that has not been addressed by some other Part without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART G authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for the month of July 2015.

PART H amends the Fiscal Stability Program in the Department of Inland Fisheries and Wildlife to delay the additional appropriation until the 2018-2019 biennium.

PART I continues limited-period positions set to expire during June 2015 through July 31, 2015.

PART J provides that the purpose of this legislation is to provide for the obligations of the State necessary for the operation of state departments through July 31, 2015. This Part also provides for the repeal of this legislation on the date the 2016-2017 biennial budget becomes law.

This bill was not referred to a committee.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 1451 An Act To Fund the Agreement with Certain Judicial Department Employees**

**PUBLIC 333  
EMERGENCY**

Sponsor(s)

HAMPER  
ROTUNDO

Committee Report

Amendments Adopted

This bill authorizes funding of the collective bargaining agreements reached by the Judicial Department and the four bargaining units representing Judicial Department employees.

This bill was not referred to a committee.

**Enacted Law Summary**

Public Law 2015, chapter 333 authorizes funding of the collective bargaining agreements reached by the Judicial Department and the four bargaining units representing Judicial Department employees.

**LD 1452 An Act To Make Technical Changes to Recently Enacted Legislation**

**PUBLIC 328**

Sponsor(s)

MCCORMICK

Committee Report

Amendments Adopted

This bill does the following:

1. Adds Language to the reporting requirements contained in the Job Creation Through Educational Opportunity Program;
2. Makes a technical change to the statute related to tax expenditure reviews;
3. Adds language to income tax changes in the Biennial Budget, Public Law 2015, chapter 267, Part DD (LD 1019) to include language that was inadvertently omitted by updating language to reflect changes to the income tax exemption for pensions, correcting amounts for 2016 tax years for the base credit under the sales tax fairness credit and specifying that the refundability of the earned income tax credit applies only to residents and part-year residents of the State;
4. Amends the laws governing the Job Creation Through Educational Opportunity Program; and
5. Corrects certain appropriations and allocations contained in the Biennial Budget, Public Law 2015, chapter 267 (LD 1019).

This bill was not referred to a committee.

**Enacted Law Summary**

Public Law 2015, chapter 328 does the following:

1. Adds Language to the reporting requirements contained in the Job Creation Through Educational Opportunity Program;
2. Makes a technical change to the statute related to tax expenditure reviews;

*Joint Standing Committee on Appropriations and Financial Affairs*

3. Adds language to income tax changes in Public Law 2015, chapter 267, Part DD (LD 1019) to include language that was inadvertently omitted by updating language to reflect changes to the income tax exemption for pensions, correcting amounts for 2016 tax years for the base credit under the sales tax fairness credit and specifying that the refundability of the earned income tax credit applies only to residents and part-year residents of the State;
4. Amends the laws governing the Job Creation Through Educational Opportunity Program; and
5. Corrects certain appropriations and allocations contained in Public Law 2015, chapter 267 (LD 1019) as enacted.

**LD 1453    An Act To Fund Agreements with Bargaining Units for Certain  
Executive Branch Employees and Ensure Equitable Treatment for  
Other Executive Branch Employees**

**PUBLIC 376  
EMERGENCY**

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

This bill implements the cost items in the collective bargaining agreements reached between the State and the American Federation of State, County and Municipal Employees, the Maine State Troopers Association and the Maine State Law Enforcement Association and, if tentative agreements are ratified, the Maine State Employees Association and provides for equitable treatment for confidential employees and certain other employees excluded from collective bargaining.

The bill specifies the costs from the General Fund and Highway Fund to fund salary increases and authorizes the transfer by financial order of available General Fund and Highway Fund balances as necessary; provides for the adjustment of certain salary schedules in fiscal year 2015-16 and in fiscal year 2016-17; and provides for similar and equitable treatment of confidential employees, probationary employees and other employees excluded from collective bargaining.

This bill was not referred to a committee.

**Enacted Law Summary**

Public Law 2015, chapter 376 implements the cost items in the collective bargaining agreements reached between the State and the American Federation of State, County and Municipal Employees, the Maine State Troopers Association and the Maine State Law Enforcement Association and, if tentative agreements are ratified, the Maine State Employees Association and provides for equitable treatment for confidential employees and certain other employees excluded from collective bargaining.

The bill specifies the costs from the General Fund and Highway Fund to fund salary increases and authorizes the transfer by financial order of available General Fund and Highway Fund balances as necessary; provides for the adjustment of certain salary schedules in fiscal year 2015-16 and in fiscal year 2016-17; and provides for similar and equitable treatment of confidential employees, probationary employees and other employees excluded from collective bargaining.

Public Law 2015, chapter 376 was enacted as an emergency measure effective July 17, 2015.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 1454    Resolve, Directing the Governor and the Land for Maine's Future  
Board To Fulfill the Will of Maine Voters and Issue Bonds Approved in  
2010**

**HELD BY  
GOVERNOR**

Sponsor(s)

FREDETTE

Committee Report

Amendments Adopted

H-505    MCCABE

This resolve extends to June 30, 2016 the period for issuing the balance of bond issues for land conservation projects.

**House Amendment "A" (H-505)**

This amendment replaces the resolve and instead requires the Governor and the Land for Maine's Future Board to take the proper and necessary steps to issue bonds for Land for Maine's Future projects that were authorized by the voters in 2010 but have not yet been issued.

# *Joint Standing Committee on Appropriations and Financial Affairs*

## SUBJECT INDEX

### *Budget Bills*

#### Enacted

LD 234	An Act Regarding the Mountain View Youth Development Center	PUBLIC 320 EMERGENCY
LD 236	An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2015, June 30, 2016 and June 30, 2017	PUBLIC 16 EMERGENCY
LD 1019	An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2015, June 30, 2016 and June 30, 2017	PUBLIC 267 EMERGENCY
LD 1452	An Act To Make Technical Changes to Recently Enacted Legislation	PUBLIC 328

#### Not Enacted

LD 148	An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Marine Resources, the Department of Agriculture, Conservation and Forestry, the Department of Environmental Protection and the Baxter State Park Authority for the Fiscal Year ending June 30, 2015	ONTP
LD 232	An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of the Attorney General and the Judicial Department for the Fiscal Year Ending June 30, 2015	ONTP
LD 233	An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Defense, Veterans and Emergency Management and the Department of Public Safety for the Fiscal Year Ending June 30, 2015	ONTP
LD 576	An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government Related to Position Changes for the Fiscal Years Ending June 30, 2015, June 30, 2016 and June 30, 2017	ONTP

LD 1018	An Act To Make Certain Necessary Appropriations and Allocations	CARRIED OVER
LD 1020	An Act To Make Certain Necessary Supplemental Appropriations and Allocations	CARRIED OVER
LD 1450	An Act To Enact an Interim Budget	INDEF PP

**Fiscal Policy**

**Not Enacted**

LD 51	An Act To Eliminate the Bonding Authority of the Maine Governmental Facilities Authority	Majority (ONTP) Report
LD 1414	An Act Regarding the Disposition of Certain Funds Received by the Attorney General Pursuant to a Court Order or Settlement	Majority (ONTP) Report

**General Obligation Bond Bills**

**Enacted**

LD 1205	An Act To Authorize a General Fund Bond Issue To Support the Independence of Maine's Seniors	PUBLIC 337
LD 1415	An Act To Authorize Two General Fund Bond Issues To Improve Highways, Bridges and Multimodal Facilities	PUBLIC 305
LD 1445	Resolve, Reauthorizing the Balance of the 2009 Bond Issue for an Offshore Wind Energy Demonstration Project	RESOLVE 42 EMERGENCY

**Not Enacted**

LD 2	An Act To Authorize a General Fund Bond Issue for the Purchase and Development of the Bar Harbor Ferry Terminal as a Multimodal Transportation Facility	CARRIED OVER
LD 68	An Act To Authorize a General Fund Bond Issue To Attract Business by Investing in High-speed Broadband Infrastructure	CARRIED OVER
LD 100	An Act To Authorize a General Fund Bond Issue To Help Small Businesses	CARRIED OVER
LD 108	An Act To Authorize a General Fund Bond Issue for Riverfront Community Development	CARRIED OVER
LD 193	An Act To Authorize a General Fund Bond Issue for Bicycle and Pedestrian Projects	CARRIED OVER
LD 194	An Act To Authorize a General Fund Bond Issue To Encourage Access to Workforce Training and Job Creation	Died Between Houses
LD 211	An Act To Authorize a General Fund Bond Issue To Prepare Maine To Respond to a Disease Outbreak	ONTP
LD 217	An Act To Authorize a General Fund Bond Issue for Development of a Multimodal Transportation Facility	CARRIED OVER
LD 254	An Act To Authorize a General Fund Bond Issue To Support Waterfront Development	CARRIED OVER

LD 271	An Act To Authorize a General Fund Bond Issue for Intermodal Transportation Facilities	ONTP
LD 354	An Act To Authorize a General Fund Bond Issue To Enhance Public Transportation in the Bangor Area	CARRIED OVER
LD 385	An Act To Authorize a General Fund Bond Issue for Improvements to Facilities at the University of Maine System Campuses	CARRIED OVER
LD 386	An Act To Authorize a General Fund Bond Issue To Fund Farmland Restoration	CARRIED OVER
LD 387	An Act To Authorize a General Fund Bond Issue To Support Agricultural Enterprises and Encourage the Use of Local Farm Products in Public Schools	CARRIED OVER
LD 426	An Act To Authorize a General Fund Bond Issue To Address Sea Level Rise	CARRIED OVER
LD 438	An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service	CARRIED OVER
LD 453	An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation	CARRIED OVER
LD 628	An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure	CARRIED OVER
LD 733	An Act To Authorize a General Fund Bond Issue To Build the Infrastructure Needed To End Hunger in Central and Northern Maine	CARRIED OVER
LD 747	An Act To Authorize a General Fund Bond Issue To Assist in the Creation and Retention of Jobs and Improve Access to Higher Education in Maine	CARRIED OVER
LD 873	An Act To Authorize a General Fund Bond Issue for Housing for Homeless Veterans	CARRIED OVER
LD 875	An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges, Ports, Railroads and Other Multimodal Facilities	CARRIED OVER
LD 924	An Act To Authorize a General Fund Bond Issue To Enhance State Parks	CARRIED OVER
LD 931	An Act To Authorize a General Fund Bond Issue for Research and Development for the University of Maine System	CARRIED OVER
LD 996	An Act To Authorize a General Fund Bond Issue for Food Processing Infrastructure in Rural Areas of the State	CARRIED OVER
LD 998	An Act To Authorize a General Fund Bond Issue To Collect Data on and To Monitor Ocean Acidification	CARRIED OVER
LD 1053	An Act To Authorize a General Fund Bond Issue To Stimulate Investment in Innovation by Maine Businesses To Produce Nationally and Globally Competitive Products and Services	CARRIED OVER

LD 1069	An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings	CARRIED OVER
LD 1234	An Act To Authorize a General Fund Bond Issue To Acquire the Frances Perkins Homestead	CARRIED OVER
LD 1248	An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Fund	CARRIED OVER
LD 1334	An Act To Authorize a General Fund Bond Issue To Repair and Renovate the Former Cutler Naval Base in Washington County To Facilitate Development and Stimulate the Economy	CARRIED OVER
LD 1336	An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges	CARRIED OVER
LD 1341	An Act To Authorize a General Fund Bond Issue To Improve Maine's Housing Stock and Reduce Heating Costs and Oil Consumption	CARRIED OVER
LD 1454	Resolve, Directing the Governor and the Land for Maine's Future Board To Fulfill the Will of Maine Voters and Issue Bonds Approved in 2010	HELD BY GOVERNOR

### **Miscellaneous Funding and Other Requests**

#### **Enacted**

LD 1451	An Act To Fund the Agreement with Certain Judicial Department Employees	PUBLIC 333 EMERGENCY
LD 1453	An Act To Fund Agreements with Bargaining Units for Certain Executive Branch Employees and Ensure Equitable Treatment for Other Executive Branch Employees	PUBLIC 376 EMERGENCY

#### **Not Enacted**

LD 1184	An Act To Provide Funds to the Town of Millinocket Due to the Loss in Valuation of the Katahdin Paper Company	Died Between Houses
LD 1447	An Act To Authorize Increased Borrowing by the Maine Governmental Facilities Authority To Support the Maine Correctional Center in South Windham	CARRIED OVER

### **Public Employee Retirement**

#### **Enacted**

LD 86	An Act To Improve Retirement Security for Retired Public Employees	PUBLIC 334 EMERGENCY
LD 522	An Act To Clarify a Recently Enacted Law Designed To Expand the Number of Qualified Educators	PUBLIC 321
LD 822	An Act To Allow a Former Spouse of a Member of the Maine Public Employees Retirement System To Begin Collecting Benefits When the Former Spouse Reaches the Member's Retirement Age	PUBLIC 322

**Not Enacted**

LD 16	An Act To Eliminate Retirement Benefits and Paid Health Insurance for Legislators Elected after 2016	Majority (ONTP) Report
LD 212	An Act Concerning Cost-of-living Adjustments for Certain Retirees	CARRIED OVER
LD 518	An Act To Clarify and Protect Certain Public Service Retirement Benefits	CARRIED OVER
LD 654	An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General	CARRIED OVER
LD 927	An Act To Remove the Age Penalty for State Retirees Working at Institutions That Are Closing	CARRIED OVER
LD 995	An Act To Amend the Laws Governing Participating Local Districts in the Maine Public Employees Retirement System	CARRIED OVER
LD 1021	An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System	CARRIED OVER
LD 1032	An Act To Implement the Combination Defined Benefit and Defined Contribution Retirement Plan Described in a Report Submitted to the Joint Standing Committee on Appropriations and Financial Affairs in March 2012	CARRIED OVER

**Tax Reform - Restructuring**

**Enacted**

LD 138	An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes, Decouple Federal Bonus Depreciation Deductions and Create a Maine Capital Investment Credit	PUBLIC 1 EMERGENCY
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STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE  
AND PUBLIC SAFETY**

August 2015

**STAFF:**

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REP. MICHAEL J. TIMMONS

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 43      An Act To Specify That Theft by Deception Includes False Claims  
Regarding Military Service**

**PUBLIC 21**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN CYRWAY	OTP-AM	H-21

This bill creates the criminal offense of false claims of military service status, which is a Class E crime. A person is guilty of a false claim of military service status if, with the intent to solicit aid, sell or attempt to sell property or otherwise solicit an amount of more than \$10, the person falsely claims to be a veteran or member of the Armed Forces of the United States or a state military force, falsely claims to have served in any war or conflict in which the United States was engaged or orally, in writing or by wearing a military decoration or rank, falsely claims to have been awarded the military decoration or rank.

**Committee Amendment "A" (H-21)**

This amendment replaces the bill. It specifies that theft by deception includes a person claiming falsely that the person is a veteran or a member of the Armed Forces of the United States or a state military force. It also provides that upon request by a law enforcement officer or a prosecutor, the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services may release information regarding a person's military service for the purposes of investigating alleged false claims of service or decoration awarded for service in the Armed Forces of the United States or a state military force.

**Enacted Law Summary**

Public Law 2015, chapter 21 specifies that theft by deception includes a person claiming falsely that the person is a veteran or a member of the Armed Forces of the United States or a state military force. The law also provides that upon request by a law enforcement officer or a prosecutor, the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services may release information regarding a person's military service for the purposes of investigating alleged false claims of service or decoration awarded for service in the Armed Forces of the United States or a state military force.

**LD 54      Resolve, To Ensure Notification to the Public of the Location in Maine  
of Persons Convicted in Foreign Countries of Crimes Relating to the  
Sexual Abuse of a Child**

**ONTP**

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

This resolve directs the Attorney General to convene a task force that includes members of the Maine Sheriffs' Association, members of the Maine Chiefs of Police Association and the Attorney General to develop a procedure for notifying affected members of the public of the location in this State of a person who was convicted in a foreign country of a crime relating to the sexual abuse of a child that, if committed in this State, would subject a person to inclusion on this State's sex offender registry. It provides that the task force may consider information provided by the Department of Public Safety, Bureau of State Police. It directs the Attorney General to submit a report of the task force's findings to the Joint Standing Committee on Criminal Justice and Public Safety by December 2, 2015 and allows the committee to report out a bill related to the report of the task force to the Second Regular Session of the 127th Legislature.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 62      An Act To Require Notice to Municipalities of Certain Licensing and  
Registration Actions Taken by the Emergency Medical Services' Board**

**PUBLIC 6**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH WOODSOME	OTP-AM	H-13

This bill provides notice to the municipal officers of a municipality when the Emergency Medical Services' Board investigates or takes action with regard to a violation of law or rule in connection with the provision of emergency medical services in the municipality. The bill provides an exception to Emergency Medical Services' Board confidentiality protections when notice is given to municipal officers.

**Committee Amendment "A" (H-13)**

The amendment removes from the bill the requirement of notice regarding pending investigations. It also removes the exception from confidentiality to provide that notice. It requires notice in writing to be provided to the town manager or city manager and the municipal officers within five business days of the date when the Emergency Medical Services' Board takes licensing or registration action against or issues letters of guidance or concern with regard to an ambulance service that is owned and operated by the municipality or that contracts to provide services for the municipality.

**Enacted Law Summary**

Public Law 2015, chapter 6 requires notice in writing to be provided to the town manager or city manager and the municipal officers within five business days of the date when the Emergency Medical Services' Board takes licensing or registration action against or issues letters of guidance or concern with regard to an ambulance service that is owned and operated by the municipality or that contracts to provide services for the municipality.

**LD 69      An Act To Require Drug Testing of the Driver of a Motor Vehicle  
Involved in a Fatal Accident**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE MCCORMICK	OTP-AM	H-25

Current law requires a law enforcement officer investigating a motor vehicle accident that has resulted in, or may result in, death to require the operator of a motor vehicle to submit to a blood test. If the investigating officer determines it to be appropriate, the officer may require that operator to also submit to a breath test or chemical test to determine the operator's alcohol level or the presence of a drug or drug metabolite.

This bill requires the investigating officer to require the operator of a motor vehicle involved in an accident that results in, or may result in, death to submit to a breath test or chemical test to determine the alcohol level or the presence of a drug or drug metabolite.

**Committee Amendment "A" (H-25)**

This amendment replaces the bill and requires the Department of Health and Human Services to test blood samples of the operator of a motor vehicle involved in an accident that results in, or may result in, death to determine the blood-alcohol level and the presence of any drug or drug metabolite and report the test results to the Department of Public Safety, Bureau of Highway Safety. This amendment delays the effective date of the bill until July 1, 2016. The amendment adds an appropriations and allocations section.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 113      An Act To Reduce the Penalties for Certain Drug Offenses**

**PUBLIC 308**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ DION	OTP-AM ONTP OTP-AM	S-269

This bill amends the Maine Criminal Code by striking language that defines as trafficking or furnishing the possession of a certain amount of heroin and all permissible inferences based on possession of schedule W or X drugs. This bill also downgrades felony-level trafficking, furnishing, possession and hypodermic needles offenses.

**Committee Amendment "A" (S-268)**

This amendment is one of three reports of the committee. The amendment changes the title of the bill and reduces possession of oxycodone in a quantity of less than 30 milligrams or hydrocodone or hydromorphone from a Class C crime to a Class D crime. The amendment defines "fentanyl powder." The amendment classifies as Class C crimes possession of fentanyl powder, cocaine in a quantity of seven grams or more and cocaine base in a quantity of two grams or more.

**Committee Amendment "B" (S-269)**

This amendment is one of three reports of the committee. The amendment reduces unlawful possession of certain schedule W drugs from a Class B crime to a Class D crime and of certain other schedule W drugs from a Class C crime to a Class D crime when there is no prior drug conviction in Maine or another jurisdiction. The amendment directs the court in sentencing a person for a Class D drug offense to consider imposing a sentencing alternative that includes medical and mental health treatment for addiction, when appropriate.

**Enacted Law Summary**

Public Law 2015, chapter 308 reduces unlawful possession of certain schedule W drugs from a Class B crime to a Class D crime and of certain other schedule W drugs from a Class C crime to a Class D crime when there is no prior drug conviction in Maine or another jurisdiction. The drugs for which the first offense of possession is reduced from Class B to Class D are cocaine in the quantity of more than 14 grams, cocaine base in the quantity of more than four grams and methamphetamine in the quantity of more than 14 grams. The drugs for which the first offense of possession is reduced from Class C to Class D are heroin, methamphetamine, oxycodone, hydrocodone and hydromorphone. The law directs the court in sentencing a person for a Class D drug offense to consider imposing a sentencing alternative that includes medical and mental health treatment for addiction, when appropriate.

**LD 149      An Act To Protect Private Property and Livestock from Fireworks**

**Accepted Majority  
(ONTP) Report**

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

This bill prohibits the use of consumer fireworks where noise from the fireworks would disturb livestock or poultry or within one-quarter mile of a property where livestock or poultry are present without the consent of that property's owner, and prohibits a person from allowing debris from the use of consumer fireworks to enter or land on the property of a person who has not given consent for the debris to enter or land on the property.

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**LD 150      Resolve, Requiring a Review of and a Report on Pretrial and Post-conviction Use of Batterers' Intervention Programs**

**RESOLVE 15**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEAD	OTP-AM ONTP	H-54 S-67    CUSHING

This bill provides for anger management courses or specified jail time in addition to the sentences for certain domestic violence offenders. The bill directs the Department of Corrections, in consultation with the Maine Commission on Domestic and Sexual Abuse, to develop standards and procedures for certification of anger management programs and to certify those programs. The bill has an effective date of January 1, 2016.

**Committee Amendment "A" (H-54)**

This amendment, which is the majority report of the committee, replaces the bill with a resolve. The amendment directs the Department of Corrections and the Maine Commission on Domestic and Sexual Abuse, as established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-C, to review pretrial and post-conviction use of batterers' intervention programs. The review must include best practices for batterers' intervention programs, including the length of successful programs and sanctions and incentives to encourage full participation and the potential for use before trial, during a period of deferred disposition and after conviction. The amendment requires the Department of Corrections and the Maine Commission on Domestic and Sexual Abuse to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2016 on the results of the review. The report may include recommendations and suggested legislation. The amendment authorizes the Joint Standing Committee on Criminal Justice and Public Safety to submit a bill on pretrial and post-conviction use of batterers' intervention programs to the Second Regular Session of the 127th Legislature.

**Senate Amendment "A" To Committee Amendment "A" (S-67)**

This amendment strikes references to the Department of Corrections from Committee Amendment "A" leaving only the Maine Commission on Domestic and Sexual Abuse to review pretrial and post-conviction use of batterers' intervention programs.

**Enacted Law Summary**

Resolve 2015, chapter 15 directs the Maine Commission on Domestic and Sexual Abuse, as established in Title 5, section 12004-I, subsection 74-C, to review pretrial and post-conviction use of batterers' intervention programs. The review must include best practices for batterers' intervention programs, including the length of successful programs and sanctions and incentives to encourage full participation and the potential for use before trial, during a period of deferred disposition and after conviction. The resolve requires the Maine Commission on Domestic and Sexual Abuse to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2016 on the results of the review. The report may include recommendations and suggested legislation. The resolve authorizes the Joint Standing Committee on Criminal Justice and Public Safety to submit a bill on pretrial and post-conviction use of batterers' intervention programs to the Second Regular Session of the 127th Legislature.

**LD 177      An Act To Protect Farm Animals from Noise from the Discharge of Fireworks and Explosives**

**Accepted Majority (ONTP) Report**

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

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This bill prohibits the use of consumer fireworks or explosives, either loose or contained in a tube or other enclosure, within 1,000 feet of a field or pasture that contains livestock.

**LD 186 An Act To Reverse Jail Consolidation**

**PUBLIC 335  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS	OTP-AM	S-304
BLACK	OTP-AM	S-341 HAMPER

Public Law 2007, chapter 653, the so-called jail consolidation law, enacted changes to the correctional laws, including creating a State Board of Corrections, for the purpose of developing and implementing a unified correctional system. The public law established a cap on tax assessments for correctional services for each county based on the fiscal year 2007-08 county tax assessment for correctional-related expenditures and prohibited the counties from collecting taxes from the municipalities for the purpose of retiring any correctional services debt issued after July 1, 2008.

This bill repeals the changes that were made by Public Law 2007, chapter 653, eliminating the State Board of Corrections and all of its duties, and returns the law to the form it was in prior to jail consolidation. This bill requires that the State continue to provide funding to the counties in the same amount that it did in fiscal year 2014-15, \$12,202,104.

**Committee Amendment "A" (S-304)**

This amendment is the majority report of the committee. The amendment retains the focus of the bill on restoring oversight and control of the county jails to the counties and does the following.

1. It adds an emergency preamble and emergency clause.
2. It allows limited growth in county tax assessments to support the operation of the jails.
3. It provides a structure for boarding rates for prisoners transferred from a jail or correctional facility to another jail or correctional facility.
4. It establishes at \$14,668,000 the amount of state funding to be provided to the jails through the County Jail Operations Fund, which the amendment establishes, and requires jails to report census data to the Department of Corrections to facilitate the distribution of funding to the jails.
5. It sets at 30% the amount of funding from the County Jail Operations Fund that must be spent on community corrections and sets at 70% the amount that must be available for the support of prisoners detained or sentenced to county jails.
6. It requires the Commissioner of Corrections to adopt rules to establish mandatory standards, policies and procedures for the jails, including rules on reporting daily census data, and requires the commissioner to work with the jails to assist them in achieving compliance and to impose monetary penalties for noncompliance.
7. It requires the Commissioner of Corrections to receive, administer and distribute on a quarterly basis funding for the jails.
8. It requires the Department of Corrections, in collaboration with statewide associations of sheriffs and county commissioners, to annually submit a report to the joint standing committee of the Legislature having

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jurisdiction over criminal justice and public safety matters on the mandatory standards, policies and procedures for jails, the status of funding for the jails and any need for adjustments to the distribution formula that provides funding to the jails. The amendment authorizes the committee to submit legislation to address issues raised by the report and to improve the funding and operation of the jails.

9. The amendment also adds an appropriations and allocations section.

### **Committee Amendment "B" (S-305)**

This amendment is the minority report of the committee. It replaces the bill and adds an emergency preamble and emergency clause. The amendment changes the membership and quorum of the State Board of Corrections. The amendment also does the following.

1. It changes the composition of the State Board of Corrections, adding five members as follows: the Commissioner of Administrative and Financial Services, the Commissioner of Corrections, the Commissioner of Health and Human Services, the Commissioner of Public Safety and the Chief of the State Police or the designees of each of those persons. It requires the member who represents a statewide organization of sheriffs and the member who represents a statewide organization of county commissioners to be appointed by the Governor.
2. It repeals entitlement to compensation for members of the board.
3. It changes the quorum rules as follows: for voting and rulemaking it changes the quorum from two-thirds of the membership to three members and for a subcommittee hearing it changes the quorum from three to two.
4. It designates the Commissioner of Corrections as chair.

### **Senate Amendment "B" To Committee Amendment "A" (S-341)**

This amendment changes from \$14,668,000 to \$12,202,104 the amount of state funding to be provided to the jails through the County Jail Operations Fund, which is the threshold amount that must be appropriated to the County Jail Operations Fund to trigger a different maximum per prisoner per diem rate.

### **Enacted Law Summary**

Public Law 2015, chapter 335 restores oversight and control of the county jails to the counties and does the following.

1. It allows limited growth in county tax assessments to support the operation of the jails.
2. It provides a structure for boarding rates for prisoners transferred from a jail or correctional facility to another jail or correctional facility.
3. It sets \$12,202,104 as the amount of state funding to be provided to the jails through the County Jail Operations Fund and requires jails to report census data to the Department of Corrections to facilitate the distribution of funding to the jails.
4. It sets at 30% the amount of funding from the County Jail Operations Fund that must be spent on community corrections and sets at 70% the amount that must be available for the support of prisoners detained or sentenced to county jails.
5. It requires the Commissioner of Corrections to adopt rules to establish mandatory standards, policies and procedures for the jails, including rules on reporting daily census data, and requires the commissioner to work with the jails to assist them in achieving compliance and to impose monetary penalties for noncompliance.

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6. It requires the Commissioner of Corrections to receive, administer and distribute on a quarterly basis funding for the jails.

7. It requires the Department of Corrections, in collaboration with statewide associations of sheriffs and county commissioners, to annually submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the mandatory standards, policies and procedures for jails, the status of funding for the jails and any need for adjustments to the distribution formula that provides funding to the jails. The law authorizes the committee to submit legislation to address issues raised by the report and to improve the funding and operation of the jails.

Public Law 2015, chapter 335 was enacted as an emergency measure effective July 12, 2015.

**LD 195 An Act Regarding County Jails**

**CARRIED OVER**

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

This bill allows the county jails to apply savings from the county's correctional budget to jail debt service without a reduction in payments from the State Board of Corrections.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 230 An Act To Allow a Person To Request a Pardon from the Governor for the Purpose of Restoring Gun Rights**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR BURNS	ONTP OTP	

This bill allows a person who is prohibited from possessing a firearm due to a criminal conviction or other judicial reason to request a pardon from the Governor for the purpose of restoring the person's ability to possess a firearm.

**LD 239 An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Board of Trustees of the Maine Criminal Justice Academy**

**Died Between Houses**

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

This bill provides a permanent seat on the Board of Trustees of the Maine Criminal Justice Academy for a representative of the five Wabanaki tribal governments. The tribal representative must be chosen for a two year term by a process determined by the tribal governments. The process must require that the position rotate among the five tribal governments.

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**LD 263      An Act To Provide a Minor with a Defense to Prosecution in a Situation  
That Involves Risk of Alcohol Overdose**

**PUBLIC 154**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER BRAKEY	OTP-AM OTP-AM	H-142

This bill provides a defense to prosecution for a crime related to the consumption of alcohol by a person under 21 years of age or refusal to provide proper identification for a minor who, in a situation that involved risk to the minor or another person of overdose from the consumption of alcohol, in good faith sought medical or emergency treatment or assistance for the minor or the other person or that the minor was the person for whom treatment or assistance was sought and the evidence of the crime is obtained as a result of the minor contacting emergency medical services or law enforcement. This bill does not provide a defense to a charge of operating a motor vehicle while under the influence of alcohol.

**Committee Amendment "A" (H-142)**

This amendment is the majority report of the committee and replaces the bill. The amendment provides a minor with a defense to prosecution under the alcoholic beverages laws applicable to minors when there is a risk of alcohol overdose and either:

1. The minor or someone else has in good faith sought medical or emergency treatment or assistance for the minor, or
2. The minor is the person for whom assistance was sought and the evidence of the violation is obtained as a result of the person contacting emergency medical services or law enforcement.

**Committee Amendment "B" (H-143)**

This amendment is the minority report of the committee and replaces the bill. The amendment provides a new title for the bill. The amendment provides immunity to a minor from prosecution under the alcoholic beverages laws applicable to minors when there is a risk of alcohol overdose. The bill proposes to provide a defense to prosecution for a minor when there is a risk of alcohol overdose.

**Enacted Law Summary**

Public Law 2015, chapter 154 provides a minor with a defense to prosecution under the alcoholic beverages laws applicable to minors when there is a risk of alcohol overdose and either:

1. The minor or someone else has in good faith sought medical or emergency treatment or assistance for the minor, or
2. The minor is the person for whom assistance was sought and the evidence of the violation is obtained as a result of the person contacting emergency medical services or law enforcement.

**LD 264      An Act To Restore the Right To Possess Certain Knives That Are Used  
by Many Citizens as Tools**

**PUBLIC 23**

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

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This bill repeals the provision of law making possession or distribution of dangerous knives a Class D crime.

**Enacted Law Summary**

Public Law 2015, chapter 23 repeals the provision of law making possession or distribution of dangerous knives a Class D crime.

**LD 302 An Act To Encourage Responsible Consumer Fireworks Use**

**Died Between Houses**

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

This bill makes the following changes to the consumer fireworks law:

1. It prohibits the use of consumer fireworks whenever the Governor issues a proclamation prohibiting out-of-door fires.
2. It clarifies that the use of consumer fireworks may constitute loud and unreasonable noise under the disorderly conduct law pursuant to the Maine Revised Statutes, Title 17-A, section 501-A.

**Committee Amendment "A" (S-39)**

This amendment is the majority report of the committee. The amendment removes from the bill the provision related to disorderly conduct.

**LD 310 An Act To Prevent Organized Retail Crime**

**PUBLIC 85**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK HOBBINS	OTP-AM	S-30

This bill makes the following a Class C crime:

1. The theft of retail merchandise by two or more people acting in concert, including an employee of a retail establishment; and
2. The altering, affixing or presenting of a false product code or sales receipt in order to obtain or exercise unauthorized control over merchandise from a retail establishment.

**Committee Amendment "A" (S-30)**

This amendment replaces the bill. This amendment does the following.

1. It repeals and replaces a provision of law that allows the owner or an agent of the owner of a store or motion picture theater to detain a person suspected of stealing from the store or unlawfully recording in a theater. Current law allows the owner or an agent of the owner to detain a person suspected of unlawfully concealing merchandise of the store or unlawfully recording in a movie theater. The amendment separates the store and movie theater provisions and allows the owner of a store or the agent of the owner to detain a person suspected of unlawfully

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concealing or stealing merchandise of the store. The amendment makes no changes to the substance of the law on unlawfully recording in a motion picture theater.

2. It establishes a new crime of organized retail theft. Organized retail theft is defined as a theft in which a person conspires with one or more other persons, either as a principal or as an accomplice, pursuant to a scheme or course of conduct to engage in theft from two or more retail stores for the purpose of selling the stolen merchandise or conducting fraudulent returns of the stolen merchandise. The amendment designates organized retail theft as a Class C crime.

**Enacted Law Summary**

Public Law 2015, chapter 85 repeals and replaces a provision of law that allows the owner or an agent of the owner of a store or motion picture theater to detain a person suspected of stealing from the store or unlawfully recording in a theater. Current law allows the owner or an agent of the owner to detain a person suspected of unlawfully concealing merchandise of the store or unlawfully recording in a movie theater. This law separates the store and movie theater provisions and allows the owner of a store or the agent of the owner to detain a person suspected of unlawfully concealing or stealing merchandise of the store. The law makes no changes to the substance of the law on unlawfully recording in a motion picture theater.

Public Law 2015, chapter 85 also establishes a new crime of organized retail theft. Organized retail theft is defined as a theft in which a person conspires with one or more other persons, either as a principal or as an accomplice, pursuant to a scheme or course of conduct to engage in theft from two or more retail stores for the purpose of selling the stolen merchandise or conducting fraudulent returns of the stolen merchandise. The law designates organized retail theft as a Class C crime.

**LD 324 An Act To Control Fireworks in Monhegan Island Plantation**

**Accepted Minority  
(ONTP) Report**

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

This bill prohibits the use of consumer fireworks in Monhegan Island Plantation, except on July 4th, and requires the Monhegan Island Plantation fire safety official to inspect the proposed site of a fireworks display.

**LD 355 An Act To Extend the Statute of Limitations for the Prosecution of the Crime of Robbery**

**ONTP**

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

This bill extends the statute of limitations for prosecution of a Class A or Class B crime of robbery from six years to 12 years following commission of the crime.

**LD 375 An Act To Create a Blue Alert Program in Maine**

**PUBLIC 26**

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

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This bill creates the Blue Alert Program to notify the public through various state agencies and media outlets when a law enforcement officer has been killed or injured or is missing and the Department of Public Safety determines that public notification would be useful in apprehending a suspected offender or finding a missing officer.

### **Enacted Law Summary**

Public Law 2015, chapter 26 creates the Blue Alert Program to notify the public through various state agencies and media outlets when a law enforcement officer has been killed or injured or is missing and the Department of Public Safety determines that public notification would be useful in apprehending a suspected offender or finding a missing officer.

**LD 376      An Act To Provide a Source of Funding for Drug Abuse Resistance Education      Died Between Houses**

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

This bill requires the funds generated by forfeited firearms that are auctioned to federally licensed firearms dealers or the public to be used to fund educational programs taught by law enforcement officers that target prevention of substance abuse, violence or high-risk behavior and teach students good decision-making skills to help them lead safe and healthy lives. These educational programs are known as the Drug Abuse Resistance Education program.

### **Committee Amendment "A" (S-95)**

This amendment is the minority report of the committee. The amendment replaces the bill, which proposes to require funds generated by forfeited firearms that are auctioned to federally licensed firearms dealers or the public to be used to fund drug abuse resistance education programs. The amendment imposes a surcharge of \$10 on all fines imposed by a court under the Maine Revised Statutes, Title 17-A, chapter 45, the laws on illegal possession of drugs. The amendment requires that the revenues from the surcharges be deposited in the DARE Fund to be used to fund DARE programs in schools. "DARE" is defined as an educational program taught by law enforcement officers to students in kindergarten to grade 12 that targets prevention of substance abuse, violence or high-risk behavior and teaches students good decision-making skills to help them to lead safe and healthy lives. The amendment also adds an appropriations and allocations section.

**LD 379      An Act To Create the Sex Offender Management and Risk Assessment Advisory Commission      PUBLIC 86**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND FOWLE	OTP-AM	S-31

This bill moves the law establishing the Sex Offender Risk Assessment Advisory Commission from the Maine Revised Statutes, Title 17-A to Title 34-A and changes the name of the commission to the Sex Offender Management and Risk Assessment Advisory Commission. The bill also makes changes to the provisions of law regarding the commission's powers and duties by requiring the commission to study and offer amendments to the sex offender registration and notification laws and by allowing the commission to accept funding.

### **Committee Amendment "A" (S-31)**

This amendment removes from the bill the duty of the Sex Offender Management and Risk Assessment Advisory

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Commission to conduct a continuing study of methods that may be used to predict the risk of recidivism and to develop a risk assessment method to be used for that purpose. The amendment also removes from the bill the duty to evaluate the plausibility, implementation and application of sex offender risk assessments. The amendment clarifies that the commission is the successor to the Sex Offender Risk Assessment Advisory Commission but is not the successor in every way to the powers, duties and functions of that commission.

**Enacted Law Summary**

Public Law 2015, chapter 86 moves the law establishing the Sex Offender Risk Assessment Advisory Commission from Title 17-A to Title 34-A and changes the name of the commission to the Sex Offender Management and Risk Assessment Advisory Commission. The law changes the commission's powers and duties by requiring the commission to study and offer amendments to the sex offender registration and notification laws and allowing the commission to accept funding.

**LD 415 An Act To Promote the Safe Use and Sale of Firearms**

**Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION GERZOFKY	OTP-AM OTP-AM	

This bill creates the civil violation of the sale or transfer of a firearm to a prohibited person and strict liability Class E crime for a second or subsequent offense of selling or transferring a firearm to a prohibited person. The bill also creates an affirmative defense to prosecution under this new civil violation and crime that the seller or transferor of the firearm requested a federally licensed firearm dealer to conduct a computerized background check under the Federal Bureau of Investigation, National Instant Criminal Background Check System on the purchaser or transferee prior to the sale or transfer of the firearm and the background check indicated that the purchaser or transferee was not a prohibited person. The bill creates the Class D crime of the sale or transfer of a firearm to a prohibited person. A person is guilty of this crime if that person intentionally or knowingly sells or transfers a firearm to another person that the seller or transferor knows or believes is prohibited from possessing a firearm. The bill increases the fine from \$50 to \$1,000 for the civil violation of giving a false or fictitious name to a firearms dealer and makes the fine mandatory.

**Committee Amendment "A" (H-474)**

This amendment is the majority report of the committee. The bill proposes a mandatory \$500 fine for a person who sells or transfers a firearm to a prohibited person. The amendment changes the mandatory fine to a discretionary fine of up to \$500. The bill changes the fine in existing law in which it is a civil violation to give a false or fictitious name to a firearms dealer from a discretionary fine of \$50 to a mandatory fine of up to \$1,000; the amendment provides for a discretionary fine of up to \$1,000.

**Committee Amendment "B" (H-475)**

This amendment is the minority report of the committee and it replaces the bill. The amendment does the following.

1. It authorizes a person who is not prohibited from possessing a firearm to carry a concealed handgun without a permit.
2. It authorizes a person to possess a loaded pistol or revolver while in a motor vehicle or a trailer or other type of vehicle being hauled by a motor vehicle.
3. It makes the Chief of the State Police the sole issuing authority for permits to carry concealed handguns.

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4. It extends the term of a permit to carry a concealed handgun from four to 10 years.
5. It removes the requirement that an applicant for a handgun permit have taken a handgun safety course within five years of the date of application.
6. It increases the application and renewal fees for a concealed handgun permit from \$35 to \$52.50 and from \$20 to \$52.50, respectively, for a resident. For a nonresident, the fee is increased from \$60 to \$120 for either an application or a renewal.
7. It requires the State Police to establish a centralized database containing information about concealed handgun permit holders and applicants for concealed handgun permits. It provides that the centralized database may be used only by law enforcement agencies or law enforcement officers or by court order and that information about a permit holder or an applicant must be purged from the centralized database within five years after the permit expires or the appeal of a denial or a revocation has run.
8. It provides that a valid concealed handgun permit issued before January 1, 2017 is not subject to the provisions of this legislation, which apply to an application for a new concealed handgun permit or a renewal of valid concealed handgun permit received by the Chief of the State Police on or after January 1, 2017.
9. It adds an appropriations and allocations section.
10. It adds an effective date of January 1, 2017.

**LD 431      An Act To Strengthen the Laws Prohibiting Stalking**

**PUBLIC 357**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS TIMMONS	OTP-AM	S-49

This bill expands the crime of stalking to include conduct directed at or concerning a group of persons. This new classification of stalking is a Class C crime, as opposed to a Class D crime for stalking a single individual. This bill also changes the escalation of criminal penalties for subsequent convictions of stalking, with one prior conviction for stalking or violation of a protective order sufficient to enhance penalties, as opposed to the current two prior convictions. Subsequent convictions are still a Class C crime, but the bill adds a mandatory minimum sentence of one year. Prior conviction of stalking a group of persons escalates the penalty to that for a Class B crime, with a mandatory minimum sentence of two years.

**Committee Amendment "A" (S-49)**

This amendment replaces the minimum sentence provision in the bill that applies to a person convicted of stalking for a second time or more times. The amendment replaces the minimum sentence for a second or subsequent conviction of stalking with a requirement that the court use a two-step process, first determining a base term of imprisonment of one year and then considering the fact of the stalking and aggravating and mitigating factors, including the impact on the victim, when determining the length of the term of imprisonment. The amendment replaces the minimum sentence provision in the bill that applies to a person convicted of stalking for a second time or more times, when the person stalked two or more persons of an identifiable group. The amendment requires the court to use a two-step process, first determining a base term of imprisonment of two years and then considering the fact of the stalking and aggravating and mitigating factors, including the impact on the victim, when determining the length of the term of imprisonment.

**Enacted Law Summary**

Public Law 2015, chapter 357 changes the laws on repeat offenses of stalking and expands the crime of stalking to

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include conduct directed at or concerning a group of persons. The law does the following:

1. Expands the crime of stalking to include conduct directed at or concerning a group of persons, designating this crime as a Class C crime. In sentencing, the court is required to use a two-step process in which a base term of imprisonment of one year is imposed in step one and adjustment to that term is imposed in step two;
2. Designates as a Class B crime a repeat offense of stalking a group of persons and escalates that crime to a Class B crime, requiring the court to use a two-step process, first determining a base term of imprisonment of two years and then adjusting that term after considering the fact of the stalking and aggravating and mitigating factors, including the impact on the victim; and
3. Changes the escalation of criminal penalties for subsequent convictions of stalking, with one prior conviction for stalking or violation of a protective order now being sufficient to enhance penalties. Subsequent convictions are still Class C crimes, but the law adds a mandatory minimum sentence of one year.

**LD 440      An Act To Create a Secure, Therapeutic Mental Health Unit**

**CARRIED OVER**

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

This bill provides for the establishment of a secure, therapeutic mental health unit for defendants undergoing court-ordered assessments to determine their competency to stand trial or their criminal culpability and to provide therapeutic care for forensic patients. The bill establishes the unit as follows.

1. It directs the Commissioner of Corrections and the Commissioner of Health and Human Services to enter into an agreement to establish the unit with the sheriff of either Cumberland County or Somerset County.
2. It directs the Department of Corrections to provide security for the unit. Security staff must be dedicated to the unit and trained to provide security in a mental health hospital environment.
3. It directs the Department of Corrections to provide therapeutic mental health care for the unit. The therapeutic mental health care must meet standards established by a national organization on correctional facilities mental health standards. The Department of Health and Human Services may also provide mental health services to the unit upon agreement with the Department of Corrections and the county jail.
4. It requires that the population in a secure, therapeutic mental health unit be separated by sight and sound from the general jail population.
5. It specifies that a person under a court order to undergo a mental evaluation by the State Forensic Service must be admitted to the unit unless the Department of Health and Human Services determines that the person's mental health condition contraindicates admittance to the unit, the person is an inmate at a state correctional facility or there is not a suitable bed available.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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**LD 458      An Act To Implement a Motor Vehicle Violation Electronic Citation Program      ONTP**

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

This bill requires every law enforcement officer in the State to use an electronic Violation Summons and Complaint form if requested by the person who has been served a traffic summons. The Chief Judge of the District Court is required to approve for use an electronic Violation Summons and Complaint.

The bill also requires both the paper and electronic forms for a traffic summons for a traffic infraction, referred to as the Violation Summons and Complaint, to include the regular mailing address and the e-mail address of the person who has been served the traffic summons. The bill also requires that the clerk of the District Court Violations Bureau enter the paper form of a Violation Summons and Complaint into the violations bureau's case management system within two business days of the law enforcement officer's filing of the original of the Violation Summons and Complaint.

The bill also requires that the Chief Judge of the District Court provide a report to the joint standing committee of the Legislature having jurisdiction over transportation matters and the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 2017 regarding implementation of an electronic case management, data storage and filing system for the judicial branch. The bill provides that the report must summarize efficiencies realized by electronic processing of traffic summonses within the District Court Violations Bureau. The bill also requires the Chief Judge of the District Court and the Commissioner of Public Safety to facilitate the roadside credit card payment of traffic summonses for traffic infractions and to develop and initiate a campaign to educate the public about electronic Violations Summonses and Complaints and roadside credit card payment.

**LD 459      An Act To Protect the Environment from Fireworks Debris      Veto Sustained**

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

This bill adds debris from the discharge of consumer fireworks to the definition of "litter" under the Maine Litter Control Act.

**LD 460      An Act To Restore Liability Insurance Requirements for Amusement Rides and Other Public Exhibitions      ONTP**

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

Public Law 2013, chapter 595 repealed the law requiring a traveling circus, traveling amusement show or amusement device to apply to the Commissioner of Public Safety for a license. This bill reenacts that law, including the provision that the application contain a certificate of public liability insurance and a fee.

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**LD 504      An Act To Increase the Penalty for Failing To Carry Proof of Motor Vehicle Financial Responsibility**

**Accepted Report A  
(ONTP)**

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

This bill makes it a Class C crime if a person who is required to maintain proof of financial responsibility operates a vehicle, or knowingly allows the operation of that vehicle, on a public way without such proof and that vehicle is involved in an accident that results in serious bodily injury while being operated on the public way. This bill also increases from a Class E to a Class D crime the penalty for such a person operating a vehicle or knowingly allowing the operation of a vehicle without proof of financial responsibility.

**Committee Amendment "A" (H-154)**

This amendment, which is a minority report of the committee, incorporates a fiscal note.

**Committee Amendment "B" (H-155)**

This amendment which is a minority report of the committee, incorporates a fiscal note. The amendment increases the minimum fine for failure to maintain financial responsibility from \$100 to \$250 and increases the maximum fine from \$500 to \$700.

**LD 512      An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code**

**PUBLIC 358**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-86

This bill implements the following Criminal Law Advisory Commission recommendations respecting the Maine Criminal Code.

1. It elevates to Class A crimes in the Maine Revised Statutes, Title 17-A, section 208 those forms of bodily injury that result in serious permanent physical damage to a victim, while retaining as Class B crimes other forms of bodily injury.
2. It amends the definition of the term "public way" in Title 17-A, section 505 to cover public ways, including sidewalks, over which the public has a right to pass by foot and vehicle.
3. It amends Title 17-A, section 554 regarding endangering the welfare of a child by removing the requirement that the child victim be under 16 years of age and by adding the designation of the class of each crime to the appropriate paragraph.
4. It amends Title 17-A, section 1201 to specify that when a court sentences a person to a term of imprisonment for a sex offense followed by a period of supervised release, as authorized by Title 17-A, chapter 50, that person is not eligible for the imposition of a sentence alternative that includes a period of probation.
5. It repeals Title 17-A, section 1206, subsection 7-B regarding probation revocation hearings.

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6. It amends Title 17-A, section 1231, subsection 6 regarding supervised release for sex offenders to make clear that, in the event the court revokes a period of supervised release and instead requires the person to serve time in prison, any remaining portion of the period of supervised release that is not required to be served in prison may not run during the time the person is in prison, and must resume after the person is released from prison.

7. It amends Title 17-A, section 1252, subsection 4-E regarding imprisonment for a conviction of gross sexual assault against a person under 12 years of age to stipulate that supervised release is required following the term of imprisonment.

### **Committee Amendment "A" (H-86)**

This amendment incorporates a fiscal note.

### **Enacted Law Summary**

Public Law 2015, chapter 358 implements the following Criminal Law Advisory Commission recommendations respecting the Maine Criminal Code.

1. It elevates to Class A crimes in the Maine Revised Statutes, Title 17-A, section 208 those forms of bodily injury that result in serious permanent physical damage to a victim, while retaining as Class B crimes other forms of bodily injury.
2. It amends the definition of the term "public way" in Title 17-A, section 505 to cover public ways, including sidewalks, over which the public has a right to pass by foot and vehicle.
3. It amends Title 17-A, section 554 regarding endangering the welfare of a child by removing the requirement that the child victim be under 16 years of age and by adding the designation of the class of each crime to the appropriate paragraph.
4. It amends Title 17-A, section 1201 to specify that when a court sentences a person to a term of imprisonment for a sex offense followed by a period of supervised release, as authorized by Title 17-A, chapter 50, that person is not eligible for the imposition of a sentence alternative that includes a period of probation.
5. It repeals Title 17-A, section 1206, subsection 7-B regarding probation revocation hearings.
6. It amends Title 17-A, section 1231, subsection 6 regarding supervised release for sex offenders to make clear that, in the event the court revokes a period of supervised release and instead requires the person to serve time in prison, any remaining portion of the period of supervised release that is not required to be served in prison may not run during the time the person is in prison, and must resume after the person is released from prison.
7. It amends Title 17-A, section 1252, subsection 4-E regarding imprisonment for a conviction of gross sexual assault against a person under 12 years of age to stipulate that supervised release is required following the term of imprisonment.

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**LD 534      An Act To Increase Crisis Intervention Training in the State      ONTP**

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

This bill requires that, beginning January 2017, at least 20% of law enforcement officers in a municipal police department and in a county sheriff department must complete the so-called Memphis model of crisis intervention team training. Beginning June 2017, officers who have not completed this training must be certified in mental health first aid.

**LD 535      An Act To Amend the Laws Governing the Concealed Handguns Permit Application      Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L BRAKEY	ONTP OTP	

This bill removes questions about marijuana use from the concealed handguns permit application.

**LD 548      An Act To Provide a Concealed Handgun Permit for Active Military Members      ONTP**

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

This bill allows a person who is a member of the Armed Forces of the United States or a state's military forces to be eligible for a permit to carry a concealed handgun if the person is not otherwise prohibited by law from possessing a firearm.

**LD 549      Resolve, To Create the Task Force on Disaster Resiliency      ONTP**

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

This resolve establishes the Task Force on Disaster Resiliency to investigate and strengthen the State's disaster response to extreme weather and sea level rise events.

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**LD 566      An Act To Protect Individuals from Breaches of Trust by Clergy Members** **INDEF PP**

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

This bill makes unlawful any sexual contact by a clergy member with an individual to whom the clergy member within the past year has provided, in private counseling, religious or spiritual advice, aid or comfort.

**Committee Amendment "A" (H-111)**

This amendment replaces the bill and makes it unlawful for a member of the clergy who is in a position of trust or authority over another person to use that clergy's position of trust or authority to engage in a sexual act, sexual contact or sexual touching with the other person. It also places the current definition of "domestic partner" under the definition section of the Maine Revised Statutes, Title 17-A, chapter 11 and deletes repetitive definitions of "domestic partner" found throughout the chapter. The amendment clarifies that the Sex Offender Registration and Notification Act of 2013 applies only prospectively, including with respect to offenses in other jurisdictions.

**LD 573      An Act To Provide for Annulment of Certain Arrest Records and Expungement of Certain Confidential Criminal History Record Information** **ONTP**

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

This bill directs the Department of Public Safety, State Bureau of Identification to establish a process for the annulment of a person's arrest record and expungement of the person's confidential criminal history record information. The process must apply to certain arrests and information that is described as confidential under the Maine Revised Statutes, Title 16, section 703, subsection 2, paragraphs A to H. The bill requires the process to include notice to all persons who are included in the information as victims and to all law enforcement agencies that are included in the information. The bill requires the process to include a decision in favor of annulment of the arrest record and expungement of the information by the commanding officer of the State Bureau of Identification upon a finding that annulment of the arrest record and expungement of the information is in the best interests of the person to whom the information pertains and is not detrimental to the public interest or to the protection of society. The bill directs the State Bureau of Identification to adopt routine technical rules to implement the law.

**LD 577      An Act To Amend the Laws Governing Penalties for Writing Bad Checks** **ONTP**

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

This bill amends the civil penalties for issuing a check that is subsequently dishonored. Current law allows a person to recover the amount of the check, the court costs and the processing charges incurred by the holder, plus interest at the rate of 12% per annum from the date of dishonor. If the person liable does not pay the amount of the check, plus costs and interest, before the hearing, the court may award reasonable attorney's fees to the prevailing party plus a civil penalty, not to exceed \$150. A person who issues a second dishonored check to the same payee is liable for damages of the lesser of two times the amount of the check and \$750 if the person does not have an account at the

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bank from which the check is issued or \$400 if there are insufficient funds to pay the check.

This bill increases the civil penalty for issuing a check that is dishonored to twice the face amount of the check or \$500, whichever is less.

This bill also imposes a service charge of \$30 or 5% of the face amount of the check, whichever is greater, and removes the interest penalty. The penalty for issuing a second dishonored check to the same payee is increased to the lesser of three times the face value of the check and \$1,000 if the person does not have an account at the bank from which the check is issued or \$750 if there are insufficient funds to pay the check.

**LD 599      An Act To Direct the Department of Public Safety To Establish a Public Safety Answering Point for the Passamaquoddy Indian Reservation at Indian Township      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DANA	REF TO EUT ONTP	

This bill directs the Public Utilities Commission, Emergency Services Communications Bureau to identify and establish a public safety answering point within the Passamaquoddy Indian Reservation at Indian Township to serve persons located within Indian Township.

**LD 600      An Act To Prohibit a Person Convicted of a Crime of Domestic Violence from Possessing a Firearm for a Period of 5 Years and To Better Align Maine Law with Federal Law Regarding Persons Prohibited from Possessing Firearms      PUBLIC 287**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETT BURNS	OTP-AM ONTP	H-389

This bill amends Maine law prohibiting the possession of firearms to better conform the law to federal law. This bill adds the following persons to the list of persons who may not possess firearms:

1. Fugitives from justice;
2. Persons who are unlawful users of or are addicted to any controlled substance and as a result are prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3);
3. Aliens who are illegally or unlawfully in the United States or who were admitted under nonimmigrant visas and who are prohibited from possession of a firearm under 18 United States Code, Section 922(g)(5);
4. Persons who have been discharged from the United States Armed Forces under dishonorable conditions;
5. Persons who have renounced United States citizenship; and
6. Persons who have been convicted in any court of a crime of domestic violence designated as a Class D or Class E crime or an equivalent crime of that jurisdiction.

**Committee Amendment "A" (H-389)**

This amendment, which is the majority report of the committee, modifies the provision in the bill regarding a

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prohibition on the possession of a firearm by a person convicted of a crime of domestic violence. This amendment provides that a person convicted or adjudicated of a Class D crime of domestic violence is prohibited from possessing a firearm for five years from the date of the conviction or adjudication. The prohibition expires at the end of the five-year period unless the person is convicted of any subsequent crime during the five-year period.

**Enacted Law Summary**

Public Law 2015, chapter 287 adds the following persons to the list of persons who may not possess firearms:

1. Fugitives from justice;
2. Persons who are unlawful users of or are addicted to any controlled substance and as a result are prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3);
3. Aliens who are illegally or unlawfully in the United States or who were admitted under nonimmigrant visas and who are prohibited from possession of a firearm under 18 United States Code, Section 922(g)(5);
4. Persons who have been discharged from the United States Armed Forces under dishonorable conditions;
5. Persons who have renounced United States citizenship; and
6. Persons who have been convicted or adjudicated of a Class D crime of domestic violence within the previous five year period, calculated from the date of the conviction or adjudication. The prohibition expires at the end of the five-year period unless the person is convicted of any subsequent crime during the five-year period.

**LD 623 An Act To Expand Maine's Carbon Monoxide Detectors Law**

**PUBLIC 375**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND TIMMONS	OTP-AM	S-290

This bill adds existing single-family dwellings, hotels, motels, inns, bed and breakfasts, certain other lodging places, fraternity houses, sorority houses, dormitories and child care facilities to the list of structures required to install carbon monoxide detectors, which may be powered by a nonreplaceable ten-year battery. In the event of any construction of, addition to, restoration of or conversion of a building to one of these structures, the owner is required to install a carbon monoxide detector that is powered by both the electrical service in the building or dwelling and by battery.

**Committee Amendment "A" (S-290)**

This amendment replaces the bill. The amendment does the following.

1. It requires carbon monoxide detectors in all fraternity houses, sorority houses and dormitories affiliated with educational facilities, children's homes, shelters and residential care facilities licensed by the Department of Health and Human Services and eating and lodging places and lodging places.
2. It requires carbon monoxide detectors in all educational facilities, but it exempts dormitories and other buildings of educational facilities that meet National Fire Protection Association standards.
3. It defines "educational facility" to mean public and private postsecondary institutions and child care facilities.
4. It specifies which types of power sources for carbon monoxide detectors may be used in which buildings.

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- 5. It provides a schedule for public and private postsecondary institutions to achieve full compliance by January 1, 2019.
- 6. It includes a transition provision for carbon monoxide detectors in use on the effective date of this legislation that have nonconforming power sources.
- 7. It provides an effective date of January 1, 2016.

**Enacted Law Summary**

Public Law 2015, chapter 375 does the following.

- 1. It requires carbon monoxide detectors in all fraternity houses, sorority houses and dormitories affiliated with educational facilities, children's homes, shelters and residential care facilities licensed by the Department of Health and Human Services and eating and lodging places and lodging places.
- 2. It requires carbon monoxide detectors in all educational facilities, but it exempts dormitories and other buildings of educational facilities that meet National Fire Protection Association standards.
- 3. It defines "educational facility" to mean public and private postsecondary institutions and child care facilities.
- 4. It specifies which types of power sources for carbon monoxide detectors may be used in which buildings.
- 5. It provides a schedule for public and private postsecondary institutions to achieve full compliance by January 1, 2019.
- 6. It includes a transition provision for carbon monoxide detectors in use on the effective date of this legislation that have nonconforming power sources.
- 7. It provides an effective date of January 1, 2016.

**LD 624      An Act To Make a Technical Correction to the Law Establishing the State Trauma Prevention and Control Advisory Committee within the Field of Public Safety**

**PUBLIC 30**

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

Under current law, the State Trauma Prevention and Control Advisory Committee is established under the subject field of "Human Services." This bill instead establishes that committee under the subject field "Public Safety."

**Enacted Law Summary**

Public Law 2015, chapter 30 establishes the State Trauma Prevention and Control Advisory Committee in Title 5 of the Maine Revised Statutes under the subject field of "Public Safety".

**LD 629      An Act Regarding Community Paramedicine Pilot Projects**

**PUBLIC 92  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE GERRISH	OTP-AM	S-32

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This bill removes a requirement that an emergency medical services provider that conducts a community paramedicine pilot project work with an identified primary care medical director, have an emergency medical services medical director and collect and submit data and written reports to the board, in accordance with requirements established by the board. The bill also removes a provision limiting the number of pilot projects.

**Committee Amendment "A" (S-32)**

This amendment adds an emergency preamble and an emergency clause to the bill. The amendment removes the time limitation of three years for community paramedicine pilot projects. Like the bill, the amendment removes a provision limiting the number of pilot projects. Unlike the bill, the amendment does not strike the requirement that an emergency medical services provider that conducts a community paramedicine pilot project work with an identified primary care medical director, have an emergency medical services medical director and collect and submit data and written reports to the board, in accordance with requirements established by the board.

**Enacted Law Summary**

Public Law 2015, chapter 92 removes the time limitation of three years for community paramedicine pilot projects and the limit on the number of pilot projects.

Public Law 2015, chapter 92 was enacted as an emergency measure effective May 19, 2015.

**LD 651 An Act To Amend Maine's Sex Trafficking and Child Welfare Laws**

**PUBLIC 360**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK DION	OTP-AM	S-96

This bill revises the criminal laws regarding sexual exploitation, prostitution and sex trafficking of minors by increasing the maximum age of the minors in various provisions to 18 years of age, clarifying under various provisions that it is not a defense that the minor gave consent and adding the crime of aggravated sex trafficking to the list of prior offenses that are used to enhance a charge of sex trafficking from a Class D to a Class C crime if a defendant has been convicted of two or more of the offenses. The bill also amends the Child and Family Services and Child Protection Act by adding to the definition of "abuse and neglect" various criminal offenses relating to sexual exploitation, prostitution and sex trafficking of minors and creating a rebuttable presumption of a parent's unwillingness or inability to protect a child from jeopardy in considering the termination of parental rights if a child for whom the parent was responsible is the victim of sexual exploitation, sex trafficking or aggravated sex trafficking.

**Committee Amendment "A" (S-96)**

This amendment changes the title and strikes most of the bill, retaining those sections that include references to aggravated sex trafficking, sex trafficking and prostitution of a minor or a person with a disability as crimes for which an enhanced charge applies. The amendment also retains the changes to the Child and Family Services and Child Protection Act. The amendment adds sexual exploitation of a minor, sex trafficking and aggravated sex trafficking to the list of aggravating factors in the child welfare laws.

**Enacted Law Summary**

Public Law 2015, chapter 360 adds the crime of aggravated sex trafficking to the list of prior offenses that are used to enhance a charge of sex trafficking from a Class D to a Class C crime if a defendant has been convicted of two or more of the offenses. The law amends the Child and Family Services and Child Protection Act by adding to the definition of "abuse and neglect" various criminal offenses relating to sexual exploitation, prostitution and sex trafficking of minors and by creating a rebuttable presumption of a parent's unwillingness or inability to protect a

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child from jeopardy in considering the termination of parental rights if a child for whom the parent was responsible is the victim of sexual exploitation, sex trafficking or aggravated sex trafficking.

**LD 652 An Act To Authorize the Carrying of Concealed Handguns without a Permit**

**PUBLIC 327**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY SHAW	ONTP OTP-AM	S-119 S-153 VOLK S-175 ROSEN S-174 BRAKEY

This bill authorizes a person who is not prohibited from possessing a firearm to carry a concealed handgun without a permit. This bill also authorizes a person to possess a loaded pistol or revolver while in a motor vehicle or a trailer or other vehicle being hauled by a motor vehicle.

**Committee Amendment "A" (S-119)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section that deallocates funds to the Department of Public Safety due to the elimination of the permitting process.

**Senate Amendment "B" To Committee Amendment "A" (S-153)**

This amendment requires a person who is authorized under the bill to carry a concealed handgun without a permit to sign an acknowledgment that the person was provided a firearm safety brochure upon purchase of a handgun. A firearm safety brochure is currently required to be provided with every firearm sold. The amendment adds to the information provided in the firearm safety brochure information developed by the Department of Public Safety related to locations where handguns are prohibited and information concerning the use of handguns for self-defense. The amendment requires the purchaser to retain the acknowledgment. It also requires the Department of Public Safety to post a firearm safety brochure and the acknowledgment form and a list of certified safety programs on the department's publicly accessible website.

**Senate Amendment "D" To Committee Amendment "A" (S-175)**

Under the bill, a person who is not otherwise prohibited from carrying a firearm may carry a concealed handgun without a permit. This amendment incorporates the provisions of House Amendment "B" to Committee Amendment "A" and provides that a person who is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm may carry a concealed handgun without a permit.

**Senate Amendment "C" To Committee Amendment "A" (S-174)**

This amendment incorporates the provisions of House Amendment "A" to Committee Amendment "A" and provides that the duty of an individual to inform a law enforcement officer that the individual is carrying a concealed handgun applies only to an individual who does not have a valid permit to carry a concealed handgun that has been issued as provided in the Maine Revised Statutes, Title 25, chapter 252.

**Enacted Law Summary**

Public Law 2015, chapter 327 authorizes a person who is 21 years of age or older and is not prohibited from possessing a firearm to carry a concealed handgun without a permit. Additionally, chapter 327:

1. Provides that a person who is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces

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of the United States or the National Guard and is not otherwise prohibited from carrying a firearm may carry a concealed handgun without a permit;

2. Authorizes a person 21 years of age or older to possess a loaded pistol or revolver while in a motor vehicle or a trailer or other vehicle being hauled by a motor vehicle unless otherwise prohibited from possessing a firearm;
3. Requires a person who is eligible to carry a concealed handgun without a permit to sign and retain an acknowledgment upon purchase of a handgun that the person was provided a firearm safety brochure developed by the Department of Public Safety;
4. Requires the Department of Public Safety to include information in its firearm safety brochure about locations where handguns are prohibited and information concerning the use of handguns for self-defense;
5. Requires the Department of Public Safety to post its firearm safety brochure and the acknowledgment form and a list of certified safety programs on the department's publicly accessible website;
6. Requires a person carrying a concealed handgun without a permit to inform a law enforcement officer that the individual is carrying a concealed handgun unless the person has a valid permit to carry a concealed handgun that has been issued as provided in Title 25, chapter 252; and
7. Deallocates funds to the Department of Public Safety due to the elimination of the permitting process.

**LD 655      Resolve, To Study the Feasibility of a State Firefighter Training Facility**

**CARRIED OVER**

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

This resolve directs the Department of Public Safety to hire an independent consultant to study the feasibility of establishing a statewide, centrally located firefighter training facility and several regional firefighter training facilities. It includes a General Fund appropriation and requires the department to submit a report based on the results of the study to the Joint Standing Committee on Criminal Justice and Public Safety by January 6, 2016.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 657      An Act To Provide Enhanced Mental Health Services to the County  
Prison Population**

**Died Between  
Houses**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to increase funding for mental health care services for the county prison population, including educating and training prison employees in behavioral health assessment and protocols on an annual basis. It would also require that every county jail have a mental health worker on site at least eight hours a day.

**Committee Amendment "A" (H-222)**

This amendment is the minority report of the committee. It directs the Consumer Council System of Maine to

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convene a broadly representative working group to collect data to determine the unmet needs for mental health services in the county jails. The amendment directs the Consumer Council System of Maine to report to the Joint Standing Committee on Criminal Justice and Public Safety on the need for mental health services in the county jails, the components and costs of current mental health service delivery and the estimated extent and costs of the unmet needs by February 1, 2016. The amendment authorizes the Consumer Council System of Maine to include in its report recommendations and possible sources of funding. The amendment authorizes the committee to submit legislation to the Second Regular Session of the 127th Legislature.

**LD 658 An Act To Allow Text Messaging for Reporting Emergencies**

**Accepted Majority  
(ONTP) Report**

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

This bill directs the Public Utilities Commission, Emergency Services Communication Bureau to develop standards and procedures for public safety answering points to accept emergency text messaging from all wireless carriers in the State beginning July 1, 2016. This bill also amends the laws regarding confidentiality of audio recordings of E-9-1-1 calls to apply also to text messages.

**Committee Amendment "A" (H-158)**

This amendment is the minority report of the committee. The amendment changes the provision of the bill that requires the Public Utilities Commission, Emergency Services Communication Bureau to develop standards and procedures for the acceptance of text messages by all public safety answering points beginning July 1, 2016 to a provision that requires the bureau to develop standards and procedures for acceptance of text messages by the E-9-1-1 system and the acceptance of text messages by at least one public safety answering point from all cellular and wireless telecommunications service providers in the State as required by the Federal Communications Commission beginning July 1, 2017. The amendment changes the provisions of the bill regarding the confidentiality of text messages sent to the E-9-1-1 system to provide that all digital communications sent to the E-9-1-1 system are confidential, subject to the same exceptions that apply to the confidentiality of audio recordings of emergency calls.

**LD 679 An Act To Prohibit the Unauthorized Dissemination of Certain Private Images**

**PUBLIC 339**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE HILL	OTP-AM	H-430 S-331 HAMPER

This bill prohibits a person from intentionally displaying, distributing or offering a photograph, videotape, film or digital recording of another person in a state of nudity or engaged in a sexual act if that person knows or should have known that the depicted person is 18 years of age or older, is identifiable and has not consented to the disclosure. A violation of this prohibition is a Class D crime.

**Committee Amendment "A" (H-430)**

This amendment provides a new title and replaces the bill. Like the bill, the amendment prohibits unauthorized distribution of certain private images, but changes the term "distribution" to "dissemination," adds as elements of the crime the dissemination's being done with the intent to harass, torment or threaten the depicted person or another person, knowingly instead of intentionally and in a manner in which there is no public or newsworthy purpose and adds masturbation to the definition of "sexual act." The amendment amends the law on protection from abuse

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procedure to allow a complaint to be filed by a victim of unauthorized dissemination of certain private images without regard to whether a criminal prosecution has occurred. The amendment removes from the exceptions proposed in the bill the lawful and common practices of law enforcement, reporting unlawful activity and dissemination when permitted or required by law or rule in legal proceedings.

**Senate Amendment "A" To Committee Amendment "A" (S-331)**

This amendment adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2015, chapter 339 prohibits unauthorized dissemination of certain private images. The law prohibits the dissemination of images that show a person in a state of nudity or engaged in a sexual act or engaged in sexual contact if the dissemination is done:

1. In a manner in which there is no public or newsworthy purpose;
2. With the intent to harass, torment or threaten; and
3. The actor knows or should have known that the person depicted is an adult, is identifiable from the image or from information displayed with the image and has not consented to the dissemination, display or publication of the images.

Chapter 339 amends protection from abuse procedure to allow a complaint to be filed by a victim of unauthorized dissemination of certain private images without regard to whether a criminal prosecution has occurred. It designates unauthorized dissemination of certain private images as a Class D crime. It provides exceptions for lawful and common practices of medical treatment, images that involve voluntary exposure in a public or commercial setting and interactive computer and information services as defined in 47 United States Code, Sections 153 and 230(f)(2).

**LD 688 An Act To Amend the Laws Related to the Bolduc Correctional Facility**

**PUBLIC 48**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN LONG	OTP-AM	S-23

This bill makes the following changes to the laws relating to the Bolduc Correctional Facility.

1. It repeals the statutory provision relating to the Maine State Prison minimum security unit. Because the Bolduc Correctional Facility was established in law in Public Law 2013, chapter 508, this provision is now superfluous.
2. It specifies that employees of the Bolduc Correctional Facility have the same power to search for and apprehend escapees as the employees of the other Department of Corrections facilities have.

**Committee Amendment "A" (S-23)**

This amendment clarifies that employees of the Bolduc Correctional Facility have the same power to search for and apprehend escapees as do deputy sheriffs.

**Enacted Law Summary**

Public Law 2015, chapter 48 makes the following changes to the laws relating to the Bolduc Correctional Facility.

1. It repeals the statutory provision relating to the Maine State Prison minimum security unit. Because the Bolduc Correctional Facility was established in law in Public Law 2013, chapter 508, this provision is now superfluous.

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2. It specifies that employees of the Bolduc Correctional Facility have the same power to search for and apprehend escapees as do deputy sheriffs.

**LD 697 An Act To Restore Public Safety Programs in the Department of Public Safety**

**PUBLIC 148  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAJOIE BURNS	OTP-AM OTP-AM	H-145

The bill does the following:

1. Part A restores the inspection and certificate requirements for boilers located in structures used by schools or colleges for the purpose of housing classrooms, gymnasiums, auditoriums or dormitories. These provisions were discontinued by Public Law 2013, chapter 595, Part U, section 11.
2. Part B allows qualified private sector organizations or individuals to inspect amusement rides to ensure they are safe for the public. The bill assigns oversight responsibilities over the certification of qualified amusement ride inspectors to the Office of the State Fire Marshal. The bill also corrects cross-references.

**Committee Amendment "A" (H-145)**

This amendment is the majority report of the committee. The amendment deletes from the bill the provision related to inspection of steam boilers in schoolhouses. The amendment deletes from the bill reference to private certified inspectors for amusement rides and inserts inspectors employed by the Office of the State Fire Marshal. The amendment deletes from the bill the provisions on inspection decals that related to inspection by private sector inspectors and inserts provisions related to inspection by inspectors who are employed by the Office of the State Fire Marshal. The amendment specifies the application process for amusement rides and sets the fee at a level not to exceed \$100 per ride as established by the Commissioner of Public Safety by rule. The amendment specifies that the insurer that issues the liability insurance policy for operators of amusement rides, amusement shows and traveling circuses and amusement devices must be approved by the Commissioner of Public Safety. The amendment specifies the information required for an application for amusement rides and amusement shows.

**Committee Amendment "B" (H-146)**

This amendment is the minority report of the committee. The amendment deletes from the bill the provision related to inspection of steam boilers in schoolhouses. The amendment deletes from the bill reference to private certified inspectors for amusement rides and inserts inspectors employed by the Office of the State Fire Marshal. The amendment deletes from the bill the provisions on inspection decals that related to inspection by private sector inspectors and inserts provisions related to inspection by inspectors who are employed by the Office of the State Fire Marshal. The amendment specifies the application process for amusement rides and sets the fee at a level not to exceed \$50 per ride as established by the Commissioner of Public Safety by rule. The amendment specifies that the insurer that issues the liability insurance policy for operators of amusement rides, amusement shows and traveling circuses and amusement devices must be approved by the Commissioner of Public Safety. The amendment specifies the information required for an application for amusement rides and amusement shows.

**Enacted Law Summary**

Public Law 2015, chapter 148 specifies the application process for amusement rides and inspection process in the Office of the State Fire Marshal. It sets the fee at a level not to exceed \$100 per ride as established by the Commissioner of Public Safety by rule. It specifies that the insurer that issues the liability insurance policy for operators of amusement rides, amusement shows and traveling circuses and amusement devices must be approved by the Commissioner of Public Safety. It specifies the information required for an application for amusement rides

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and amusement shows.

Public Law 2015, chapter 148 was enacted as an emergency measure effective June 9, 2015.

**LD 710      An Act Providing a Good Samaritan Defense to Individuals Reporting a Drug Overdose      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION GERZOFISKY	OTP-AM ONTP	H-237

This bill creates an affirmative defense to prosecution for unlawful possession of a scheduled drug. The bill specifies that it is an affirmative defense to prosecution that the evidence of possession was obtained as a result of the person's seeking, in good faith, medical assistance for someone experiencing a drug-related overdose or the evidence of possession was obtained as a result of the person's seeking or obtaining medical assistance for a drug-related overdose the person is experiencing. The bill also specifies that the affirmative defense is not grounds for suppression of evidence with respect to any crime.

**Committee Amendment "A" (H-237)**

This amendment is the majority report of the committee. This amendment broadens the Good Samaritan defense provided by the bill to individuals reporting a drug overdose to apply to illegal possession of hypodermic apparatuses and use of drug paraphernalia.

**LD 729      An Act To Add Acetylfentanyl and Methylfentanyl Derivatives to the List of Schedule W Drugs      PUBLIC 330  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS	OTP-AM	S-145

This bill adds acetylfentanyl to the list of Schedule W drugs. Acetylfentanyl is not approved by the United States Food and Drug Administration and is closely related to the prescription opioid fentanyl, which is a Schedule W drug.

**Committee Amendment "A" (S-145)**

This amendment adds an emergency preamble and emergency clause to the bill. The amendment adds to the list of Schedule W drugs any methylfentanyl derivatives.

**Enacted Law Summary**

Public Law 2015, chapter 330 adds acetylfentanyl and methylacetylfentanyl derivatives to the list of Schedule W drugs. Acetylfentanyl and methylacetylfentanyl derivatives are not approved by the United States Food and Drug Administration and are closely related to the prescription opioid fentanyl, which is a Schedule W drug.

Public Law 2015, chapter 330 was enacted as an emergency measure effective July 12, 2015.

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**LD 748      An Act To Provide for Tiered Qualifications for Volunteer Firefighters in Certain Municipalities**

**Leave to Withdraw Pursuant to Joint Rule**

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

This bill provides that in a municipality with fewer than 2,500 permanent residents the fire chief, with the approval of the municipal officers of that municipality, may approve training for volunteer firefighters that provides for three tiers of qualifications as follows:

1. At the highest tier three firefighters;
2. At the middle tier firefighters who are trained and who are qualified to perform all firefighter services except for entry into a burning building; and
3. At the lowest tier firefighters who are trained and who are qualified to perform basic firefighter duties including, but not limited to, handling fire hoses, trucks and equipment.

**LD 792      An Act To Protect Patients from Sexual Exploitation**

**Died Between Houses**

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

Current laws regarding gross sexual assault, unlawful sexual contact and unlawful sexual touching prohibit relationships or contact by a person who is a psychiatrist, a psychologist or licensed as a social worker or a person who purports to be a psychiatrist, a psychologist or licensed as a social worker with a current patient or client. This bill amends the laws regarding gross sexual assault, unlawful sexual contact and unlawful sexual touching by adding additional medical professionals licensed under the Maine Revised Statutes, Title 32 to the list of persons prohibited from having certain relationships or contact with patients and adds the definition of "health care services providers" to Title 17-A, chapter 11. "Health care services providers" includes physicians, osteopathic physicians, chiropractors, physical therapists, physician assistants and nurses.

**Committee Amendment "A" (H-221)**

This amendment is the minority report of the committee and incorporates a fiscal note.

**LD 818      An Act To Amend the Maine Emergency Medical Services Act of 1982**

**PUBLIC 82**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE LAJOIE	OTP-AM	S-63

This bill amends the Maine Emergency Medical Services Act of 1982. Specifically, the bill:

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1. Changes the term "first responder" to "emergency medical responder" to align the law with the Emergency Medical Services rules and the national scope of practice levels;
2. Modifies the composition of the Medical Direction and Practices Board to include an at-large member, a pharmacist and the statewide assistant emergency medical services medical director and to specify that the representative of the Maine Chapter of the American College of Emergency Medicine Physicians must be an emergency physician;
3. Removes a requirement that the Emergency Medical Services' Board or its staff must request the Attorney General to file a complaint in District Court to commence either full or emergency proceedings to suspend a license for more than a year or to revoke a license when the board or its staff concludes to so suspend or revoke the license is in order;
4. Requires applicants and licensees to notify the Emergency Medical Services' Board regarding name and address changes, criminal convictions, actions taken by another regulatory agency against any of their occupational and professional licenses and material changes to their conditions and qualifications set forth in their original applications for licensure; and
5. Repeals the law establishing the Epinephrine Training Fund.

### **Committee Amendment "A" (S-63)**

This amendment does the following:

1. It specifies that the Medical Direction and Practices Board may include a toxicologist instead of a licensed pharmacist;
2. It clarifies that the Emergency Medical Services' Board has the power and duty to appoint or approve the members of the Medical Direction and Practices Board;
3. It deletes from the bill the provision that repeals the requirement that the Emergency Medical Services' Board or its staff must request the Attorney General to file a complaint in District Court to commence either full or emergency proceedings to suspend a license for more than a year or to revoke a license when the board or its staff concludes that such suspension or revocation is in order; and
4. It adds to the purposes for which information specifically identifying individuals collected by Maine Emergency Medical Services may be released the purposes of public health surveillance and linkage with patient electronic medical records.

### **Enacted Law Summary**

Public Law 2015, chapter 82 amends the Maine Emergency Medical Services Act of 1982 as follows:

1. It changes the term "first responder" to "emergency medical responder" to align the law with the Emergency Medical Services rules and the national scope of practice levels;
2. It modifies the composition of the Medical Direction and Practices Board to include an at-large member, a pharmacist or a toxicologist and the statewide assistant emergency medical services medical director and to specify that the representative of the Maine Chapter of the American College of Emergency Medicine Physicians must be an emergency physician;
3. It requires applicants and licensees to notify the Emergency Medical Services' Board regarding name and address changes, criminal convictions, actions taken by another regulatory agency against any of their

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occupational and professional licenses and material changes to their conditions and qualifications set forth in their original applications for licensure;

4. It clarifies that the Emergency Medical Services' Board has the power and duty to appoint or approve the members of the Medical Direction and Practices Board;
5. It adds to the purposes for which information specifically identifying individuals collected by Maine Emergency Medical Services may be released the purposes of public health surveillance and linkage with patient electronic medical records; and
6. It repeals the law establishing the Epinephrine Training Fund.

**LD 823      An Act To Upgrade the Concealed Handgun Permit Law**

**CARRIED OVER**

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

This bill amends the laws concerning permits to carry concealed handguns by:

1. Making the Chief of the State Police the sole issuing authority for a permit to carry concealed handguns;
2. Extending the term of a permit to carry concealed handguns from four years to ten years; and
3. Removing the requirement that a course that includes handgun safety taken by an applicant for a permit to carry concealed handguns must have been taken by the applicant within five years prior to the date of application.

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

This amendment makes the following changes to the bill.

1. It increases the application and renewal fees for a concealed handgun permit from \$35 to \$52.50 and from \$20 to \$52.50, respectively, for a resident. For a nonresident the fee is increased from \$60 to \$120 for either an application or a renewal.
2. The bill proposes to extend the period a permit is valid from four to ten years. This amendment makes a permit valid for five years.
3. It requires the State Police to establish a centralized database containing information about concealed handgun permit holders and applicants for concealed handgun permits. It provides that the centralized database must be accessible by law enforcement agencies or law enforcement officers or by court order and that information about a permit holder or an applicant must be purged from the centralized database within five years after the permit expires or after the period for an appeal of a denial or a revocation of a permit has run.
4. It provides that an application for a concealed handgun permit received before January 1, 2017 is not subject to the provisions of this legislation, but an application for a new concealed handgun permit or a renewal of a concealed handgun permit received by an issuing authority on or after January 1, 2017 is subject to this legislation.
5. It adds an appropriations and allocations section.
6. It adds an effective date of January 1, 2017.

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**House Amendment "A" To Committee Amendment "A" (H-385)**

This amendment amends Committee Amendment "A" to remove the requirement that the State Police establish a centralized database containing information about concealed handgun permit holders and applicants for concealed handgun permits.

This amendment also requires the Chief of the State Police to enter into reciprocity agreements with other states regarding recognition of concealed handgun permits. Public Law 2015, chapter 144 requires Maine to recognize a permit to carry a concealed handgun issued by another state. This amendment does not affect that.

This bill was reported out of committee, then committed back to the Joint Standing Committee on Criminal Justice and Public Safety and carried over to any special or regular session of the 127th Legislature by joint order, H.P. 998.

**LD 868      An Act To Remove Limitations on Reciprocity for Concealed Handguns  
Permits**

**PUBLIC 144**

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

Current law authorizes the Chief of the State Police to grant reciprocity to a permit to carry a concealed handgun issued from another state if the other state has substantially equivalent or stricter requirements for the issuance of a permit and the other state observes the same rules of reciprocity regarding a person issued a permit under Maine law.

This bill removes the authority of the Chief of the State Police to enter into reciprocity agreements and eliminates the required equivalency provisions and simply recognizes a concealed handgun permit issued to a person by that person's state of residence if that person's state of residence honors a permit to carry a concealed handgun issued under Maine law.

**Enacted Law Summary**

Public Law 2015, chapter 144 removes the authority of the Chief of the State Police to enter into reciprocity agreements for concealed handgun permits with other states and eliminates the existing concealed handgun permit equivalency provisions and simply recognizes a concealed handgun permit issued to a person by that person's state of residence if that person's state of residence honors a permit to carry a concealed handgun issued under Maine law.

**LD 936      An Act To Protect Children from Sexual Predators, Sexual Abuse and  
Sexual Assault**

**ONTP**

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

This bill does the following:

1. Raises to Class C the crime of sexual abuse of a minor who is either 14 or 15 years of age;
2. Raises to Class C the crime of visual sexual aggression against a child under 14 years of age;

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3. Raises to Class C the crime of sexual misconduct with a child and changes the age of the victim to include children 14 years of age or younger. Current law applies only to children under 14 years of age;
4. Raises to Class C the crime of solicitation of a child to commit a prohibited act and changes the age of the victim to include children 14 years of age or younger. Current law applies only to children under 14 years of age;
5. Enacts a prohibition on traveling into, out of or within this State or attempting to travel for the purposes of illegal sexual acts involving a minor. The bill also prohibits transporting a minor, attempting to transport a minor or soliciting or enticing a minor to travel into, out of or within the State for illegal sexual purposes. Illegal sexual purposes include engaging in a sexual act with a minor, prohibited under the Maine Revised Statutes, Title 17-A, chapter 11; engaging in sexual exploitation of a minor, prohibited under Title 17-A, chapter 12; or engaging in sex trafficking or prostitution, prohibited under Title 17-A, chapter 35. The bill makes illegal traveling a Class B crime;
6. Expands current law on sexual exploitation of a minor that prohibits exhibiting uncovered or covered portions of the genitals, anus or pubic area to include uncovered or covered breasts or buttocks;
7. Raises to Class C the crime of possession of sexually explicit material showing a child under 16 years of age engaging in sexually explicit conduct; and
8. Expands forfeiture of assets for a violation of Title 17-A, chapter 12, sexual exploitation of a minor, to provide for forfeiture of all money, negotiable instruments, securities, personal property and accounts held in a financial institution or held in any other manner in the name of the defendant or in which the defendant has an ownership interest that are directly or indirectly proceeds of the violation.

**LD 971      An Act To Reinstate the State Fire Marshal's Authority To Inspect      ONTP**  
**Amusement Rides**

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

Public Law 2013, chapter 595, Part U, section 4 repealed the Maine Revised Statutes, Title 8, chapter 19, which governed the licensing of exhibitions, performances and amusement shows, including the authority of the Department of Public Safety, Office of the State Fire Marshal to inspect amusement shows and amusement devices. This bill restores the repealed language.

**LD 988      An Act To Create the Crime of Operating While Fatigued      Accepted Majority  
(ONTP) Report**

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

This bill creates the new crime of operating while fatigued. A person commits the crime of operating while fatigued if that person operates a motor vehicle while having been without sleep for a period of 24 consecutive hours; while having been without sleep for 24 consecutive hours and is in the state of sleep; or while the person's ability or alertness is so impaired by fatigue as to make it unsafe to begin or continue to operate a motor vehicle. The

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criminal and administrative penalties for operating while fatigued are consistent with criminal and administrative penalties for operating under the influence, including the application of those penalties to juveniles.

**Committee Amendment "A" (H-144)**

This amendment is the minority report of the committee. The amendment replaces the bill, which makes operating while fatigued a crime. The amendment instead adds operating while fatigued to the types of motor vehicle operation that are designated as failure to maintain control of a motor vehicle, which is a traffic infraction.

**LD 1002 An Act Regarding the Electronic Monitoring Program**

**CARRIED OVER**

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

This bill includes a General Fund appropriation of \$500,000 in fiscal year 2015-16 and fiscal year 2016-17 for the State Board of Corrections to fund the increased use of electronic monitoring.

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

This amendment adds to the bill a requirement that a defendant ordered to participate in the electronic monitoring program must pay the costs of participation directly to the organization that provides electronic monitoring unless to do so would impose an undue hardship on the defendant.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

**LD 1013 An Act To Prevent the Shackling of Pregnant Prisoners and Pregnant Juveniles**

**PUBLIC 315**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL MAKER	OTP-AM ONTP	S-302

This bill prohibits the use of restraints on a pregnant prisoner or detainee except in extraordinary circumstances. When restraints are used, the corrections official must document the extraordinary circumstance that required the use of restraints. The bill clarifies that when a pregnant prisoner or detainee is admitted to a medical facility or birthing center, a corrections officer may not be present in the room during labor or childbirth unless specifically requested by medical personnel. The bill also requires the adoption of policies on the treatment of pregnant prisoners and detainees and requires that information about those policies be disseminated to all prisoners and detainees.

**Committee Amendment "A" (S-302)**

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment clarifies that the Commissioner of Corrections establishes mandatory minimum standards for using restraints applicable to pregnant prisoners and pregnant juveniles in jails by adopting routine technical rules. The amendment clarifies that notice of the rules is provided only to female prisoners and female juveniles. The bill places responsibility for certain provisions on corrections officials, and the amendment makes those provisions applicable to the jail administrator in a jail and the chief administrative officer in a state correctional facility.

**Enacted Law Summary**

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Public Law 2015, chapter 315 prohibits the use of restraints on a pregnant prisoner or detainee except in extraordinary circumstances. When restraints are used, the the jail administrator or chief administrative officer in a state correctional facility must document the extraordinary circumstance that required the use of restraints. The law provides that when a pregnant prisoner or detainee is admitted to a medical facility or birthing center, a corrections officer may not be present in the room during labor or childbirth unless specifically requested by medical personnel. The law requires the Commissioner of Corrections to establish mandatory minimum standards for using restraints applicable to pregnant prisoners and pregnant juveniles in jails by adopting routine technical rules and to provide notice of those standards to female prisoners and female juveniles.

### **LD 1029 An Act To Improve Maine's Juvenile Justice System**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION GERZOFKY	OTP-AM OTP-AM	H-235

This bill directs juvenile community corrections officers, when determining alternatives based on preliminary investigations, and the court, when entering a dispositional order for an adjudicated juvenile, to consider that whenever possible and appropriate the juvenile be referred to participate in a program intended to increase community safety by reducing the likelihood of future illegal behavior by the juvenile, to hold the juvenile accountable to the juvenile's victims and the community and to assist the juvenile in becoming a responsible and productive member of society.

The bill prohibits the use of physical restraints on a juvenile during a court proceeding and specifies that restraints must be removed prior to the juvenile's appearance before the court unless a Juvenile Court Judge finds that use of restraints is necessary because the present behavior of the juvenile represents a current threat to that juvenile's safety or the safety of others in the courtroom; recent disruptive courtroom behavior of the juvenile has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on that juvenile or others; present behavior of the juvenile presents a substantial risk of flight from the courtroom; or less restrictive restraints are unavailable.

Prior to a juvenile's appearance in court, the court is directed to inquire of the transporting agency and the judicial marshal or other designated court security as to whether reasonable grounds exist for the use of physical restraints in a particular situation or for a particular juvenile. If the transporting agency or the judicial marshal or other designated court security raises a concern that reasonable grounds exist for the use of physical restraints, the burden at hearing is on the juvenile to show by a preponderance of the evidence that reasonable grounds for use of physical restraints do not exist or that a less restrictive alternative that will alleviate the need for physical restraints exists. The court is directed to permit testimony on the issue of whether the use of physical restraints is necessary in a particular situation or for a particular juvenile.

The bill also amends the provisions regarding the dissemination of certain juvenile court records to specify that dissemination may be allowed only with the consent of the court, after hearing, taking into consideration the purposes of the Maine Juvenile Code. The bill specifies that police records, juvenile community corrections officers' records and all other reports of social and clinical studies may not be open to inspection in cases not open to the general public, and in cases that are open to the general public those records may be open to inspection only with the consent of the court, after hearing, taking into consideration the purposes of the Maine Juvenile Code and the need of the person seeking to inspect the records to access the information through this process. The juvenile, counsel who represented the juvenile at the adjudicatory or dispositional hearing and the district attorney must be given notice of the hearing and an opportunity to be heard.

#### **Committee Amendment "A" (H-235)**

This amendment is the majority report of the committee. The amendment deletes the phrase "whenever possible

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and appropriate" from the bill as it relates to the circumstances under which a juvenile participates in a program intended to increase community safety, hold the juvenile accountable and assist the juvenile in becoming a responsible and productive member of society. The amendment directs the Criminal Law Advisory Committee to review the laws regarding confidentiality and access to records of court proceedings pertaining to police records, juvenile community corrections officers' records and all other reports of social and clinical studies pertaining to juveniles and to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2016 with any recommendations and necessary legislation. The amendment authorizes the committee to submit legislation to the Second Regular Session of the 127th Legislature. The amendment revises the procedure for the court to determine whether grounds for the use of restraints exist and adds to the grounds that past behavior of the juvenile presents a substantial risk that the juvenile's safety or the safety of others in the courtroom is threatened.

**Committee Amendment "B" (H-236)**

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment directs the Criminal Law Advisory Commission to review the laws regarding confidentiality and access to records of court proceedings pertaining to police records, juvenile community corrections officers' records and all other reports of social and clinical studies pertaining to juveniles and to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2016 with any recommendations and necessary legislation. The amendment authorizes the committee to submit legislation to the Second Regular Session of the 127th Legislature.

**LD 1057      Resolve, To Review and Report Recommendations on the Safety of  
Motorized Farm Rides Provided for a Fee to the Public**

**RESOLVE 32**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING KATZ	OTP-AM	H-234

Public Law 2013, chapter 595, Part U, section 4 repealed the Maine Revised Statutes, Title 8, chapter 19, which governed the licensing of exhibitions, performances and amusement shows, including the authority of the Department of Public Safety, Office of the State Fire Marshal to inspect amusement shows and amusement devices. This bill restores the repealed language and specifies that a hayride is included within the definition of an "amusement device" over which the Department of Public Safety, Office of the State Fire Marshal has licensing and inspection authority.

**Committee Amendment "A" (H-234)**

This amendment replaces the bill with a resolve. The resolve directs the State Fire Marshal and the Chief of the Maine State Police to work together as cochairs to convene a broadly representative group of stakeholders to review methods of ensuring the safety of the public on motorized hayrides, pumpkin rides and other farm rides that are offered for a fee to the public on farms and rural land. The resolve requires the Office of the State Fire Marshal and the Maine State Police to prepare a report and submit it to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation by February 1, 2016. Following review of the report, the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation are authorized to separately submit legislation to the Second Regular Session of the 127th Legislature.

**Enacted Law Summary**

Resolve 2015, chapter 32 directs the State Fire Marshal and the Chief of the Maine State Police to work together as cochairs to convene a broadly representative group of stakeholders to review methods of ensuring the safety of the public on motorized hayrides, pumpkin rides and other farm rides that are offered for a fee to the public on farms and rural land. The resolve requires the Office of the State Fire Marshal and the Maine State Police to prepare a report and submit it to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation by February 1, 2016. Following review of the report, the Joint Standing Committee

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on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation are authorized to separately submit legislation to the Second Regular Session of the 127th Legislature.

**LD 1068 An Act To Require That Certain Active Duty Military Personnel Are Eligible for the Resident Application Fee for a Concealed Handgun Permit**

**PUBLIC 123**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R ROSEN	OTP-AM ONTP	H-153

This bill provides that a person on active duty in the United States Armed Forces who pays income taxes to this State and is otherwise qualified to be issued a permit to carry a concealed handgun is eligible for a permit issued by the Chief of the State Police upon payment of the application fee for a resident.

**Committee Amendment "A" (H-153)**

This amendment, which is the majority report of the committee, removes from the bill the requirement that a member of the United States Armed Forces pay income taxes to this State in order to pay a resident's application fee for a permit to carry a concealed handgun and instead requires that the member qualify as a resident of the State under the Department of Administrative and Financial Services, Bureau of Revenue Services rules.

**Enacted Law Summary**

Public Law 2015, chapter 123 provides that a member of the Armed Services on active duty who qualifies as a resident of the State under the Department of Administrative and Financial Services, Bureau of Revenue Services rules is eligible to pay the resident fee when applying for a permit to carry a concealed handgun.

**LD 1071 An Act To Increase the Penalties for Vandalizing a Cemetery**

**Accepted Majority (ONTP) Report**

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

This bill:

1. Amends the laws regarding damaging cemeteries and burial grounds by including damage to metal plaques, flags, flag holders, veteran's grave markers, vegetation and plants and adding damage created by an animal owned by or in the control of a person and by increasing the class of the crime from Class D to Class C;
2. Designates as a Class D crime a person's removing a flower, flag, flag holder or other memorial token from a burial ground without permission to do so or owning or controlling an animal that damages or destroys property in a cemetery or burial ground;
3. Adds metal plaques, flags, flag holders and veteran's grave markers to the crime of illegal possession or sale of gravestones;
4. Amends the restitution provisions in the law by expanding the list of authorized claimants to the crimes of interference with a cemetery or burial ground and illegal possession or sale of gravestones and removes from the consideration of the court the defendant's inability to pay; and



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or critical infrastructure, on private or public property, on a private or public way or within a railroad right-of-way or energy infrastructure corridor. Intentional interference with business operations is a Class E crime, except that a person who refuses to stop interfering when ordered to do so by a law enforcement officer commits a Class D crime. If, at the time of the violation, the person has two or more prior Maine convictions for intentional interference with business operations, the person commits a Class C crime.

**LD 1100 An Act To Expand Options for the Prevention of Domestic Violence**

**Accepted Majority  
(ONTP) Report**

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

This bill creates a gun violence restraining order to authorize a court to order a person to surrender that person's firearms and ammunition for a specific period of time when it has been proved that the person poses a danger of causing personal injury to that person or another person. The bill provides that:

1. A law enforcement officer may file for a temporary emergency gun violence restraining order, which expires in 21 days;
2. A law enforcement officer or a household or family member of the person may request an ex parte gun violence restraining order, which expires in 21 days. The court is required to hold a hearing to determine if a one-year order should be issued within 21 days;
3. A law enforcement officer or a household or family member of the person may request that a one-year gun violence restraining order be issued. The plaintiff must prove by clear and convincing evidence that the person poses a significant danger, that the order is necessary to prevent injury and that less restrictive alternatives have been tried or are inappropriate in the specific case;
4. The subject of a gun violence restraining order is required to surrender all firearms and ammunition in the person's possession to a law enforcement officer or to sell the firearms and ammunition to a federally licensed firearms dealer. If the firearms and ammunition are surrendered to a law enforcement agency, the firearms and ammunition must be returned to the person at the expiration of the gun violence restraining order; and
5. A person who possesses firearms or ammunition in violation of a gun violence restraining order commits a Class D crime. Part of the sentence must include the prohibition on possession of firearms and ammunition for an additional five years.

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

This amendment is the minority report of the committee. It adds an appropriations and allocations section.

**LD 1112 An Act To Make Technical Changes to the Sex Offender Registration and Notification Acts of 1999 and 2013**

**PUBLIC 280**

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

This bill amends the Sex Offender Registration and Notification Act of 1999 and the Sex Offender Registration and Notification Act of 2013 to make technical changes.

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With respect to the Sex Offender Registration and Notification Act of 1999, the bill:

1. Amends the Act to provide that, with respect to individuals convicted in other jurisdictions, only those individuals convicted before September 18, 1999 may apply for relief from the registration requirement, in order to parallel the provision applicable to registrants with Maine convictions. The bill also amends the law to require persons found not criminally responsible to be included in reinstating the registration requirement;
2. Amends the Act to require registration of a person sentenced after September 17, 1999 for a crime added after that date to the Act;
3. Amends the Act to not require verifications to be sent if the verification requirement has been suspended and to change the time period from 90 days to three months in order to require only four verifications a year. The bill also amends the law to clarify that in-person verification should occur every five years on the anniversary of the initial registration;
4. Amends the Act to require verifications from lifetime registrants who move to Maine from other jurisdictions;
5. Amends the Act to begin the registration period only after the duty to register has occurred;
6. Amends the Act to allow the Department of Public Safety, State Bureau of Identification to suspend the verification requirement for a registrant who is incarcerated, incapacitated or hospitalized; and
7. Amends the Act to provide for notice if a custodian of records certification is challenged.

With respect to the Sex Offender Registration and Notification Act of 2013, the bill:

1. Amends the Act to make the crime of gross sexual assault against a person with intellectual disabilities or autism receiving services from a program of the Department of Health and Human Services a Tier II offense regardless of the age of the victim;
2. Amends the Act to include incest with prior convictions as a Tier III offense;
3. Amends the Act to clarify that the bureau's duty to collect and post information occurs after the initial registration form is received;
4. Amends the Act to not require verifications to be sent if the verification requirement has been suspended, to change the time period from 90 days to three months for Tier III registrants in order to require only four verifications a year and to change the time period from 180 days to six months for Tier II registrants;
5. Amends the Act to allow the bureau to suspend the verification requirement for a registrant who is incapacitated or hospitalized;
6. Amends the violations section in the Act to include cross-references to relevant provisions of the Sex Offender Registration and Notification Act of 1999; and
7. Amends the Act to provide for notice if a custodian of record certification is challenged.

### **Enacted Law Summary**

Public Law 2015, chapter 280 amends the Sex Offender Registration and Notification Act of 1999 and the Sex Offender Registration and Notification Act of 2013 to make technical changes.

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With respect to the Sex Offender Registration and Notification Act of 1999, Chapter 280:

1. Amends the Act to provide that, with respect to individuals convicted in other jurisdictions, only those individuals convicted before September 18, 1999 may apply for relief from the registration requirement, in order to parallel the provision applicable to registrants with Maine convictions. It also amends the law to require persons found not criminally responsible to be included in reinstating the registration requirement;
2. Amends the Act to require registration of a person sentenced after September 17, 1999 for a crime added after that date to the Act;
3. Amends the Act to not require verifications to be sent if the verification requirement has been suspended and to change the time period from 90 days to three months in order to require only four verifications a year. The bill also amends the law to clarify that in-person verification should occur every five years on the anniversary of the initial registration;
4. Amends the Act to require verifications from lifetime registrants who move to Maine from other jurisdictions;
5. Amends the Act to begin the registration period only after the duty to register has occurred;
6. Amends the Act to allow the Department of Public Safety, State Bureau of Identification to suspend the verification requirement for a registrant who is incarcerated, incapacitated or hospitalized; and
7. Amends the Act to provide for notice if a custodian of records certification is challenged.

With respect to the Sex Offender Registration and Notification Act of 2013, Chapter 280:

1. Amends the Act to make the crime of gross sexual assault against a person with intellectual disabilities or autism receiving services from a program of the Department of Health and Human Services a Tier II offense regardless of the age of the victim;
2. Amends the Act to include incest with prior convictions as a Tier III offense;
3. Amends the Act to clarify that the bureau's duty to collect and post information occurs after the initial registration form is received;
4. Amends the Act to not require verifications to be sent if the verification requirement has been suspended, to change the time period from 90 days to three months for Tier III registrants in order to require only four verifications a year and to change the time period from 180 days to six months for Tier II registrants;
5. Amends the Act to allow the bureau to suspend the verification requirement for a registrant who is incapacitated or hospitalized;
6. Amends the violations section in the Act to include cross-references to relevant provisions of the Sex Offender Registration and Notification Act of 1999; and
7. Amends the Act to provide for notice if a custodian of record certification is challenged.

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**LD 1113    An Act To Replace the Bail Code with a System of Validated Risk Assessment Tools** **ONTP**

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

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

This bill proposes to amend the standards for preconviction release by eliminating cash bail and requiring a judge or justice when making bail determinations to consider validated risk assessment tools. The purpose of this bill is to shift the emphasis from cash to suitability for release based on risk, in order to ensure the defendant's appearance in court and to prevent the defendant from committing new crimes.

**LD 1114    An Act To Protect Maine's Children from Sexual Abuse and Exploitation** **CARRIED OVER**

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

This bill amends the law regarding solicitation of a child to commit a prohibited act and creates the crimes of exploitive travel and unlawful electronic transmission of an image or video depicting sexually explicit conduct. The bill also amends the criminal forfeiture provisions of the sexual exploitation of minors laws to include conveyances and money instruments as items in addition to computer equipment that may be subject to forfeiture proceedings.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1135    An Act Regarding the Requirements for Sprinkler Systems in Townhouses** **INDEF PP**

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

This bill requires the Office of the State Fire Marshal to inspect and approve all sprinkler system plans for townhouses constructed after January 1, 2016. The bill establishes a definition for the term "townhouse" that mirrors the definition used in the International Residential Code.

This bill was not referred to a committee.

**LD 1155    An Act Concerning Electronic Monitoring and Increased Bail for Certain Crimes Involving Violence** **Accepted Majority (ONTP) Report**

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

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This bill requires a minimum cash bail for defendants charged with certain crimes under the Maine Revised Statutes, Title 17-A. The bill requires a minimum cash bail of \$4,000 for a charge of assault under section 207, domestic violence assault under section 207-A, aggravated assault under section 208, elevated aggravated assault under section 208-B or elevated aggravated assault on a pregnant person under section 208-C. The bill requires a minimum cash bail of \$2,000 for a charge of criminal threatening under section 209, domestic violence criminal threatening under section 209-A, terrorizing under section 210, stalking under section 210-A, domestic violence terrorizing under section 210-B, domestic violence stalking under section 210-C, reckless conduct under section 211, domestic violence reckless conduct under section 211-A or aggravated reckless conduct under section 213. The bill provides that a defendant who is released on bail on a charge of a violation of Title 17-A, section 207, 207-A, 208, 208-B, 208-C, 209, 209-A, 210, 210-A, 210-B, 210-C, 211, 211-A or 213 must be required to participate in an electronic monitoring program, if an electronic monitoring program is available, and must be required to pay the full cost of participation in that program. The bill requires bail commissioners and judicial officers when setting preconviction bail for a defendant for an alleged violation of Title 17-A, section 207, 207-A, 208, 208-B, 208-C, 209, 209-A, 210, 210-A, 210-B, 210-C, 211, 211-A or 213, when feasible, to obtain information from the victim.

**Committee Amendment "A" (H-436)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

**LD 1160 An Act To Make Possession of a Firearm with an Altered or Obscured Serial Number a Class C Crime**

**PUBLIC 364**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL DION	OTP-AM ONTP	S-165

This bill changes criminal simulation involving the possession or transportation of a firearm with the manufacturer's make, model or serial number altered, removed or obscured from a Class E crime to a Class C crime.

**Committee Amendment "A" (S-165)**

This amendment, which is the majority report of the committee, replaces the bill. Current law provides that a person who with the intent to defraud and to prevent detection alters or removes the manufacturer's make, model or serial number from a firearm commits the Class E crime of criminal simulation. To be guilty of that crime, the person must have committed the act with the intent to defraud and to prevent identification. This amendment changes the law to require either the intent to defraud or the intent to prevent identification, but not both, as elements of the crime. It also makes this crime a Class C crime as is provided for in the bill.

This amendment also provides that a person who possesses an altered firearm with the intent to defraud or to prevent identification or intentionally or knowingly transports such a firearm with the intent to defraud or to prevent identification commits the crime of criminal simulation.

**Enacted Law Summary**

Current law provides that a person who with the intent to defraud and to prevent detection alters or removes the manufacturer's make, model or serial number from a firearm commits the Class E crime of criminal simulation. To be guilty of that crime, the person must have committed the act with the intent to defraud and to prevent identification. Public Law 2015, chapter 364 requires either the intent to defraud or the intent to prevent identification, but not both, as elements of the crime and makes this crime a Class C crime.

Public Law 2015, chapter 364 also provides that a person who possesses an altered firearm with the intent to defraud or to prevent identification or intentionally or knowingly transports such a firearm with the intent to defraud

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or to prevent identification commits the crime of criminal simulation.

**LD 1179 An Act To Prohibit Certain Payments with Respect to an Adoption**

**PUBLIC 233**

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

This bill creates the Class C crime of selling a human being to another person in exchange for pecuniary gain or any other material benefit or consideration.

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

This amendment provides a new title for the bill, replaces the bill and prohibits, within the context of an adoption of a child, any payment that is not authorized under the Maine Revised Statutes, Title 18-A, section 9-306.

**Enacted Law Summary**

Public Law 2015, chapter 233 prohibits, within the context of an adoption of a child, any payment that is not authorized under the Maine Revised Statutes, Title 18-A, section 9-306. The law designates a payment made in violation of the prohibition as a Class D crime.

**LD 1200 An Act To Create a Civil Cause of Action for Intentional Interference with Business Operations**

**Died Between Houses**

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

This bill creates a civil cause of action for intentional interference with business operations. "Business operations" is defined to mean an activity engaged in with the object of gain, benefit or advantage, either direct or indirect, by a private entity. The bill provides that:

1. An individual is liable to a private entity for damages if the individual commits an act that hinders, impairs or obstructs or attempts to hinder, impair or obstruct the performance of business operations by the private entity;
2. An organization that promotes, advocates for or directs an individual to engage in the acts described in the bill is liable to the private entity in the same manner as the individual committing the act;
3. The private entity may recover damages by filing an action in court and may be awarded actual damages, a civil penalty and costs and fees, including reasonable attorney's fees; and
4. A person who knowingly uses the provisions in this bill to demand or extract money from an individual or organization that is not legally obligated to pay damages commits a Class E crime.

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**LD 1243 An Act To Make the Law Regarding Critical Incident Stress Management Teams More Beneficial and Effective**

**PUBLIC 112**

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

This bill amends the definition of "critical incident" to include employees of and emergency dispatchers for a criminal justice agency. The bill also allows the chief law enforcement officer of a law enforcement agency or the chief law enforcement officer's designee to designate critical incident stress management team members.

**Enacted Law Summary**

Public Law 2015, chapter 112 amends the definition of "critical incident," as it pertains to Critical Incident Stress Management Teams under the Maine Revised Statutes, Title 25, chapter 501, to include employees of and emergency dispatchers for a criminal justice agency. The law also allows the chief law enforcement officer of a law enforcement agency or the chief law enforcement officer's designee to designate critical incident stress management team members.

**LD 1246 An Act To Strengthen Laws Regarding the Manufacture and Sale of Methamphetamine and Other Drugs**

**PUBLIC 346**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN DAVITT	OTP-AM OTP-AM	S-280 S-337 HAMPER

This bill strengthens laws regarding the manufacture and sale of methamphetamine and other drugs. It does the following:

1. Provides that possession of two grams or more of fentanyl or 90 or more individual containers containing fentanyl constitutes "trafficking";
2. Provides that possession of at least one gram but less than two grams of fentanyl or at least 45 but fewer than 90 individual containers of fentanyl constitutes "furnishing";
3. Establishes the crime of aggravated unlawful operation of a clandestine methamphetamine laboratory; and
4. Prohibits the unlawful possession of a scheduled drug containing fentanyl, seven grams or more of cocaine or two grams or more of cocaine in the form of cocaine base.

**Committee Amendment "A" (S-280)**

This amendment is the majority report of the committee. The amendment defines "fentanyl powder" and clarifies that the fentanyl for which the bill establishes the penalties is fentanyl powder. The amendment deletes from the bill the word clandestine in regard to the methamphetamine laboratories that are criminalized in the bill.

**Committee Amendment "B" (S-281)**

This amendment is the minority report of the committee. The amendment changes the title of the bill. The amendment defines "fentanyl powder" and clarifies that the fentanyl for which the bill establishes the penalties is fentanyl powder. The amendment deletes from the bill the word clandestine in regard to the methamphetamine laboratories that are criminalized in the bill. The amendment reduces possession of oxycodone in the form of pills,

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capsules, tablets, mixtures or substance in the aggregate less than 30 milligrams and possession of hydrocodone or hydromorphone from a Class C crime to a Class D crime.

**Senate Amendment "A" To Committee Amendment "A" (S-337)**

This amendment adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2015, chapter 346 strengthens laws regarding the manufacture and sale of methamphetamine and other drugs. It does the following:

1. Provides that possession of two grams or more of fentanyl powder or 90 or more individual containers containing fentanyl powder constitutes "trafficking";
2. Provides that possession of at least one gram but less than two grams of fentanyl powder or at least 45 but fewer than 90 individual containers of fentanyl powder constitutes "furnishing";
3. Establishes the crime of aggravated unlawful operation of a methamphetamine laboratory;
4. Prohibits and designates as a Class C crime the unlawful possession of a scheduled drug containing fentanyl powder, seven grams or more of cocaine or two grams or more of cocaine in the form of cocaine base; and
5. Authorizes a court to order as part of the sentence of a defendant restitution that to pay as an expense of emergency response the costs of a response to a suspected unlawful methamphetamine laboratory, including trained laboratory personnel and laboratory services.

**LD 1275 An Act Regarding Notice to the Public Pertaining to a Resident Person Deported from Canada to the United States for Committing a Sex Offense against a Child**

**PUBLIC 76**

Sponsor(s)

Committee Report

Amendments Adopted

This bill is reported out by the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Joint Rule 353, after receipt of a report from the Commissioner of Public Safety submitted pursuant to Resolve 2013, chapter 97. The bill authorizes a law enforcement agency that obtains from the United States Customs and Border Protection written documentation that a person resident in the jurisdiction of the agency has been deported from Canada to the United States because the person was convicted in Canada of a sex offense against a child to provide notice to the public as determined by the agency to be appropriate to ensure the public safety. The bill states that neither the failure to perform the actions permitted by the bill nor the taking of actions in compliance with the bill subjects any state, municipal or county official or employee to liability in a civil action.

**Enacted Law Summary**

Public Law 2015, chapter 76 authorizes a law enforcement agency that obtains from the United States Customs and Border Protection written documentation that a person resident in the jurisdiction of the agency has been deported from Canada to the United States because the person was convicted in Canada of a sex offense against a child to provide notice to the public as determined by the agency to be appropriate to ensure the public safety. The law states that neither the failure to perform the actions permitted by the bill nor the taking of actions in compliance with the bill subjects any state, municipal or county official or employee to liability in a civil action.

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LD 1380 An Act To Legalize, Tax and Regulate Marijuana

Accepted Majority  
(ONTP) Report

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

This bill addresses the use, possession, cultivation, manufacturing, testing, transportation and sale of marijuana and marijuana products.

The bill legalizes the possession of up to an ounce of marijuana for a person 21 years of age and older, taxes sales of marijuana and regulates the marijuana industry, which in the language of the bill is conducted by marijuana establishments. The bill does the following:

1. In Part A the bill imposes the marijuana excise tax of 15% on the sale or transfer of marijuana from a licensed commercial marijuana cultivation facility to a licensed retail marijuana store and to a licensed marijuana product manufacturing facility. The bill imposes a sales tax of 10% on marijuana and marijuana products sold at retail marijuana stores. The bill provides for the distribution of marijuana excise and sales tax revenues. The bill requires an annual report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and taxation matters on excise and sales tax receipts and the distribution of the revenues. The bill directs the Department of Administrative and Financial Affairs, Bureau of Revenue Services to review methods for ensuring that all nonexempt marijuana sold in the State is assessed and to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters and authorizes the committee to submit legislation to the First Regular Session of the 128th Legislature;
2. In Part B the bill updates the law relating to marijuana that generally prohibits possession of marijuana to exempt possession by certain people and of certain amounts from prosecution as a crime. The bill makes possession of up to two and one-half ounces of marijuana a civil violation for persons less than 21 years of age, punishable by a fine of up to \$100, with an option of court-ordered community service and possible expungement after one year. The bill legalizes possession of up to one ounce of marijuana by a person 21 years of age or older. The bill makes possession of over one ounce but under 2 1/2 ounces of marijuana by a person 21 years of age or older a civil violation, punishable by a fine of up to \$100, with an option of court-ordered community service and possible expungement after one year;
3. In Part C the bill enacts the Personal Use of Marijuana Act, allowing a person 21 years of age or older to use, purchase from a retail marijuana store or possess up to one ounce of marijuana or marijuana products and marijuana accessories. The bill allows a person 21 years of age or older to transfer or furnish, without remuneration, up to one ounce of marijuana and up to six marijuana seedlings to another person 21 years of age or older. The bill allows a person 21 years of age or older to possess, grow, cultivate or process up to six marijuana plants and to possess the marijuana products produced from the marijuana plants on the premises where the plants were grown. The bill allows a person 21 years of age or older to use marijuana in a nonpublic place, including a private residence. The bill allows a person 21 years of age or older to cultivate marijuana at home. The bill addresses the relationship of the provisions in the bill to state laws regarding marijuana, smoking tobacco products, operation of motor vehicles, watercraft, snowmobiles and all-terrain vehicles and hunting. The bill addresses marijuana under federal law and on federal property. The bill directs that a person who consumes or uses marijuana or marijuana products in accordance with the law may not be denied parental rights and responsibilities for a minor child because of that use unless the person's behavior creates an unreasonable danger to the health or welfare of the minor child. The bill provides similar protections with regard to the Child and Family Services and Child Protection Act;
4. In Part D the bill requires the Bureau of Alcoholic Beverages and Lottery Operations within the Department of

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Administrative and Financial Services to enforce the laws and rules relating to the manufacturing, processing, labeling, storing, transporting, testing and selling of marijuana and marijuana products by marijuana establishments and marijuana transportation providers and to administer the laws relating to licensure, regulation and collection of taxes from marijuana establishments. The bill specifies authorized activities for marijuana establishments, requirements for record keeping, restrictions on access for persons under 21 years of age, procedures for investigations, disciplinary procedures and procedures for license suspension. The bill establishes procedures for licensing marijuana establishments, which include commercial marijuana cultivation facilities, marijuana testing facilities, marijuana product manufacturing facilities and retail marijuana stores, and marijuana transportation providers. The bill specifies general licensing requirements for marijuana establishments and marijuana transportation providers and general operational requirements. The bill includes specific requirements for the manufacturing of solvent-based marijuana concentrate by marijuana product manufacturing facilities. The bill requires the bureau to adopt rules required for implementation and designates the rules as major substantive rules. The bill requires the bureau to issue an annual report that contains information on rulemaking, licensing and inspections and statistical data on youth consumption and perceptions of safety of marijuana, tobacco, alcohol and controlled substances. The bill authorizes the joint standing committees of the Legislature having jurisdiction over health and human services matters, taxation matters and alcoholic beverages matters to submit legislation to address issues related to the report. The bill contains provisions allowing for local control with regard to marijuana establishments, including allowing a sales tax of up to 2% on sales by retail marijuana stores of marijuana and marijuana products. The bill provides for licensure by default by a municipality if the bureau delays issuing licenses beyond January 30, 2018. The bill establishes the Marijuana Regulation and Licensing Fund to pay the bureau's expenses, allows researchers access to marijuana and provides for access to marijuana for participants in research. The bill provides rules of construction for the provisions regarding marijuana establishments and marijuana transportation providers, provides for the validity and enforceability of contracts and addresses professional licensure for professional occupations. The bill establishes the Marijuana Research Fund to provide research grants and the Low-income Marijuana Patient Access Program Fund to reimburse caregivers and dispensaries for the costs of providing medical marijuana to low-income persons. The bill requires the bureau to adopt major substantive rules by January 31, 2018. The bill requires the bureau to begin accepting and processing applications for marijuana establishments and marijuana transportation providers by January 1, 2018;

5. In Part E the bill protects property from forfeiture based on the personal use of marijuana law. The bill provides that the odor of marijuana alone does not create probable cause of criminal activity;

6. In Part F the bill amends the laws on the preparation of foods to allow for food containing marijuana and marijuana products to be prepared by marijuana establishments. The bill amends the Maine Food Law to include in the definition of "food establishment" a marijuana establishment that prepares edible marijuana or an edible marijuana product and provides that food containing marijuana produced by a marijuana establishment is not considered adulterated. The bill amends the law on adulterated food to specify that goods that contain marijuana and are prepared for sale in a retail marijuana establishment pursuant to the Maine Revised Statutes, Title 28-A, chapter 111 are not to be considered adulterated food. The bill enacts a new section in the Maine Food Law that imposes requirements on marijuana establishments that sell edible marijuana products with regard to the packaging and labeling of marijuana and marijuana products and prohibits misleading, false or deceptive advertising or advertising that is inconsistent with local laws and regulations in the municipality in which the marijuana establishment operates. The bill amends the law on employment of minors to require the director of the Bureau of Labor Standards in the Department of Labor to adopt rules prohibiting the employment of minors in marijuana establishments licensed pursuant to Title 28-A, chapter 111. The bill directs the Department of Labor, in consultation with the State Workforce Investment Board, to review and make recommendations on workforce development needs, including training and certification, and to report to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters by April 1, 2017;

7. In Part G the bill amends the law on the criteria for issuing a permit to carry concealed handguns to provide that conduct allowed under the law on medical use of marijuana under Title 22, chapter 558-C and conduct allowed under the law on personal use of marijuana under Title 22, chapter 558-D may not be the basis for a finding of a

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lack of good moral character;

8. In Part H the bill establishes in Title 5, chapter 379 the Youth Marijuana Prevention and Control Advisory Council. The bill establishes the Youth Marijuana Prevention and Control Program to prevent youth from using marijuana and marijuana products except for the medical use of marijuana in accordance with Title 22, chapter 558-C. The program consists of a major media campaign, grants for community-based programs, procedures for monitoring and evaluating the program and, in conjunction with law enforcement and other state and federal agencies, increased law enforcement efforts to increase compliance with laws regarding the transportation, distribution and sale of marijuana and marijuana products. The bill provides for the duties of the Youth Marijuana Prevention and Control Advisory Council, which include advising the Department of Health and Human Services and working to ensure coordination of the program with nonprofit and community agencies, the department, the Department of Education and other state agencies. The bill specifies that the members of the advisory council are appointed by the Governor, the President of the Senate and the Speaker of the House of Representatives. The bill requires that the initial appointments to the advisory council must be made by March 15, 2017 and that the first meeting of the advisory council must be held by April 15, 2017; and

9. In Part I the bill provides for a referendum to approve the legislation. This procedure requires that the bill, if passed into law and enacted, must be submitted to the voters of the State in a statewide election in November 2016.

### **Committee Amendment "A" (H-488)**

This amendment, which is the minority report of the committee. It retains the structure of the bill that legalizes personal use of marijuana by adults 21 years of age and older, that establishes a system of regulation of marijuana establishments and marijuana transportation providers within the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and that imposes a tax of 10% on retail sales of marijuana and marijuana products. The amendment does the following:

1. It amends taxation provisions in the bill to provide the structure for the payment of taxes and administration by the Bureau of Revenue Services;
2. It corrects the confusing use of the term "minor" in the bill, which was intended to cover persons through 20 years of age, by referring to persons too young to be allowed personal use of marijuana as "underage persons";
3. It provides maximum penalties for underage persons with respect to the purchase, consumption and possession of marijuana and with respect to other prohibited acts related to marijuana. It allows a judge to assign an underage person to perform specified work for a public entity or charitable institution as an alternative to these penalties;
4. In the provisions on possession of marijuana it reduces from six to three the number of marijuana seedlings that a person may transfer to another person, clarifies that the limit of six plants applies to all plants and requires that the reasonable precautions that must be taken to keep marijuana plants from underage persons apply to storing and securing marijuana;
5. It amends the provision prohibiting marijuana sales from vending machines by allowing sales from vending machines inside a retail marijuana store;
6. It amends the provisions on applications for marijuana establishments and marijuana transportation providers to comply with the requirement that the location of the business be a municipality, unorganized place or plantation that has voted to allow such businesses and provides the option of that jurisdiction to limit the number of businesses;
7. It amends the provisions on operation of a retail marijuana store, a marijuana product manufacturing facility and a commercial marijuana cultivation facility;
8. It makes technical editing and typographic corrections in the bill;

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- 9. It amends the bill's labeling requirements for retail sales of marijuana and marijuana products;
- 10. It allows municipalities, unorganized places and plantations to impose a local marijuana sales tax of up to 2%;
- 11. It changes from 15% to 5% the excise tax imposed in the bill on marijuana that is sold or transferred from a commercial marijuana cultivation facility; and
- 12. It clarifies that the 10% sales tax on the retail sale of marijuana is in addition to the regular state sales tax.

**LD 1387 An Act Regarding the State Board of Corrections**

**CARRIED OVER**

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

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

This bill proposes to amend the laws regarding the State Board of Corrections.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1401 An Act To Allow for and Regulate the Adult Use of Cannabis**

**Accepted Majority  
(ONTP) Report**

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

This bill reforms state marijuana laws by establishing an excise tax on marijuana, allowing the personal use and cultivation of cannabis and allowing, regulating and licensing certain commercial cannabis-related activities, while providing provisions to protect persons under 21 years of age, employers and schools.

Part A of the bill establishes a 10% sales tax on cannabis, which is in addition to the current sales and use tax. Revenue from the sales tax on cannabis is distributed on a monthly basis as follows:

- 1. Ten percent each to regulate cannabis establishments; to counties and municipalities, based on the ratio of sales of cannabis products in the municipality or county to the sales of cannabis products in the State; to the Fund for a Healthy Maine for the elderly low-cost drug program; to the Department of Education for school construction; to conduct research on cannabis; to the Department of Health and Human Services, Maine Center for Disease Control and Prevention for a public awareness campaign to reduce the use of cannabis by persons under 21 years of age and the use of alcohol and tobacco; and to the Department of Health and Human Services to obtain federal funding for MaineCare; and
- 2. The balance to the General Fund.

Part A directs the Department of Administrative and Financial Services, Bureau of Revenue Services to report annually, beginning January 30, 2017, the amount of tax revenue generated and the amount distributed to each program to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and taxation matters. The bill directs the Bureau of Revenue Services to review methods for ensuring that all

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cannabis that is sold in the State is assessed and to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters by February 15, 2017.

Part B removes the civil violation for possession of cannabis by adults 21 years of age and older and specifies a civil fine of at least \$100 for possession of cannabis by a person under 21 years of age; a judge may, as an alternative or in addition to the fine, assign the person to perform work for the State, a subdivision of the State, a public entity or a charity.

Part C of the bill establishes the Cannabis Regulation Act, which allows a person 21 years of age or older to possess, purchase and use cannabis within certain limits and to cultivate a limited amount of cannabis for personal use. It allows a person to possess cannabis paraphernalia and up to one ounce of cannabis. It allows a person to cultivate up to three cannabis plants and up to six seedlings, and to purchase up to one ounce of cannabis, cannabis paraphernalia and cannabis seedlings from someone who is licensed to sell these products. The bill imposes restrictions on cannabis use similar to those that apply to tobacco use regarding smoking in public places. It requires those cultivating cannabis to secure the cannabis from access by unauthorized persons and by minors.

Part C includes specific requirements for the operations of commercial cannabis-related activities regarding the location of operations, security measures, labeling and record keeping. It allows localities to limit, regulate or ban the issuance of cannabis-related licenses. It further limits the number of retail cannabis stores based on the size of the municipality. Enforcement and administration of the Cannabis Regulation Act is the responsibility of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, which is renamed the Bureau of Alcoholic Beverages, Cannabis and Lottery Operations. The bureau is required to adopt rules for the licensing and regulation of cannabis establishments; upon the adoption of such rules, each dispensary registered under the Maine Medical Use of Marijuana Act is granted a provisional license to operate a commercial cannabis cultivation facility, a cannabis product manufacturing facility and a retail cannabis store. Included in the rules must be a provision giving preference for licensing to a registered dispensary under the Maine Medical Use of Marijuana Act. A dispensary organized as a nonprofit corporation that reorganizes under the Maine Revised Statutes, Title 13-C is deemed to be the same dispensary for licensing purposes. Part C creates the Cannabis Regulation and Licensing Fund to provide a funding mechanism for regulation of commercial cannabis-related activities and the Cannabis Research Fund to fund research on cannabis; both funds are funded by revenue from the sales tax on cannabis.

Part C also amends the Maine Medical Use of Marijuana Act to remove the requirement that dispensaries be nonprofit corporations, remove the restriction on how much marijuana may be transferred by a primary caregiver for compensation, require a primary caregiver's cultivation facility to be open to reasonable inspection by the Department of Health and Human Services and cap the number of primary caregivers registered with the department at the number registered with the department on December 31, 2015.

Finally, Part C requires the Department of Agriculture, Conservation and Forestry to adopt rules regulating the use of pesticides in cannabis cultivation operations.

Part D renames the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services, the Bureau of Alcoholic Beverages, Cannabis and Lottery Operations.

Part E updates the exceptions to the laws restricting possession of marijuana in the Maine Criminal Code to reflect the use permitted by this legislation. Part E also provides that the odor of cannabis does not create probable cause of criminal activity.

Part F removes provisions in the law that make licensing of industrial hemp farming contingent upon federal action and that require licensees to document the type of hemp planted and to provide notification of each sale. This Part also updates various provisions of Title 7 and Title 22 that are affected by the enactment of the Cannabis Regulation Act and amends Title 26 to prohibit the employment of a person under 21 years of age in an

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establishment licensed for commercial cannabis-related activities.

Part G provides that a person cannot be found to lack good moral character for personal, medical or commercial marijuana activities allowed by this legislation when that person is applying to obtain a permit to carry a concealed handgun.

Part H creates the Prevention and Control of Marijuana Use by Youth Program and its administering body, the Prevention and Control of Marijuana Use by Youth Advisory Council. The purpose of the program is to prevent persons under 21 years of age from using marijuana products. Part H also creates the Cannabis Research Fund, which is established to conduct research on cannabis.

**Committee Amendment "A" (H-477)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

**LD 1413      An Act To Allow an Attorney To Speak or Provide a Written Statement      PUBLIC 282**  
**for a Victim at Sentencing**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG KATZ	OTP-AM ONTP	H-398

Current law provides that a victim may participate in the process of a defendant's sentencing and requires the court to consider any oral or written statement made by the victim to the court. This bill provides that the victim may have an attorney represent the victim and submit a written statement or speak on the victim's behalf during the sentencing process.

**Committee Amendment "A" (H-398)**

This amendment is the majority report of the committee. The amendment changes the title and removes from the bill the provision that provides that an attorney may represent the victim at a sentencing hearing. It retains and clarifies the provision of the bill that allows an attorney to submit a written statement or speak on the victim's behalf.

**Enacted Law Summary**

Public Law 2015, chapter 282 allows an attorney for a victim of a crime to submit a written statement or speak on the victim's behalf in the court sentencing procedure.

**LD 1437      An Act To Establish Training Standards for Persons Investigating      Died Between**  
**Domestic Abuse Complaints      Houses**

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

This bill requires that an investigation of an alleged incident of domestic abuse must be conducted by a law enforcement officer who has met the training standards of a full-time law enforcement officer.

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**LD 1440 An Act To Amend the Laws Regarding the Department of Corrections and Correctional Services**

**PUBLIC 291  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN	OTP-AM	S-251

This bill authorizes law enforcement officers and juvenile community corrections officers to refer juveniles who commit minor offenses to diversion or restorative justice programs. In order to facilitate the effectiveness of these programs, the protection provided against admissibility in evidence for admissions made at other early stages of the juvenile justice process is provided for admissions made in connection with these diversion and restorative justice programs. An outdated reference to "community resolution teams" is also removed.

The bill adds to the protections of the victim notification statute by requiring victim notification of funeral and deathbed visits by prisoners, by adding to the definition of "victim" a person who has obtained from a court a protection from abuse order or received the court's approval for a protection from abuse agreement and by allowing victims to request notification directly from the Department of Corrections.

The bill allows a court to revoke the probation of an offender who has contact with a victim during incarceration if contact has been prohibited as a condition of probation.

The bill clarifies that the exemption from the payment of a health care copayment for certain mentally ill or developmentally disabled prisoners applies only to health care addressing the mental illness or developmental disability and not to unrelated health care. These provisions apply to both jail and Department of Corrections prisoners. The bill also removes a provision that is outdated as a result of recently enacted statutes prohibiting anyone under 18 years of age from being incarcerated in an adult facility.

The bill removes language providing that certain positions in the Department of Corrections serve at the pleasure of the commissioner. The positions include facility heads and regional community corrections administrators.

The bill expands the arrest powers of probation officers so that, in addition to the other categories of offenders they may arrest, they are also authorized to arrest escapees from facilities of the Department of Corrections.

The bill repeals an outdated uniform interstate compact for juveniles.

The bill amends the provision of law requiring a court sentencing a juvenile bound over and convicted as an adult to imprisonment to commit the juvenile to a Department of Corrections juvenile facility until the person attains 18 years of age, with any imprisonment time remaining after the person attains 18 years of age to be served in an adult facility. Currently, this provision is limited to certain serious crimes. The bill eliminates the limitation, thus preventing a person who has not attained 18 years of age who commits a less serious crime from being incarcerated in an adult facility.

**Committee Amendment "A" (S-251)**

This amendment removes from the bill provisions related to juvenile community corrections officer duties, statements made during a diversion or restorative justice program, preliminary procedures in juvenile corrections, victim notification, revocation of probation and repeal of the Uniform Interstate Compact on Juveniles. The amendment adds an emergency preamble and emergency clause to the bill.

**Enacted Law Summary**

Public Law 2015, chapter 291 does the following.

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1. It clarifies that the exemption from the payment of a health care copayment for certain mentally ill or developmentally disabled prisoners applies only to health care addressing the mental illness or developmental disability and not to unrelated health care. These provisions apply to both jail and Department of Corrections prisoners.
2. It repeals a provision that is outdated as a result of recently enacted statutes prohibiting anyone under 18 years of age from being incarcerated in an adult facility.
3. It repeals language providing that certain positions in the Department of Corrections serve at the pleasure of the commissioner. The positions include facility heads and regional community corrections administrators.
4. It expands the arrest powers of probation officers so that, in addition to the other categories of offenders they may arrest, they are also authorized to arrest escapees from facilities of the Department of Corrections.

Public Law 2015, chapter 291 was enacted as an emergency measure effective June 30, 2015.

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## **SUBJECT INDEX**

### **Criminal History Record Information/DNA/Forensics**

#### **Not Enacted**

LD 573	An Act To Provide for Annulment of Certain Arrest Records and Expungement of Certain Confidential Criminal History Record Information	ONTP
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### **Criminal Law**

#### **Enacted**

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LD 431	An Act To Strengthen the Laws Prohibiting Stalking	PUBLIC 357
LD 679	An Act To Prohibit the Unauthorized Dissemination of Certain Private Images	PUBLIC 339
LD 1074	An Act To Make Damaging a Public Easement with a Motor Vehicle a Class E Crime	PUBLIC 258
LD 1179	An Act To Prohibit Certain Payments with Respect to an Adoption	PUBLIC 233

#### **Not Enacted**

LD 239	An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Board of Trustees of the Maine Criminal Justice Academy	Died Between Houses
LD 355	An Act To Extend the Statute of Limitations for the Prosecution of the Crime of Robbery	ONTP
LD 1071	An Act To Increase the Penalties for Vandalizing a Cemetery	Majority (ONTP) Report
LD 1096	An Act To Create the Crime of Intentional Interference with Business Operations	Majority (ONTP) Report
LD 1200	An Act To Create a Civil Cause of Action for Intentional Interference with Business Operations	Died Between Houses
LD 1380	An Act To Legalize, Tax and Regulate Marijuana	Majority (ONTP) Report
LD 1401	An Act To Allow for and Regulate the Adult Use of Cannabis	Majority (ONTP) Report

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### Enacted

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LD 1113	An Act To Replace the Bail Code with a System of Validated Risk Assessment Tools	ONTP
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## *Department of Corrections*

### Enacted

LD 688	An Act To Amend the Laws Related to the Bolduc Correctional Facility	PUBLIC 48
LD 1440	An Act To Amend the Laws Regarding the Department of Corrections and Correctional Services	PUBLIC 291 EMERGENCY

### Not Enacted

LD 1387	An Act Regarding the State Board of Corrections	CARRIED OVER
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## *Domestic Violence*

### Not Enacted

LD 1100	An Act To Expand Options for the Prevention of Domestic Violence	Majority (ONTP) Report
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## *Drugs*

### Enacted

LD 113	An Act To Reduce the Penalties for Certain Drug Offenses	PUBLIC 308
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LD 1246	An Act To Strengthen Laws Regarding the Manufacture and Sale of Methamphetamine and Other Drugs	PUBLIC 346

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LD 376	An Act To Provide a Source of Funding for Drug Abuse Resistance Education	Died Between Houses
LD 710	An Act Providing a Good Samaritan Defense to Individuals Reporting a Drug Overdose	Veto Sustained

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LD 1155	An Act Concerning Electronic Monitoring and Increased Bail for Certain Crimes Involving Violence	Majority (ONTP) Report

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LD 652	An Act To Authorize the Carrying of Concealed Handguns without a Permit	PUBLIC 327
LD 868	An Act To Remove Limitations on Reciprocity for Concealed Handguns Permits	PUBLIC 144
LD 1068	An Act To Require That Certain Active Duty Military Personnel Are Eligible for the Resident Application Fee for a Concealed Handgun Permit	PUBLIC 123
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LD 548	An Act To Provide a Concealed Handgun Permit for Active Military Members	ONTP
LD 823	An Act To Upgrade the Concealed Handgun Permit Law	CARRIED OVER

**Fireworks**

**Not Enacted**

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LD 177	An Act To Protect Farm Animals from Noise from the Discharge of Fireworks and Explosives	Majority (ONTP) Report
LD 302	An Act To Encourage Responsible Consumer Fireworks Use	Died Between Houses

LD 324	An Act To Control Fireworks in Monhegan Island Plantation	Minority (ONTP) Report
LD 459	An Act To Protect the Environment from Fireworks Debris	Veto Sustained

### Juveniles

#### Enacted

LD 263	An Act To Provide a Minor with a Defense to Prosecution in a Situation That Involves Risk of Alcohol Overdose	PUBLIC 154
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#### Not Enacted

LD 1029	An Act To Improve Maine's Juvenile Justice System	Veto Sustained
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#### Enacted

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LD 1243	An Act To Make the Law Regarding Critical Incident Stress Management Teams More Beneficial and Effective	PUBLIC 112

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LD 534	An Act To Increase Crisis Intervention Training in the State	ONTP
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LD 624 An Act To Make a Technical Correction to the Law Establishing the State Trauma Prevention and Control Advisory Committee within the Field of Public Safety PUBLIC 30  
LD 629 An Act Regarding Community Paramedicine Pilot Projects PUBLIC 92 EMERGENCY  
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LD 1057 Resolve, To Review and Report Recommendations on the Safety of Motorized Farm Rides Provided for a Fee to the Public RESOLVE 32

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LD 460 An Act To Restore Liability Insurance Requirements for Amusement Rides and Other Public Exhibitions ONTP  
LD 599 An Act To Direct the Department of Public Safety To Establish a Public Safety Answering Point for the Passamaquoddy Indian Reservation at Indian Township Died Between Houses  
LD 655 Resolve, To Study the Feasibility of a State Firefighter Training Facility CARRIED OVER  
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LD 971 An Act To Reinstate the State Fire Marshal's Authority To Inspect Amusement Rides ONTP  
LD 1135 An Act Regarding the Requirements for Sprinkler Systems in Townhouses INDEF PP

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#### Enacted

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LD 1112	An Act To Make Technical Changes to the Sex Offender Registration and Notification Acts of 1999 and 2013	PUBLIC 280

### *Sex Offenses -- Criminal*

#### Enacted

LD 1275	An Act Regarding Notice to the Public Pertaining to a Resident Person Deported from Canada to the United States for Committing a Sex Offense against a Child	PUBLIC 76
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#### Not Enacted

LD 54	Resolve, To Ensure Notification to the Public of the Location in Maine of Persons Convicted in Foreign Countries of Crimes Relating to the Sexual Abuse of a Child	ONTP
LD 566	An Act To Protect Individuals from Breaches of Trust by Clergy Members	INDEF PP
LD 792	An Act To Protect Patients from Sexual Exploitation	Died Between Houses
LD 936	An Act To Protect Children from Sexual Predators, Sexual Abuse and Sexual Assault	ONTP
LD 1114	An Act To Protect Maine's Children from Sexual Abuse and Exploitation	CARRIED OVER

### *Sex Trafficking*

#### Enacted

LD 651	An Act To Amend Maine's Sex Trafficking and Child Welfare Laws	PUBLIC 360
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### *Theft/Bad Checks*

#### Enacted

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LD 310	An Act To Prevent Organized Retail Crime	PUBLIC 85

#### Not Enacted

LD 577	An Act To Amend the Laws Governing Penalties for Writing Bad Checks	ONTP
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### *Victim Rights*

#### Enacted

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



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

**JOINT STANDING COMMITTEE ON EDUCATION AND  
CULTURAL AFFAIRS**

August 2015

**STAFF:**

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*Joint Standing Committee on Education and Cultural Affairs*

LD 3      **An Act To Ensure Consistent Certification of Graduation Standards in Publicly Funded Secondary Schools**

**PUBLIC 40  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL	OTP-AM	H-70

This bill makes demonstrated proficiency in the system of learning results a requirement for the award of a diploma indicating graduation from a public charter school, in order to match the requirements for public schools and private schools approved for tuition that enroll at least 60 percent publicly funded students. The bill also makes the statewide assessment program required under the Maine Revised Statutes, Title 20-A, section 6202 applicable to public charter schools.

**Committee Amendment "A" (H-70)**

This amendment retains the provisions of the bill that clarify that public charter schools are subject to the provisions established under the system of learning results, including the statewide assessment program designed to measure students' academic achievement, that apply to public schools and private schools approved for tuition purposes that enroll at least 60 percent publicly funded students. The amendment adds the following provisions to the bill.

1. It provides that public charter schools are subject to the provisions established under the state standards initiated for awarding proficiency-based diplomas in the Maine Revised Statutes, Title 20-A, section 4722-A and also provides that public charter schools are eligible for transition grants to implement the proficiency-based diploma standards.
2. It provides that a public charter school that operates a public preschool program must comply with the rules adopted by the Department of Education regarding basic school approval requirements for public preschool programs.
3. It updates a reference to the organization that approves accreditation for secondary private schools as part of the basic school approval provisions for private schools and revises this basic school approval provision to specify that a private school approved for tuition purposes that enrolls at least 60 percent publicly funded students may be approved under this provision if it also meets the requirements of the system of learning results.
4. It requires that private secondary schools approved for attendance purposes by the Department of Education include the instruction required by the provisions established under the state standards initiated for awarding proficiency-based diplomas to secondary school students.

**Enacted Law Summary**

Public Law 2015, chapter 40 changes the education statutes to clarify that public charter schools are subject to the provisions established under the system of learning results, including the statewide assessment program designed to measure students' academic achievement, that apply to public schools and private schools approved for tuition purposes that enroll at least 60 percent publicly funded students. This law amends and clarifies the following statutory provisions.

1. It provides that public charter schools are subject to the provisions established under the state standards initiated for awarding proficiency-based diplomas in the Maine Revised Statutes, Title 20-A, section 4722-A and also provides that public charter schools are eligible for transition grants to implement the proficiency-based diploma standards.
2. It provides that a public charter school that operates a public preschool program must comply with the rules

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adopted by the Department of Education regarding basic school approval requirements for public preschool programs.

3. It updates a reference to the organization that approves accreditation for secondary private schools as part of the basic school approval provisions for private schools and revises this basic school approval provision to specify that a private school approved for tuition purposes that enrolls at least 60 percent publicly funded students may be approved under this provision if it also meets the requirements of the system of learning results.

4. It requires that private secondary schools approved for attendance purposes by the Department of Education include the instruction required by the provisions established under the state standards initiated for awarding proficiency-based diplomas to secondary school students.

Public Law 2015, chapter 40 was enacted as an emergency measure effective April 30, 2015.

**LD 17      An Act To Restore Programs and Faculty to the University of Maine System      ONTP**

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

This bill provides ongoing funds to restore programs and faculty to the University of Maine System.

**LD 18      Resolve, To Review and Audit the University of Maine System's Finances and Governance Practices      ONTP**

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

This resolve directs the Office of Program Evaluation and Government Accountability to review and audit the University of Maine System's finances and governance practices and submit a report of its findings to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2016. The joint standing committee may submit legislation on the topic of the report to the Second Regular Session of the 127th Legislature.

**LD 19      An Act Regarding Special Education for Students Enrolled in a Home Instruction Program      ONTP**

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

This bill provides that a student enrolled in a home instruction program is eligible for special education and related services in the same manner that students enrolled in a private school are eligible for these services.

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**LD 38      An Act To Allow Sufficient Time for Implementation of the Performance Evaluation and Professional Growth System for Educators      PUBLIC 18 EMERGENCY**

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

This bill delays by one year the phased stages to implement educator effectiveness requirements for school administrative units.

**Enacted Law Summary**

Public Law 2015, chapter 18 delays by one year the phased stages to implement educator effectiveness requirements for school administrative units.

Public Law 2015, chapter 18 was enacted as an emergency measure effective April 12, 2015.

**LD 42      An Act To Increase Funding for Instruction within the University of Maine System      ONTP**

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

This bill requires that the amount by which any appropriation by the Legislature for the University of Maine System exceeds the fiscal year 2014-15 appropriation for the University of Maine System must be dedicated to instructional purposes and that the system report to the joint standing committee of the Legislature having jurisdiction over education matters specific details regarding the expenditure.

**LD 44      Resolve, To Direct the Department of Education To Train School Personnel To Implement Dyslexia Awareness and Student Accommodation Policies      ONTP**

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

This resolve requires the Department of Education to train school personnel to implement dyslexia awareness and student accommodation policies.

**LD 56      An Act To Limit Increases in the State's Share of Funding for Kindergarten to Grade 12 Public Education      ONTP**

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

This bill limits the State's share of the total cost of funding public education from kindergarten to grade 12 to no more than the prior fiscal year's share multiplied by one plus the most recent percentage of annual increase in the Consumer Price Index once the state share percentage reaches 55 percent.

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**LD 59      An Act To Protect Students' Rights and Privacy Regarding Their School      PUBLIC 97**  
**Records**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY COLLINS	OTP-AM	H-55

This bill directs the Commissioner of Education to adopt rules regarding dissemination of student information by schools not covered under current law. These rules are major substantive rules and must include substantially the same prohibitions and standards regarding dissemination of student information as applicable to publicly funded schools. The commissioner is required to recommend an appropriate penalty for a violation of the rules to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2016.

**Committee Amendment "A" (H-55)**

This amendment strikes and replaces the section of the bill that adds a new section to the Maine Revised Statutes, Title 20-A, chapter 221, subchapter 1 related to the dissemination of student information by certain private schools that are not covered under current law. The amendment establishes substantially the same standards and prohibitions applicable to publicly funded schools for private schools approved by the Department of Education and private schools recognized by the department as providing equivalent instruction.

**Enacted Law Summary**

Public Law 2015, chapter 97 adds a new section to the Maine Revised Statutes, Title 20-A, chapter 221, subchapter 1 related to the prohibitions and standards regarding dissemination of student information by certain private schools that are not covered under current law. The law establishes substantially the same standards and prohibitions applicable to publicly funded schools for private schools approved by the Department of Education and private schools recognized by the department as providing equivalent instruction. The law also directs the Commissioner of Education to recommend an appropriate penalty for a violation of these standards and prohibitions to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2016. The committee is authorized to report out a bill to implement a penalty for a violation of these standards and prohibitions to the Second Regular Session of the 127th Legislature.

**LD 60      An Act To Ensure Proper Funding for Teacher Retirement      Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA LIBBY	OTP-AM ONTP	H-14

This bill changes the method for funding teacher retirement costs. It repeals those provisions of law enacted pursuant to Public Law 2013, chapter 368 that require school administrative units and private schools to pay for teacher retirement.

**Committee Amendment "A" (H-14)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment adds an appropriations and allocations section to the bill.

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**LD 65      An Act To Apply Equally a Curtailment or Other Loss in General      ONTP**  
**Purpose Aid to Education**

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

If state revenue to a school administrative unit is reduced for any reason, this bill allows a school administrative unit to reduce the tuition it pays to a public or private school by the same percentage that the school administrative unit's share of state revenue under essential programs and services is reduced.

**LD 97      Resolve, Directing the Department of Education To Amend the School      RESOLVE 2**  
**Emergency Drill Rules**

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

This resolve directs the Department of Education to amend school emergency evacuation rules to include lockdown drills as well as emergency evacuation drills within the established required number of drills to be performed.

**Enacted Law Summary**

Resolve 2015, chapter 2 directs the Department of Education to amend school emergency evacuation rules to include lockdown drills as well as emergency evacuation drills within the established required number of drills to be performed.

**LD 99      An Act To Stabilize the Faculty and Programs at the University of      ONTP**  
**Southern Maine**

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

This bill provides one-time funds of \$2,000,000 in fiscal year 2014-15 to the University of Southern Maine to develop a recruitment and marketing program to stabilize enrollment.

**LD 109      An Act To Ensure Maine Companies Have Access to Skilled Labor      Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING HASKELL	OTP-AM	H-20

This bill provides \$75,000 per fiscal year to the Department of Education for the New Mainers Resource Center.

**Committee Amendment "A" (H-20)**

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This amendment incorporates a fiscal note.

**LD 127      An Act To Preserve Programs in Allied Health at Kennebec Valley Community College** **Accepted Majority (ONTP) Report**

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

This bill provides one-time funding in fiscal year 2015-16 to Kennebec Valley Community College to preserve its programs in allied health.

**Committee Amendment "A" (H-36)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment incorporates a fiscal note.

**LD 128      An Act To Allow a School Administrative Unit To Implement a Firearm Safety Education Program for Elementary School Students** **ONTP**

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

This bill requires the State Board of Education to develop guidelines for a standardized program of firearm safety education for elementary students and provides that school boards may adopt a firearm safety education program in conformance with the guidelines.

**LD 129      An Act To Provide Options to Schools for Making Up School Days** **PUBLIC 60  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL EDGECOMB P	OTP-AM	H-37

This bill provides that school administrative units may annually extend up to 25 school days by one hour each day. Five one-hour extensions count as one additional school day. Schools may use the extensions only to make up school days missed because of weather or emergency closures.

**Committee Amendment "A" (H-37)**

This amendment adds an emergency preamble and an emergency clause to the bill and directs the Department of Education to amend its rules regarding the methods required and the options available for school officials to request a waiver from the Commissioner of Education to schedule make-up days and reschedule instructional time in Section 6 of Rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units. The amendment directs the Department of Education to adopt the amendments to the rule within seven business days of the effective date of this legislation. It also provides that the amended rule becomes effective when filed by the department.

The amendment retains the provisions in the bill that provide that school administrative units may annually extend up to 25 school days by one hour each day, that five one-hour extensions count as one additional school day and that

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schools may use the extensions only to make up school days missed because of weather or emergency closures. The amendment requires approval of the Commissioner of Education for implementation of extensions.

**Enacted Law Summary**

Public Law 2015, chapter 60 provides that, upon approval of the Commissioner of Education, school administrative units may annually extend up to 25 school days by one hour each day to make up school days missed because of weather or emergency closures. The law provides that five one-hour extensions count as one additional school day for a school up day missed because of weather or emergency closure. The law also directs the Department of Education to amend its rules in Section 6 of Rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units regarding the methods required and the options available for school officials to request a waiver from the Commissioner of Education to schedule make-up days and reschedule instructional time.

Public Law 2015, chapter 60 was enacted as an emergency measure effective May 10, 2015.

**LD 130      An Act To Exempt Certain Established Public Prekindergarten Programs from New Regulations      ONTP**

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

This bill exempts public preschool programs in existence for at least three years on September 1, 2014 from new Department of Education rules related to standards and best practices for public preschool programs.

**LD 131      An Act To Amend the Laws Related to Public Funding of Charter Schools      PUBLIC 54 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL LANGLEY	OTP-AM	H-38

This bill establishes provisions to fund public charter schools that are authorized by the Maine Charter School Commission beginning in fiscal year 2015-16.

1. The bill establishes provisions that calculate the total allocation of funds to be provided under general purpose aid for local schools for public charter schools that are authorized by the Maine Charter School Commission and establishes that the Commissioner of Education must adjust the operating allocation calculated for public charter schools by multiplying the operating allocation by the appropriate transition percentage in accordance with the Maine Revised Statutes, Title 20-A, section 15671, subsection 7.
2. It also provides that, beginning in fiscal year 2015-16, the Commissioner of Education's recommendations to the Governor and the Department of Administrative and Financial Services for funding levels under the Essential Programs and Services Funding Act must include funding level computations for the total operating allocation of funds to public charter schools authorized by the commission in accordance with the provisions of this legislation.
3. It establishes a moratorium on the approval, authorization and execution of contracts for virtual public charter schools by the commission, and it provides that the moratorium applies to the period between the effective date of this legislation and one year following the effective date of this legislation.
4. It requires the Maine Charter School Commission to review the virtual public charter school models in other states and to submit a report to the joint standing committee of the Legislature having jurisdiction over education

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and cultural affairs that recommends a model for virtual public charter schools that will best serve the academic and developmental needs of Maine students.

5. It requires that virtual public charter schools and authorizers include the Legislature among the recipients of certain of their reports.

### **Committee Amendment "A" (H-38)**

This amendment provides clarification to the provisions established to fund public charter schools that are authorized by the Maine Charter School Commission beginning in fiscal year 2015-16. The amendment accomplishes the following:

1. It adds a provision to provide that a public charter school may receive payment for students residing in the unorganized territory and provides that a special education student residing in the unorganized territory must be treated the same as a resident student from a school administrative unit for purposes of special education costs;
2. It amends the calculation of the total allocation and state contribution for a public charter school to provide that the EPS per-pupil rate is different when only one school administrative unit sends students to a public charter school as compared to the EPS per-pupil rate when there is more than one school administrative unit sending students to the public charter school;
3. It amends the student count used for the determination of the EPS per-pupil rates for public charter schools by providing that the basic student count is the October 1st student count of the most recent calendar year prior to the year of funding;
4. It amends the provision related to the total allocation and state contribution for public charter schools to provide that up to three percent of this amount must be withheld and transferred to the Maine Charter School Commission in accordance with the Maine Revised Statutes, Title 20-A, section 2405, subsection 5, paragraph B;
5. It removes the provision that establishes a moratorium on the approval of, authorization of and execution of contracts for virtual public charter schools by the Maine Charter School Commission;
6. It removes the provision that requires the Maine Charter School Commission to review the virtual public charter school models in other states and to submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs; and
7. It amends the provisions that require the Commissioner of Education and the Governor to notify the governing board of each public charter school of the estimated amount of state contributions and the recommended funding level computations that must be allocated to the public charter school pursuant to the Maine Revised Statutes, Title 20-A, section 15683-B to provide that these estimated contributions must be posted on the Department of Education's publicly accessible website.

### **Enacted Law Summary**

Public Law 2015, chapter 54 makes the following changes to the laws governing the funding of public charter schools authorized by the Maine Charter School Commission beginning in fiscal year 2015-16.

1. It provides that, beginning in fiscal year 2015-16, the Commissioner of Education's recommendations to the Governor and the Department of Administrative and Financial Services for funding levels under the Essential Programs and Services Funding Act must include funding level computations for the total operating allocation of funds to public charter schools authorized by the commission in accordance with the provisions of this legislation.
2. It requires that the calculation of the total allocation of funds to be provided under general purpose aid for local schools for public charter schools that are authorized by the Maine Charter School Commission and establishes that

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the Commissioner of Education must adjust the operating allocation calculated for public charter schools by multiplying the operating allocation by the appropriate transition percentage in accordance with the Maine Revised Statutes, Title 20-A, section 15671, subsection 7.

3. It requires that the Commissioner of Education and the Governor notify the governing board of each public charter school of the estimated amount of state contributions and the recommended funding level computations that must be allocated to the public charter school pursuant to the Maine Revised Statutes, Title 20-A, section 15683-B to provide that these estimated contributions must be posted on the Department of Education's publicly accessible website.

4. It provides that the calculation of the total allocation and state contribution for the EPS per-pupil rate for a public charter school is different when only one school administrative unit sends students to a public charter school as compared to the EPS per-pupil rate when there is more than one school administrative unit sending students to the public charter school.

5. It provides that the basic student count used for the determination of the EPS per-pupil rates for public charter schools is the October 1st student count of the most recent calendar year prior to the year of funding.

6. It provides that a public charter school may receive payment for students residing in the unorganized territory and provides that a special education student residing in the unorganized territory must be treated the same as a resident student from a school administrative unit for purposes of special education costs.

7. It requires that up to three percent of the amount the total allocation and state contribution for public charter schools authorized by the Maine Charter School Commission must be withheld and transferred to the commission in accordance with the provisions in the Maine Revised Statutes, Title 20-A, section 2405, subsection 5, paragraph B.

8. Finally, it requires that virtual public charter schools and authorizers include the Legislature among the recipients of certain of their reports required by law.

Public Law 2015, chapter 54 was enacted as an emergency measure effective May 8, 2015.

**LD 151      An Act To Protect Public Health in the Maine Community College System**

**Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u> CHIPMAN MILLETT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill prohibits smoking on the grounds of any campus of the Maine Community College System. The bill provides an effective date of October 15, 2015 and an exception to the smoking ban for smoking undertaken as part of a religious ceremony or as part of a cultural activity by a defined group.

**LD 152      An Act To Encourage Cardiopulmonary Resuscitation To Be Taught in High School**

**ONTP**

<u>Sponsor(s)</u> CAMPBELL R	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This bill directs the Department of Education to develop a cardiopulmonary resuscitation model training program for school administrative units to offer to school personnel, secondary school students, parents and members of the public. In developing the training program, the department is authorized to seek collaboration and support in the form of money, staffing and expertise from organizations with the purpose of promoting cardiac health. The department is directed to encourage school administrative units to implement the training program.

**LD 201      Resolve, Regarding Legislative Review of Portions of Chapter 101:  
Maine Unified Special Education Regulation Birth to Age Twenty, a  
Major Substantive Rule of the Department of Education**

**RESOLVE 25  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-180

This resolve provides for legislative review of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a major substantive rule of the Department of Education.

**Committee Amendment "A" (H-180)**

This amendment provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule.

**Enacted Law Summary**

Resolve 2015, chapter 25 provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule.

Resolve 2015, chapter 25 was finally passed as an emergency measure effective June 11, 2015.

**LD 215      An Act To Improve Student Retention in Maine's Postsecondary  
Institutions**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MAKER	OTP-AM	S-21

This bill directs Jobs for Maine's Graduates, a state-authorized nonprofit corporation, to provide mentoring and counseling services, course guidance and graduation planning, peer support services and financial guidance to up to 200 students and at up to four postsecondary institutions in the State for the purpose of significantly increasing the percentage of eligible students who obtain a postsecondary degree. Eligible students must have previously been enrolled in a Jobs for Maine's Graduates high school program, been in or currently be in foster care or have earned a high school equivalency diploma within the five years prior to obtaining these services.

**Committee Amendment "A" (S-21)**

This amendment removes the limitations included in the bill on the number of postsecondary education institutions and the number of students that may be served by Jobs for Maine's Graduates as authorized by the bill.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

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**LD 218      An Act To Support Fair Financing in Charter Schools and School  
Administrative Units**

**ONTP**

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

This bill provides that per-pupil allocations paid by a school administrative unit to a public charter school must be returned to the school administrative unit of the student's residence, on a prorated basis, if the student discontinues enrollment at the public charter school and returns to the school administrative unit during the school year. The bill also changes the allocation of a provision of law to clarify when a school administrative unit needs to transfer funds to a charter school for certain programs.

**LD 231      An Act To Ensure That Schoolchildren with Dyslexia Receive the  
Assistance Needed**

**PUBLIC 338**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORRISON MILLETT	OTP-AM	H-279 S-327    HAMPER

This bill defines dyslexia as a specific learning disability that is neurological in origin. It requires school administrative units to conduct screenings of students from kindergarten to grade two for dyslexia, except that, for the 2016-2017 school year, school administrative units must screen students from kindergarten to grade three. It requires school administrative units to screen certain transfer and older students. It also creates the position of dyslexia consultant within the Department of Education and provides for the dyslexia consultant to provide school administrative units with dyslexia professional awareness training.

**Committee Amendment "A" (H-279)**

This amendment replaces the bill. It defines "dyslexia" and requires school administrative units to screen for dyslexia only those students from kindergarten to grade two who have certain difficulties, as noted by a classroom teacher, beginning in the 2016-2017 school year. It also requires the Department of Education to hire a dyslexia coordinator by October 1, 2015 and describes the dyslexia coordinator's duties. The amendment adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-327)**

This amendment strikes the General Fund appropriations from Committee Amendment "A." This amendment also adds a mandate preamble.

**Enacted Law Summary**

Public Law 2015, chapter 338 defines "dyslexia" and requires school administrative units to screen for dyslexia only those students from kindergarten to grade two who have certain difficulties, as noted by a classroom teacher, beginning in the 2016-2017 school year. It also requires the Department of Education to hire a dyslexia coordinator by October 1, 2015, who assists the Department of Education in complying with the dyslexia screening requirements and required general education interventions and develops a plan to implement dyslexia awareness training for teachers, implements professional development in evidence-based screening practices and identifies needs of schools for implementing intervention strategies for reading and language-based learning difficulties.

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**LD 235      An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Education, the Maine Arts Commission and the Maine State Museum and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2015**

**PUBLIC 7  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO HAMPER	OTP-AM	H-16

Part A of the bill adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Department of Education for the fiscal year ending June 30, 2015.

Part B of the bill further adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Department of Education for the fiscal year ending June 30, 2015.

Part C of the bill provides for the transfer of the payment for students who attend public charter schools authorized by the Maine Charter School Commission from the resident school administrative unit to the State. The cost of these public charter schools is included in the total cost of funding public education from kindergarten to grade 12 beginning in fiscal year 2015-16.

Part D of the bill revises the amount of financing agreements for portable computer systems for students and educators from up to \$69,696,000 to up to \$95,000,000 and the interest costs from up to \$5,575,680 to up to \$7,600,000. The amount has been revised to include those costs borne by the school administrative units.

Part E of the bill adjusts appropriations from the General Fund for the expenditures of the Maine Arts Commission for the fiscal year ending June 30, 2015.

Part F of the bill adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Maine State Museum for the fiscal year ending June 30, 2015.

**Committee Amendment "A" (H-16)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes Part C from the bill. Part C proposed to provide for the transfer of the payment for students who attend public charter schools authorized by the Maine Charter School Commission from the resident school administrative unit to the State.

**Enacted Law Summary**

Public Law 2015, chapter 7 makes the following changes to the funding appropriated or allocated for certain education and cultural affairs programs in fiscal year 2014-15.

1. It adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Department of Education for the fiscal year ending June 30, 2015.
2. It further adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Department of Education for the fiscal year ending June 30, 2015.
3. It revises the amount of financing agreements for portable computer systems for students and educators from up to \$69,696,000 to up to \$95,000,000 and the interest costs from up to \$5,575,680 to up to \$7,600,000. The amount

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has been revised to include those costs borne by the school administrative units.

4. It adjusts appropriations from the General Fund for the expenditures of the Maine Arts Commission for the fiscal year ending June 30, 2015.

5. It adjusts appropriations and allocations from the General Fund and other funds for the expenditures of the Maine State Museum for the fiscal year ending June 30, 2015.

Public Law 2015, chapter 7 was enacted as an emergency measure effective April 1, 2015.

**LD 240 An Act To Amend the School Funding Formula**

**ONTP**

Sponsor(s)

HOGAN  
COLLINS

Committee Report

ONTP

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the school funding formula.

**LD 261 Resolve, Directing the Maine Arts Commission, the Maine Historic Preservation Commission and the Maine State Museum Commission To Study the Replacement of Statues in the National Statuary Hall Collection**

**RESOLVE 51**

Sponsor(s)

MASON

Committee Report

OTP-AM

Amendments Adopted

S-34

This resolve establishes the Commission to Install a Statue of Joshua Lawrence Chamberlain in the National Statuary Hall Collection. The commission is directed to take steps necessary to result in the placement of a statue of Joshua Lawrence Chamberlain in the National Statuary Hall Collection in the United States Capitol. This statue will replace that of William King, Maine's first governor, the ownership of which may be transferred to the State, subject to the approval of the United States Congress's Joint Committee on the Library. The commission is directed to seek outside funding to fully fund the costs associated with carrying out the intent of the resolve.

**Committee Amendment "A" (S-34)**

This amendment replaces the resolve and directs the Maine Arts Commission, the Maine Historic Preservation Commission and the Maine State Museum Commission to study the public's interest in replacing one or both statues contributed by Maine currently in the National Statuary Hall Collection in the United States Capitol and the procedures for and the feasibility of accomplishing that process. The commissions are required to report their findings to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2016, and the committee is authorized to report out a bill related to the subject matter of the report to the Second Regular Session of the 127th Legislature. The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Resolve 2015, chapter 51 directs the Maine Arts Commission, the Maine Historic Preservation Commission and the Maine State Museum Commission to study the public's interest in replacing one or both statues contributed by Maine currently in the National Statuary Hall Collection in the United States Capitol and the procedures for and the feasibility of accomplishing that process. It requires the commissions to report their findings to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2016, and it authorizes the committee to report out a

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bill related to the subject matter of the report to the Second Regular Session of the 127th Legislature.

**LD 265      An Act To Require the State To Fund Public Charter Schools      ONTP**

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

This bill requires the State to provide full funding of public charter schools.

**LD 300      An Act To Appropriate Funds To Help Restore the Historic Wood Island Life Saving Station in Kittery      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL RYKERSON	OTP-AM	S-2

This bill provides one-time funding to the Wood Island Life Saving Station Association for the planning, design and restoration of the Wood Island Life Saving Station in the Town of Kittery.

**Committee Amendment "A" (S-2)**

This amendment incorporates a fiscal note.

While this bill was not enacted, the funding provision proposed in this bill was included in Public Law 2015, chapter 267, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2015, June 30, 2016 and June 30, 2017.

**LD 305      An Act To Authorize Circus Conservatory of America To Grant Baccalaureate Degrees      CARRIED OVER**

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

This bill authorizes Circus Conservatory of America to grant the degrees of Bachelor of Arts and Bachelor of Fine Arts.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 306      Resolve, To Prevent Overpayment for Virtual Education      ONTP**

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

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This resolve requires the Department of Education, in conjunction with the Maine Education Policy Research Institute, to design an essential programs and services funding model for virtual public charter schools that reflects evidence-based, appropriate costs to reduce the current overpayment made to virtual public charter schools for services, teachers and facilities that are not actually provided by the virtual public charter schools. This resolve requires the Department of Education to report the new funding model for virtual public charter schools to the Legislature by June 1, 2015.

**LD 311      An Act To Improve Attendance at Public Elementary Schools**

**Veto Sustained**

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

This bill gives school boards the option of reducing the minimum age required for school attendance from seven years of age to five years of age. The bill also provides that students who are at least five years of age and enrolled in a public day school are subject to the same provisions regarding truancy as students who are seven years of age or older and who are required to attend a public day school.

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

This amendment strikes the bill and instead provides that a person five years of age or older who is enrolled in public day school is required to attend during the time it is in regular session. This amendment provides that a person five years of age or older and under seven years of age may withdraw from school at any time within the 45 days after enrollment, and may withdraw from school after 45 days after enrollment after consultation with the school board or its designee. This amendment provides that students who are at least five years of age and enrolled in a public day school are subject to the same provisions regarding truancy as students who are at least seven years of age and have not completed grade six who are required to attend a public day school. This amendment clarifies that a person five years of age or older and under seven years of age is not required to meet the alternatives to attendance requirements set forth in the Maine Revised Statutes, Title 20-A, section 5001-A, subsection 3.

**LD 314      An Act To Amend the Administration of the Transportation System in the Department of Education**

**Accepted Majority (ONTP) Report**

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

This bill amends the law allowing the Commissioner of Education to pay costs attributable to transportation requirements under the Essential Programs and Services Funding Act and the law governing the transportation of public school students, including the costs of one Education Specialist III position, by changing that position to an Administrator position.

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

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment changes the position proposed in the bill from an "Administrator" position to a "professional" position.



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**LD 356      An Act To Permit the New England School of Dental Technology To Grant the Degree of Bachelor of Science      CARRIED OVER**

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

This bill authorizes the New England School of Dental Technology to grant the degree of Bachelor of Science beginning December 1, 2015.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 374      An Act To Require School Administrators To Complete 50 Hours of Direct Student Instruction To Be Recertified      Accepted Majority (ONTP) Report**

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

This bill provides that, beginning July 1, 2017, the statutory provisions related to the renewal of certificates for school administrators are amended to include the completion of at least 50 hours of direct student instruction as a qualification for renewal of the administrator's certificate. The bill also directs the Department of Education and the State Board of Education to provisionally adopt rules related to the renewal of certificates for school administrators no later than December 31, 2016.

**Committee Amendment "A" (S-28)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that, beginning July 1, 2017, the statutory provisions related to the renewal of certificates for school administrators are amended to permit the completion of at least 15 hours of academic instruction or involvement as a qualification for renewal of the administrator's certificate. Like the bill, the amendment directs the Department of Education and the State Board of Education to provisionally adopt rules related to the renewal of certificates for school administrators no later than December 31, 2016.

**LD 380      Resolve, To Establish a Working Group To Aid with the End of Student Hunger      ONTP**

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

The Task Force To End Student Hunger in Maine, as authorized pursuant to Resolve 2013, chapter 107, submitted its final report to the 127th Legislature; among many other recommendations of the task force is a requirement that the Department of Education convene a working group by March 1, 2015 to review the opportunities and challenges of the Community Eligibility Provision in the United States Department of Agriculture, study best practices related to the Community Eligibility Provision for school administrative units, address barriers to the use of the Community Eligibility Provision and make recommendations to the Department of Education and the Department of Health and Human Services. The working group is required to complete and submit its report by April 30, 2015.

This resolve, an emergency measure, includes only that provision of the task force's recommendations regarding the

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formation of a working group to allow the working group to be convened and finish its work by the April 30, 2015 deadline.

**LD 391      Resolve, To Create a State-run Virtual Academy Providing Maine Students with Access to Online Learning through Their Existing School Districts      ONTP**

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

This resolve does the following.

1. It directs the Department of Education to convene a stakeholder group to develop plans to establish online and digital learning opportunities, which may include a state-administered virtual academy and a state-administered digital learning exchange, that provide all public schools in the State access to online instruction, online courses and digital learning resources for their students.
2. It directs the stakeholder group, in collaboration with the Department of Education, to complete the design of online and digital learning opportunities for Maine students and submit a report, including findings and any necessary implementing legislation, to the Joint Standing Committee on Education and Cultural Affairs by December 1, 2015.
3. It directs the stakeholder group, in collaboration with school administrative units in the State, to develop a memorandum of understanding with the Virtual Learning Academy Charter School in New Hampshire to provide Maine secondary school students with access to virtual learning programs during the 2015-2016 school year.

**LD 392      An Act To Eliminate the Maine School Performance Grading System      Accepted Majority (ONTP) Report**

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

This bill prohibits the Department of Education from using a school performance grading system that uses a single letter grade to measure school performance.

**LD 393      An Act To Create a Unified Board of Higher Education      ONTP**

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

This bill replaces the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy with the Board of Trustees of Higher Education to provide a unified body for the governance of those institutions.

1. Part A makes changes to the law to replace some select references to the individual boards of trustees with references to the unified board and enacts a new chapter in the Maine Revised Statutes, Title 20-A with provisions

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that establish the new unified board.

2. Part B establishes a transition team to recommend further changes to the law to fully accomplish the transition to the unified board. The transition team will specifically recommend changes to determine the qualifications of trustees and the powers and duties of the unified board in a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The report of the transition team must also recommend changes to the administration or organization of and the existing law governing the University of Maine System, the Maine Maritime Academy and the Maine Community College System to ensure the efficient operation under the unified board and to avoid any potential conflicts with the law establishing the unified board. The joint standing committee is authorized to submit a bill to the Second Regular Session of the 127th Legislature based upon the report.

**LD 417 An Act Regarding Measures To Ensure Support for Students' Financial Literacy**

**PUBLIC 64**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT LANGLEY	OTP-AM	H-50

This bill directs the Commissioner of Education to develop methods to measure students' proficiency in financial literacy for those students taking part in financial literacy education pursuant to the Maine Revised Statutes, Title 20-A, section 254, subsection 13 in order to help ensure they can demonstrate proficiency prior to graduation. The Commissioner of Education shall submit by January 13, 2016 a report on the measures and any suggested legislation to the Joint Standing Committee on Education and Cultural Affairs, which may report out a bill to the Second Regular Session of the 127th Legislature.

**Committee Amendment "A" (H-50)**

This amendment strikes and replaces the bill to direct the Commissioner of Education to identify best practices to support students' financial literacy for those students taking part in financial literacy education pursuant to the Maine Revised Statutes, Title 20-A, section 254, subsection 13. The amendment also requires the Commissioner of Education to submit, by January 13, 2016, the 2016 annual report on the strategies and resources available to implement an integrated model for instruction in personal finance for use in secondary schools and the best practices available to support students' financial literacy.

**Enacted Law Summary**

Public Law 2015, chapter 64 directs the Commissioner of Education to identify best practices to support students' financial literacy for those students taking part in financial literacy education pursuant to the Maine Revised Statutes, Title 20-A, section 254, subsection 13. The amendment also requires the Commissioner of Education to submit, by January 13, 2016, the 2016 annual report on the strategies and resources available to implement an integrated model for instruction in personal finance for use in secondary schools and the best practices available to support students' financial literacy.

**LD 418 Resolve, To Study the Use of Social Impact Bonds as a Funding Mechanism for Public Education Programs in Maine**

**RESOLVE 52**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT LANGLEY	OTP-AM ONTP	H-10

This resolve requires the University of Maine System's Education Research Institute to study the use of social impact bonds to fund extended learning programs and prekindergarten programs. A social impact bond generally

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involves a government entity partnering with a service provider or outside investor that provides the financing for the project or service that is the object of the bond with the government entity not being required to pay back the bond unless success is demonstrated by a measurable outcome.

**Committee Amendment "A" (H-10)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs as it incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2015, chapter 52 requires the University of Maine System's Education Research Institute to study the use of social impact bonds to fund extended learning programs and prekindergarten programs. The Education Research Institute must submit a report of this study, including any recommended legislation, to the Joint Standing Committee on Education and Cultural Affairs by December 2, 2015. The committee may report out a bill based upon the report to the Second Regular Session of the 127th Legislature.

**LD 419 An Act To Establish the Summer Success Program Fund**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T	OTP-AM ONTP	H-450

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the current law to promote the establishment and expansion of summer school programs for elementary and secondary school students. The bill proposes that:

1. Elementary and secondary schools be provided with additional resources and incentives to establish or expand summer school programs that enhance the academic opportunities for Maine students;
2. The Department of Education provide elementary and secondary schools with examples of effective models of summer school programs that improve student performance, including model programs that involve school networking and partnerships with community-based organizations such as the Maine Alliance of Boys & Girls Clubs that provide summer activities to align and leverage existing resources, improve program quality and develop shared outcomes for student success; and
3. The current provisions in the Maine Revised Statutes, Title 20-A related to funding summer school programs be amended to provide additional funds for the establishment and expansion of summer school programs for elementary and secondary school students. The amendments to the current law may include, but are not limited to:
  - A. Providing an adjustment of the state share of the total allocation to qualifying school administrative units for the costs of establishing or expanding summer school programs for elementary and secondary school students; or
  - B. Providing qualifying school administrative units with the allocation of state grants to be awarded on an annual basis by the Department of Education for the establishment and expansion of summer school programs for elementary and secondary school students.

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

This amendment, which is the majority report of the committee, replaces the concept draft to establish the Summer Success Program Fund, a dedicated fund to be directed and administered by the Commissioner of Education and held by the Treasurer of State, to encourage the facilitation of high-quality summer success programs in school

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administrative units throughout the State. The amendment proposes the following.

1. It provides that money paid into the fund may include General Fund appropriations, as well as grants, gifts and other money from any unit of federal, state or local government or from any person, firm, partnership or corporation for deposit to the fund and money received from a social impact bond. It requires that school administrative units ensure that grants provided from the fund for expanding access to summer success programs supplement and not supplant federal funding.
2. It requires the commissioner to administer the fund within the Department of Education and to establish standards and approval for the allocation and use of fund money for summer success programs offered at elementary or secondary schools in the State. It also allows the commissioner to include the following in the standards:
  - A. Guidelines similar to the federal 21st Century Community Learning Centers program to close the achievement gap between economically disadvantaged students and their peers;
  - B. Effective models of summer success programs that involve networking and partnerships with community-based organizations that provide a range of high-quality services to support student learning and development; and
  - C. Implementation of the formative and summative assessment methods to measure student achievement in order to monitor the progress of students participating in summer success programs.
3. It provides that, beginning in fiscal year 2016-17, the department is required to provide grant funding, through a grant application process, to cover 90 percent of the costs of summer success programs in school administrative units with greater than 50 percent student participation in the federal free and reduced-price lunch program.
4. It adds the fund to the enhancing student performance and opportunity provisions of the Essential Programs and Services Funding Act.
5. It requires the commissioner to submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 15, 2015 that outlines the proposed rules to implement the fund by the 2016-2017 school year.

It adds an appropriations and allocations section.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

**LD 428      An Act To Amend the Powers and Duties of the State Board of Education**

**PUBLIC 72**

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

This bill specifically authorizes the State Board of Education to enter into an interstate reciprocity agreement regarding postsecondary distance education, to administer the agreement and to approve or disapprove an application to participate in the agreement from a postsecondary institution that has its principal campus in the State.

**Enacted Law Summary**

Public Law 2015, chapter 72 specifically authorizes the State Board of Education to enter into an interstate reciprocity agreement regarding postsecondary distance education, to administer the agreement and to approve or

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disapprove an application to participate in the agreement from a postsecondary institution that has its principal campus in the State.

**LD 441 An Act To Amend the Laws Governing Local Share of Education Costs**

**Accepted Majority  
(ONTP) Report**

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

This bill extends the remaining phase-out of the proportional share reduction for school administrative units not meeting their required local share of education funding from one more year, ending in fiscal year 2015-16, to three more years, ending in fiscal year 2017-18.

**Committee Amendment "A" (S-45)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs; it incorporates a fiscal note.

**LD 454 An Act To Enact the Student Information Privacy Act**

**PUBLIC 256**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ POULIOT	OTP-AM	S-222

This bill establishes requirements for providers of websites, mobile applications or online services that collect, maintain or use personal information of elementary or secondary school students.

**Committee Amendment "A" (S-222)**

This amendment replaces the bill. The amendment enacts the Student Information Privacy Act, which prohibits the operator of an Internet website, online service or mobile application designed, marketed and used for kindergarten to grade 12 purposes from presenting targeted advertising to students, amassing a profile of a student except in furtherance of school purposes, selling student data or disclosing student personally identifiable data without consent. The amendment permits an operator to disclose data in certain circumstances and under certain limitations, including to ensure legal and regulatory compliance, to participate in judicial process, for legitimate research purposes and for school purposes to a school, school administrative unit or state agency. The amendment requires an operator to maintain reasonable security procedures and practices to protect student data and requires an operator to delete data upon request of a school or school administrative unit. The amendment requires compliance with the Student Information Privacy Act by the 2016-2017 school year when an operator has signed a contract with the Department of Education, a school administrative unit or a school prior to enactment.

**Enacted Law Summary**

Public Law 2015, chapter 256 enacts the Student Information Privacy Act, which prohibits the operator of an Internet website, online service or mobile application designed, marketed and used for kindergarten to grade 12 purposes from presenting targeted advertising to students, amassing a profile of a student except in furtherance of school purposes, selling student data or disclosing student personally identifiable data without consent. The law permits an operator to disclose data in certain circumstances and under certain limitations, including to ensure legal and regulatory compliance, to participate in judicial process, for legitimate research purposes and for school purposes to a school, school administrative unit or state agency. The law requires an operator to maintain reasonable security procedures and practices to protect student data and requires an operator to delete data upon

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request of a school or school administrative unit. The law requires compliance with the Student Information Privacy Act by the 2016-2017 school year when an operator has signed a contract with the Department of Education, a school administrative unit or a school prior to enactment.

**LD 461 An Act To Change the Notification Deadline for the Nonrenewal of a Teacher's Contract**

**PUBLIC 65**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER EDGECOMB P	OTP-AM	H-51

This bill changes the deadline for a superintendent to notify a teacher of the superintendent's decision not to renew the teacher's contract from at least six months before the terminal date of the contract to at least 90 days before the terminal date of the contract. It also requires the school administrative unit to pay a forfeiture to the teacher if this deadline is not met.

**Committee Amendment "A" (H-51)**

This amendment strikes and replaces the bill to provide that the deadline for a superintendent to notify a teacher of the superintendent's decision not to renew the teacher's contract is at least six months before the terminal date of the contract except for teachers who received a summative effectiveness rating indicating ineffectiveness pursuant to the performance evaluation and professional growth system established under the Maine Revised Statutes, Title 20-A, chapter 508 for the preceding school year. The amendment also requires that unless the superintendent provides a written notice to the contrary not later than May 15th to a teacher who received a summative effectiveness rating indicating ineffectiveness pursuant to chapter 508 for the preceding school year, the teacher's contract must be extended automatically for one year.

**Enacted Law Summary**

Public Law 2015, chapter 65 provides that the deadline for a superintendent to notify a teacher of the superintendent's decision not to renew the teacher's contract is at least six months before the terminal date of the contract except for teachers who received a summative effectiveness rating indicating ineffectiveness pursuant to the performance evaluation and professional growth system established under the Maine Revised Statutes, Title 20-A, chapter 508 for the preceding school year. The law also requires that unless the superintendent provides a written notice to the contrary not later than May 15th to a teacher who received a summative effectiveness rating indicating ineffectiveness pursuant to chapter 508 for the preceding school year, the teacher's contract must be extended automatically for one year.

**LD 462 An Act To Clarify Rulemaking for Transportation of Public School Students**

**PUBLIC 73**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL LANGLEY	OTP-AM	H-62

This bill removes from the education laws rule-making language regarding the transportation of public preschool students.

**Committee Amendment "A" (H-62)**

This amendment requires the Department of Education to adopt major substantive rules in the event that the Federal Government or the State requires transportation to be provided for public preschool children.

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**Enacted Law Summary**

Public Law 2015, chapter 73 removes from the education laws rule-making language regarding the transportation of public preschool students. The law also requires the Department of Education to adopt major substantive rules in the event that the Federal Government or the State requires transportation to be provided for public preschool children.

**LD 463      An Act Regarding Eligibility of Children Placed in Guardianship for the      ONTP**  
**School Lunch and Milk Program**

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

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

This bill proposes to provide that a student placed in legal guardianship is eligible for free meals under the school lunch and milk program in the Maine Revised Statutes, Title 20-A, chapter 223, subchapter 7 without considering the income of the student's guardian.

**LD 464      An Act To Improve Science and Engineering Education for Maine's      Veto Sustained**  
**Students**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN DILL	OTP-AM	H-43 S-60    LANGLEY

This bill requires the Department of Education to include the so-called Next Generation Science Standards for kindergarten to grade 12 in the State's system of learning results and assessment and directs the Commissioner of Education to amend Department of Education rules on or before December 31, 2015 in order to include the science standards as part of the State's system of learning results and assessment beginning with the 2016-2017 school year.

**Committee Amendment "A" (H-43)**

This amendment removes the requirement that the assessment of the Next Generation Science Standards for kindergarten to grade 12 must be implemented beginning with the 2016-2017 school year. The amendment also changes the language to clarify that the amendments to the Department of Education rules chapters must be provisionally adopted and submitted to the Legislature for legislative review during the Second Regular Session of the 127th Legislature.

**Senate Amendment "A" To Committee Amendment "A" (S-60)**

This amendment changes the date by which the Department of Education is required to provisionally adopt rules from December 31, 2015 to December 31, 2016 and requires the rules to be submitted to the First Regular Session of the 128th Legislature.

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**LD 536      An Act To Amend Provisions Regarding the Appointment of Members of  
the Maine Charter School Commission**

**Died Between  
Houses**

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

This bill amends the provisions that apply to the appointment of the four members of the Maine Charter School Commission, who are currently nominated and appointed by the three members of the State Board of Education subject only to review by the joint standing committee of the Legislature having jurisdiction over education matters and majority vote of the state board, to provide instead for nomination by the three members of the state board for appointment by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and confirmation by the Senate.

**Committee Amendment "A" (H-316)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment makes changes to the provisions in the bill that apply to the appointment of four of the seven members of the Maine Charter School Commission. Instead of having the Governor appoint the four commission members nominated by the three members of the State Board of Education appointed to the commission by the state board, the amendment provides that the four commission members are nominated by those three members of the state board appointed to the commission and are subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate.

**LD 537      An Act To Avoid the Inappropriate Use of Assessment Tools on Children  
before Grade 3**

**PUBLIC 183**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY	OTP-AM	H-198

This bill prohibits the Commissioner of Education from establishing a statewide assessment program to measure and evaluate on a continuing basis the academic achievements of students in prekindergarten to grade two.

**Committee Amendment "A" (H-198)**

This amendment strikes and replaces the bill. The amendment adds a provision to the Maine Revised Statutes, Title 20-A related to the early childhood educational programs for children ages four to nine to clarify that early childhood statewide assessment tools are used to inform instruction and to communicate effectively with parents, but that the statewide assessments of early childhood programs must avoid the inappropriate use of assessment information.

**Enacted Law Summary**

Public Law 2015, chapter 183 adds a provision to the Maine Revised Statutes, Title 20-A related to the early childhood educational programs for children ages four to nine to clarify that early childhood statewide assessment tools are used to inform instruction and to communicate effectively with parents, but that the statewide assessments of early childhood programs must avoid the inappropriate use of assessment information.

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**LD 538 An Act To Reduce Fees at Maine's Postsecondary Institutions**

**ONTP**

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

This bill prohibits a postsecondary institution from assessing a student a student health fee unless the student has expressly agreed to pay the fee.

**LD 556 An Act To Require Public Schools To Offer Instruction Related to Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator**

**PUBLIC 140**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT MILLETT	OTP-AM	H-122

This bill requires public schools to offer training to students on how to perform cardiopulmonary resuscitation and use automated external defibrillators in accordance with rules adopted by the Department of Education. The rules must be designed to ensure that the training requirements can be met without a public school's being required to expand or modify its activity so as to necessitate additional expenditures from local revenues.

**Committee Amendment "A" (H-122)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2015, chapter 140 requires public schools to offer training to students on how to perform cardiopulmonary resuscitation and use automated external defibrillators in accordance with rules adopted by the Department of Education. The rules must be designed to ensure that the training requirements can be met without a public school's being required to expand or modify its activity so as to necessitate additional expenditures from local revenues.

**LD 557 An Act To Provide Reasonable Accommodations for School Attendance for Children Certified for the Medical Use of Marijuana**

**PUBLIC 369**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON HAMPER	OTP-AM ONTP	H-207 S-148 LANGLEY

This bill:

1. Provides that a school board may not prohibit the possession on school grounds of medical marijuana in a nonsmokeable form by the parent or guardian of a child with a disability for whom medical marijuana has been recommended by the child's health care provider as a reasonable accommodation necessary for that child to attend events held on school grounds; and
2. Provides that a child with a disability may not be denied eligibility to attend school solely because the child requires medical marijuana in a nonsmokeable form as a reasonable accommodation necessary for the child to

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attend school.

**Committee Amendment "A" (H-207)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment removes the provision in the bill that prohibits a school board from prohibiting possession of medical marijuana and instead provides that a parent, guardian or other person designated as a primary caregiver for a minor child certified for the medical use of marijuana may possess and administer marijuana in a nonsmokeable form to that child in a school bus or on the grounds of a preschool or primary or secondary school.

**Senate Amendment "A" To Committee Amendment "A" (S-148)**

This amendment amends Committee Amendment "A" to strike and replace the provision in the bill that provides that a child upon a recommendation from the child's health care provider may not be denied eligibility to attend school solely because the child requires medical marijuana in a nonsmokeable form as a reasonable accommodation necessary for the child to attend school.

This amendment provides that a child who holds a written certification for the use of medical marijuana from a medical provider under the Maine Medical Use of Marijuana Act may not be denied eligibility to attend school solely because the child requires medical marijuana in a nonsmokeable form as a reasonable accommodation necessary for the child to attend school.

This amendment retains the provisions in Committee Amendment "A" concerning the possession and administering of marijuana in a nonsmokeable form by a parent, guardian or other primary caregiver.

**Enacted Law Summary**

Public Law 2015, chapter 369 provides that a child who holds a written certification for the use of medical marijuana from a medical provider under the Maine Medical Use of Marijuana Act may not be denied eligibility to attend school solely because the child requires medical marijuana in a nonsmokeable form as a reasonable accommodation necessary for the child to attend school. This law also provides that a parent, guardian or other person designated as a primary caregiver for a minor child certified for the medical use of marijuana may possess and administer marijuana in a nonsmokeable form to that child in a school bus or on the grounds of a preschool or primary or secondary school.

**LD 567      Resolve, To Implement Recommendations from the Maine Science, Technology, Engineering and Mathematics Education and Workforce Plan**

**Accepted Majority (ONTP) Report**

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

This bill requires the Department of Education to convene a stakeholder-based advisory committee with representatives from the science, technology, engineering and mathematics fields, including computer science, to assist the department in developing and implementing recommendations made in the Maine Science, Technology, Engineering and Mathematics Education and Workforce Plan, including the adoption of next generation science standards in all school administrative units, and to determine the feasibility of implementing the other recommendations in the plan.

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**LD 578      An Act To Redefine the Method by Which the Department of Education Determines Cost Sharing for School Construction and Renovation Projects for Municipalities within a School Administrative Unit      Accepted Majority (ONTP) Report**

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the current education statutes pertaining to the methods by which the Department of Education determines how the costs for school construction and renovation projects are shared among the member municipalities of a school administrative unit. The bill would implement:

1. An alternative method for determining the sharing of costs for a school construction or renovation project among member municipalities of a school administrative unit comparable to the methods established under the Maine Revised Statutes, Title 20-A, section 1481-A, subsection 3; and
2. An amendment to the provisions of the Essential Programs and Services Funding Act regarding the sharing of debt service costs related to school construction and renovation projects in order to more equitably distribute the local share of school construction and renovation project costs among the member municipalities of a school administrative unit by including the number of resident pupils in each municipality and the property fiscal capacity of each municipality as the basis for sharing the debt service costs related to school construction and renovation projects.

**Committee Amendment "A" (H-263)**

This amendment, which is the minority report of the committee, strikes and replaces the concept draft. It provides an alternative method for determining cost sharing for school construction and renovation projects for the member municipalities within a school administrative district, community school district or regional school unit.

**LD 579      An Act To Allow Teachers To Teach and Students To Learn by Amending the Laws Governing Education Standards      ONTP**

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

This bill repeals the requirements for a system of proficiency-based education standards scheduled to become effective in 2017.

**LD 601      An Act To Clarify the Authority of Individualized Education Plans in Relation to Proficiency-based Diplomas      ONTP**

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

This bill allows a child with a disability who demonstrates proficiency through the use of evidence and alternative measures specified in the child's individualized education plan to be awarded a high school diploma.

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**LD 627      An Act To Make College More Affordable for Maine Residents**

**Died Between  
Houses**

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

This bill changes the Maine State Grant Program by providing that grants awarded to students attending the University of Maine System, the Maine Maritime Academy or the Maine Community College System may not be less than \$2,500 for students attending their first year, \$3,500 for students attending their second year, \$4,500 for students attending their third year and \$5,500 for students attending their fourth year.

**Committee Amendment "A" (S-221)**

This amendment, which is the majority report of the committee, requires that the Maine State Grants Program tiered awards proposed in the bill, if funds are available, must be made available to eligible students with no expected family contribution who attend private postsecondary education institutions, as well as those who attend public postsecondary education institutions, in the State.

**LD 637      An Act Concerning the Calendars of Career and Technical Education Programs and Partnering Schools**

**Accepted Majority  
(ONTP) Report**

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

This bill provides that the calendars of all schools affiliated with a career and technical education center or within a career and technical education region must be aligned within five to seven days of each other and with the regional school calendar, depending upon the number of schools sending students to the regional school.

**Committee Amendment "A" (S-44)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

**LD 683      Resolve, Regarding Legislative Review of the Final Repeal of Chapter 60: New School Siting Approval, a Late-filed Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education, State Board of Education**

**ONTP**

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

This resolve provides for legislative review of Chapter 60: New School Siting Approval, a major substantive rule of the Department of Education, State Board of Education that was filed outside the legislative rule acceptance period.

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**LD 685      Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Late-filed Major Substantive Rule of the Department of Education, State Board of Education      ONTP**

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

This resolve provides for legislative review of portions of Chapter 61: Rules for Major Capital School Construction Projects, a major substantive rule of the Department of Education, State Board of Education that was filed outside the legislative rule acceptance period.

**LD 692      An Act Regarding Educator Effectiveness      PUBLIC 3 EMERGENCY**

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

This bill directs school administrative units to use state assessment data for English language arts and math as a measure of performance for teachers and as a measure of performance for principals. It clarifies the law regarding the usage of summative effectiveness ratings for certain categories of performance rating. It adds an additional component to the rules regarding monitoring of the performance evaluation and professional growth systems. The bill also directs the Department of Education to amend its rules regarding performance evaluation and professional growth systems.

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

This committee amendment makes the following changes to the components proposed in the bill to amend the Department of Education rules regarding the design and implementation of the performance evaluation and professional growth systems.

1. It strikes the proposed change to section 7, subsection 1 of the rules that would require school administrative units to develop a defensible approach to using student learning and growth as a significant factor in the summative effectiveness rating of an educator.
2. It strikes the individual education plan "IEP" language included in section 7, subsection 4 of the rule concerning Student Learning Objectives and IEP goals and adds a provision in section 7, subsection 3, paragraph F of the rule concerning Permissible Measures, to specify that an IEP may not be used as a measure of student learning and growth in the evaluation of an educator.
3. It amends the expedited amendment process provision in the bill to clarify that the Department of Education shall adopt the amendments to the department's Chapter 180 Rule as provided in this Act within seven business days of the effective date of this Act.
4. It changes the deadline date established for stakeholder groups to reach consensus on the performance evaluation and professional growth system in section 12, subsection 1, paragraphs D and E of the rules, from June 1, 2015 to July 15, 2015.
5. It adds a provision to require that each school administrative unit shall submit to the Department of Education by

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July 15, 2015 a plan describing the intentions of its pilot project.

**Enacted Law Summary**

Public Law 2015, chapter 3 clarifies the law regarding the usage of summative effectiveness ratings for certain categories of performance rating for teachers and principals. The law directs school administrative units to use state assessment data for English language arts and math as a measure of performance for teachers and as a measure of performance for principals. It also adds an additional component to the Department of Education's Chapter 180 rules regarding monitoring of the performance evaluation and professional growth systems and directs the department to amend its rules regarding performance evaluation and professional growth systems.

Public Law 2015, chapter 3 was enacted as an emergency measure effective March 17, 2015.

**LD 695      An Act To Clarify Statewide Assessment Program Options      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON LIBBY	ONTP OTP-AM	H-295

This bill requires a school administrative unit to excuse a student from standardized assessments at the written request of the student's parent or guardian and establishes requirements for school administrative units and the Department of Education related to excusing a student.

**Committee Amendment "A" (H-295)**

This amendment, which is the minority report of the committee, strikes and replaces the bill to require the Department of Education, beginning in the 2015-2016 school year, to create an annual report that outlines the federal and state laws and judicial decisions relating to the right or option of a student's parent or guardian to excuse the student from a statewide assessment program administered as part of the system of learning results. This amendment allows an educator to discuss the information published in the department's report with a student's parent or guardian and also allows the educator to refer the parent or guardian to the school's principal or another administrator employed by the school administrative unit.

**LD 696      An Act To Establish a Moratorium on the Establishment of Virtual Charter Schools      Died Between Houses**

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

This bill provides that the Maine Charter School Commission may not authorize the operation of any virtual public charter school until the Legislature enacts legislation that expressly authorizes the operation of virtual public charter schools in the State. The moratorium applies to the operations of any virtual public charter school that has not commenced operations as of the effective date of this legislation, regardless of whether the commission has approved, authorized or executed a contract for the virtual public charter school.

The bill amends the definition of "virtual public charter school" to specify that virtual public charter schools provide education services through an online learning program that enrolls students on a part-time basis in grades nine to 12. The bill also requires the Maine Charter School Commission to review the law and the virtual public charter school models that have been implemented in other states and develop a virtual public charter school model that will best serve the learning needs of students. The virtual public charter school model developed must apply only to

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part-time students in grades nine to 12 and must place emphasis on blended learning models for high school students.

The Maine Charter School Commission is directed to report its findings, recommendations and any necessary implementing legislation with respect to the authorization or operation of virtual public charter schools to the Joint Standing Committee on Education and Cultural Affairs no later than December 1, 2015 and authorizes the joint standing committee to report out a bill to the Second Regular Session of the 127th Legislature related to the recommendations included in this report.

**Committee Amendment "A" (H-156)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes the provisions in the bill that specify that a virtual public charter school may enroll students only on a part-time basis and amends provisions in the bill to indicate that a virtual public charter school enrolls students on a full-time basis. The amendment also adds an appropriations and allocations section.

**LD 711      An Act To Provide for a Later Starting Time for High Schools**

**Accepted Minority  
(ONTP) Report**

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

This bill requires that, by September 1, 2017, each school administrative unit ensure that its secondary schools' school days start no earlier than 8:30 a.m. and that there be at least 11 consecutive hours of uninterrupted time from the end of a class, extracurricular activity, athletic practice or any other school activity to the start of the next school day. A school administrative unit is required to submit a compliance plan. Units that do not comply face reductions in the state share of funding attributable to the cost of the components of essential programs and services.

**Committee Amendment "A" (H-123)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment changes the earliest allowed school day start time for secondary schools proposed in the bill from 8:30 a.m. to 8:00 a.m. and eliminates the requirement in the bill that a secondary school within a school administrative unit must allow 11 consecutive hours between school activities and the next school day. The amendment also eliminates the requirement in the bill that a school administrative unit provide a plan to adopt a later school start time in its secondary schools.

**LD 725      An Act To Increase Suicide Awareness and Prevention in Maine Public Schools**

**ONTP**

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

This bill requires a school administrative unit to complete and file proof of completion of suicide prevention awareness education and suicide prevention and intervention training for school personnel with the Department of Education. It also requires health education provided by a school administrative unit to students in grades 8 to 12 to include a comprehensive suicide prevention program.

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**LD 728      An Act To Limit the Amount of Money a Municipality May Spend on      ONTP**  
**Education**

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

This bill provides that, beginning with the 2016 tax year, it is the goal and policy of the State that the amount of property taxes distributed by a municipality for education under the Essential Programs and Services Funding Act may not exceed 55 percent of the state valuation of the municipality's property subject to the valuation filed with the Secretary of State. The bill also provides that a municipality is not required to pay more than 55 percent of the funds raised by local property taxes for the municipality's required contribution to the school administrative unit's total cost of education unless a majority of the elected officials of the municipality approve raising and expending funds appropriated through local taxation for educational purposes that exceed 55 percent of the state valuation of the municipality's property.

**LD 749      An Act To Ensure Integrity in Students' Proficiency      ONTP**

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

This bill provides that a teacher other than the teacher involved in the instruction of the students taking an examination in the subject area of the examination must administer and evaluate the results of the examination when it is used to determine proficiency in the areas described in the Maine Revised Statutes, Title 20-A, section 6209, subsection 2.

**LD 763      An Act To Change the Budget Approval Process for Alternative      PUBLIC 286**  
**Organizational Structures**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL BURNS	OTP-AM	H-400

This bill changes the school budget approval process for alternative organizational structures. Current law requires that a change in who approves a budget must be approved at the next statewide election. The bill requires that such a determination of who approves a budget must be approved at a special meeting authorized by a majority of the governing body of the alternative organizational structure rather than at the next statewide election.

**Committee Amendment "A" (H-400)**

This amendment makes changes to the provisions in the bill that apply to the school budget approval process for alternative organizational structures. Current law requires that a change in who approves a budget must be approved at the next statewide election. The bill requires that such a determination of who approves a budget must be approved at a special meeting authorized by a majority of the governing body of the alternative organizational structure rather than at the next statewide election. The amendment provides that the determination of the school budget approval process must be approved at the next regular election or special election of all of the member entities of the alternative organizational structure. The amendment also provides that a referendum authorized for this purpose must be called and conducted by the governing body of the alternative organizational structure in accordance with the procedures for calling and conducting a referendum in a regional school unit as set forth in the



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**LD 793      Resolve, To Examine Unfunded Mandates in the Education Laws and To Recommend Unfunded Mandates To Be Eliminated      ONTP**

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

This resolve establishes a work group to examine unfunded mandates in the education laws. The work group is charged with reviewing three reports on unfunded education mandates and determining which unfunded mandates have been addressed, which ones still exist and which ones should be addressed as a matter of priority. The work group is required to make recommendations as to how to best address those unfunded mandates determined to be priorities and report to the Joint Standing Committee on Education and Cultural Affairs no later than December 2, 2015. The joint standing committee may submit a bill related to the report to the Second Regular Session of the 127th Legislature.

**LD 794      An Act To Ensure That Funding to the University of Maine System Is Used Efficiently      ONTP**

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

This bill requires that the University of Maine System allocate a certain percentage of its annual funding to faculty salaries, classroom technology and supplies directly related to student learning in the classroom.

**LD 840      An Act To Collect and Report Data on the Implementation of Proficiency-based Diplomas and Standards-based Student Learning      PUBLIC 367**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL LANGLEY	OTP-AM	H-292

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to require the State to advance implementation of proficiency-based diplomas and a standards-based system of education by using strategic planning, monitoring and economies of scale to accelerate implementation of the diplomas and system at the local level. The bill proposes to meet these goals by:

1. Requiring the Department of Education to develop a five-year plan and budget to outline strategic supports for the implementation of proficiency-based diplomas under the Maine Revised Statutes, Title 20-A, section 4722-A and submit the plan and budget to the Joint Standing Committee on Education and Cultural Affairs by January 31, 2016;
2. Requiring the Department of Education annually to collect and report progress towards the implementation of proficiency-based diplomas in public schools, public charter schools and private schools under the Maine Revised Statutes, Title 20-A, section 2951, subsection 5, including the number of students graduating with proficiency-based diplomas and the number of students awarded proficiency in each of the content areas of the system of learning results established under Title 20-A, section 6209 and the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to Title 20-A, section 6209;
3. Maintaining school administrative unit per-pupil subsidies at the current rate;

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4. Providing competitive grants to regional district partnerships and nonprofit organizations to address statewide priorities and involve the State's business and higher education communities in delivering consistent messages about standards and proficiency, create a statewide research and development process to solve complex implementation problems and provide on-site consultation in curriculum, instruction, assessment and organizational change, increase local knowledge in key implementation areas and build local support systems and services; and

5. Requiring the Department of Education to contract with an external organization through a request for proposals process to develop, administer and track the competitive grant process and report annually to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, the Commissioner of Education and the public on the progress of the implementation of a standards-based system of education and emerging needs as the needs arise.

**Committee Amendment "A" (H-292)**

This amendment strikes and replaces the concept draft with a bill that directs the Department of Education to annually collect and report data on the progress of public schools and public charter schools towards the implementation of proficiency-based diplomas, including the number of students graduating with proficiency-based diplomas and the number of students awarded proficiency in each of the content areas and in each of the guiding principles of the system of learning results established under the Maine Revised Statutes, Title 20-A, section 6209.

**Enacted Law Summary**

Public Law 2015, chapter 367 directs the Department of Education to annually collect and report data on the progress of public schools and public charter schools towards the implementation of proficiency-based diplomas, including the number of students graduating with proficiency-based diplomas and the number of students awarded proficiency in each of the content areas and in each of the guiding principles of the system of learning results established under the Maine Revised Statutes, Title 20-A, section 6209.

**LD 852      An Act To Establish Maine's School Beverage Standards      ONTP**

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

This bill limits the beverages public schools that participate in the National School Lunch Program may sell to water, 100 percent fruit or vegetable juice with no added sugar, no-fat or low-fat milk, including flavored milk and sparkling water with natural flavoring.

**LD 853      An Act To Allow Secondary Schools To Grant Certificates of Academic Proficiency      PUBLIC 342**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL LANGLEY	OTP-AM ONTP	H-294 S-324 HAMPER

This bill authorizes school administrative units to award certificates of content area proficiency to students who demonstrate proficiency in each content area of the system of learning results.

**Committee Amendment "A" (H-294)**

This amendment, which is the majority report of the committee, provides that if a school administrative unit awards a certificate of content area proficiency to a student who demonstrates proficiency in a particular content area of the

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system of learning results, the school administrative unit is required to report its issuance of certificates of content area proficiency to the Department of Education.

**Senate Amendment "A" To Committee Amendment "A" (S-324)**

This amendment strikes the provision in the committee amendment to the bill that requires the Department of Education to collect and aggregate data reported by school administrative units that submit reports of certificates of content area proficiency issued to students who demonstrate proficiency. The amendment replaces this requirement with permissive language that allows the department to collect and report aggregate data reported by school administrative units.

**Enacted Law Summary**

Public Law 2015, chapter 342 authorizes school administrative units to award certificates of content area proficiency to students who demonstrate proficiency in each content area of the system of learning results. The law provides that if a school administrative unit awards a certificate of content area proficiency to a student who demonstrates proficiency in a particular content area of the system of learning results, the school administrative unit is required to report its issuance of certificates of content area proficiency to the Department of Education. The law also permits the department to collect and report aggregate data reported by school administrative units that submit reports of certificates of content area proficiency issued to students who demonstrate proficiency.

**LD 876      An Act To Encourage Equity in School Funding by Limiting a Municipality's Contribution Based on Its Student Enrollment      ONTP**

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

In the case of a school administrative district, community school district or regional school unit composed of more than one municipality, this bill limits the municipal contribution to the total cost of education to the essential programs and services, EPS, per-pupil rate multiplied by the municipality's most recent calendar year average pupil count.

**LD 877      Resolve, To Study the Fort Norumbega Site in Bucksport      ONTP**

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

This resolve requires the Maine Historic Preservation Commission to provide assistance to the Town of Bucksport to study the site in the Town of Bucksport that is considered to be the site of a French-built fort called Fort Norumbega.

**LD 878      An Act To Support College Affordability in Maine      PUBLIC 103**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING-SPITZ	OTP-AM	H-108

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact measures designed to reduce the costs associated with higher education in order to encourage resident students to remain in the State to attend

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school, and nonresident students to come to the State to attend school.

**Committee Amendment "A" (H-108)**

This amendment strikes and replaces the bill. It allows the Finance Authority of Maine to provide consolidation loans for student debt of Maine students as part of its existing Higher Education Loan and Loan Insurance Program.

**Enacted Law Summary**

Public Law 2015, chapter 103 allows the Finance Authority of Maine to provide consolidation loans for student debt of Maine students as part of its existing Higher Education Loan and Loan Insurance Program.

**LD 933      An Act To Implement the Recommendations of the Task Force To End Student Hunger in Maine      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND HICKMAN	OTP-AM	S-147

This bill implements the recommendations of the Task Force To End Student Hunger in Maine as follows.

1. The bill establishes the Commission To End Student Hunger, an ongoing commission of 17 appointed members, which is directed to work to implement a five-year plan to end student hunger, is authorized to conduct a statewide summit of state leaders to end student hunger and is required to advise four hunger coordinators who will assist in implementing the five-year plan.
2. The bill provides that the full costs of school nutrition are subsidizable costs in the state education funding formula.
3. The bill directs the Department of Education and the Department of Health and Human Services to collaborate to reduce student hunger. The bill requires the two departments to meet quarterly to collaborate on child hunger and nutrition programs. The bill requires the two departments to provide quarterly reports to the joint standing committee of the Legislature having jurisdiction over education matters and to the Commission To End Student Hunger. The bill requires the two departments to expand access to departmental data and to provide each school administrative unit and school with analyses of its existing child nutrition programs and their funding and federal funding not being used. The bill requires child nutrition data to be publicly available on the websites of the Department of Education and the Department of Health and Human Services. The bill requires the Department of Education to establish a grant program to assist schools and school administrative units in ending student hunger.
4. The bill requires the Department of Education to convene a working group by March 1, 2015 to review the opportunities and challenges of the community eligibility provision administered by the United States Department of Agriculture and study best practices and barriers related to the community eligibility provision and make recommendations to the Department of Education and the Department of Health and Human Services. The bill requires the Department of Education to submit a report to the Legislature and the Governor by April 30, 2015.
5. The bill requires the Department of Education and the Department of Health and Human Services to encourage the congressional delegation of the State to make participation in federal meals and snacks programs for students easier for school administrative units and nonprofit organizations and to make administration of the programs easier for the departments.

**Committee Amendment "A" (S-147)**

The amendment reduces the number of members of the Commission To End Student Hunger from 17 to 11 and



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includes an evaluation of the community schools in operation during the prior school year. The bill also authorizes the Department of Education to provide funding, including funds allocated for a five-year pilot project beginning in the 2016-2017 school year, to support the implementation of community schools.

**Committee Amendment "A" (S-131)**

This amendment reduces the number of schools the Department of Education is authorized to designate for the purpose of the pilot project as community schools from five as in the bill to three. The amendment reduces the maximum annual state allocations for community schools in the pilot project authorized under the Maine Revised Statutes, Title 20-A, chapter 333 from \$250,000 as in the bill to \$150,000. The amendment also removes the reporting requirements of school boards and the Commissioner of Education regarding community schools that are required in the bill. The amendment also adds an appropriations and allocations section.

While this bill was not enacted, the provisions proposed in this amendment were included in Public Law 2015, chapter 267, An Act Making Unified Appropriations and Allocations for the Expenditure of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2015, June 30, 2016 and June 30, 2017.

**LD 968      An Act To Expand Access to Affordable Higher Education and To      INDEF PP**  
**Strengthen Workforce Development**

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

This bill provides ongoing General Fund appropriations of \$1,300,000 per year beginning in fiscal year 2015-16 to the Southern Maine Community College to increase economic development and provide support for operations and key educational programs at the Midcoast Campus at Brunswick Landing.

While this bill was not enacted, the funding provision proposed in this bill was amended and included in Public Law 2015, chapter 267, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2015, June 30, 2016 and June 30, 2017.

This bill was not referred to a committee.

**LD 981      An Act To Establish a Veterinary School      CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to establish a veterinary school.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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**LD 985      An Act To Align Maine's School Marketing Law with Current Federal Food Standards**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY	OTP-AM	H-157 S-207    KATZ

This bill updates the school food and beverage marketing law by requiring the Department of Education, beginning October 1, 2015, to adopt rules regarding the marketing, advertising or promotion of food in school buildings and on school grounds to ensure compliance with the most recent federal regulations adopted pursuant to Section 204 of the Healthy, Hunger-Free Kids Act of 2010 and the Richard B. Russell National School Lunch Act. It also requires the Department of Education to adopt rules prohibiting the marketing, advertising or promotion of beverages except for water, 100 percent juice and low-fat milk in school buildings or on school grounds.

**Committee Amendment "A" (H-157)**

This amendment replaces the bill. The amendment requires the Department of Education to adopt major substantive rules that limit the sale and marketing of foods and beverages in school buildings and on school grounds to those foods and beverages that may be sold in schools under federal regulations, with the exception of diet soda. This amendment sets an effective date of October 1, 2015.

**Senate Amendment "A" To Committee Amendment "A" (S-207)**

This amendment specifies that a program that provides a student with free or discounted food or beverages as a reward is prohibited but a program that provides funding to a school or school administrative unit in exchange for purchases of food or beverages is not prohibited, as long as that program is not marketed on school grounds.

**LD 1033      Resolve, To Assist the University of Maine System and the Maine Community College System To Reduce the Need for Remedial Education**

**CARRIED OVER**

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

This resolve is a concept draft pursuant to Joint Rule 208. The resolve proposes to require the Department of Education to analyze the data for the last three academic years from public and private secondary schools regarding the number of students needing remedial education at the postsecondary level and the graduation rates of those students from postsecondary programs. The department is required to determine what methods are used by those schools with high graduation rates among students requiring remedial education and determine how to use those methods in other schools that do not have graduation rates as high. This resolve provides \$1,000,000, disbursed by the department, to assist schools with low rates of graduation among its remedial education students to adopt methods of increasing the graduation rates of those students.

This resolve was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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**LD 1042    Resolve, To Create the Task Force on School Leadership**

**RESOLVE 46  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY FARNSWORTH	OTP-AM	S-162 S-332    MASON

This resolve establishes the Task Force on School Leadership to conduct a comprehensive study on excellence in school leadership in prekindergarten to grade 12 public schools.

**Committee Amendment "A" (S-162)**

This amendment changes the task force membership by adding a middle school principal and adding a teacher who has a school administrator certificate.

**Senate Amendment "A" To Committee Amendment "A" (S-332)**

This amendment removes one Senate member and one House of Representatives member from the Task Force on School Leadership and limits the task force to two meetings.

**Enacted Law Summary**

Resolve 2015, chapter 46 establishes the Task Force on School Leadership to conduct a comprehensive study on excellence in school leadership in prekindergarten to grade 12 public schools. The task force must submit a report, including its findings, recommendations and suggested legislation to the Joint Standing Committee on Education and Cultural Affairs no later than December 2, 2015. The committee may report out a bill to the Second Regular Session of the 127th Legislature.

Resolve 2015, chapter 46 was finally passed as an emergency measure effective July 12, 2015.

**LD 1047    An Act To Allow for Collaboration in Public Charter Schools**

**Accepted Majority  
(ONTP) Report**

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

This bill clarifies that a public charter school may enroll students from outside the State and accept tuition for those students if there is space available because the public charter school did not reach its full capacity under the public charter school's application. The bill provides that a public charter school also may admit out-of-state students if the public charter school's proposed vision or plans according to the public charter school's application would be enhanced by the attendance of students from outside the State. The bill also allows a public charter school to operate in association with a private school if the public charter school complies with the provisions in law concerning public charter schools, the public charter school's operations comply with the public charter school's contract and the public charter school's finances are accounted for separately from the finances of the private school.

**Committee Amendment "A" (H-208)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment clarifies that a public charter school may enroll students from outside the State and accept tuition for those students if there is space available because the public charter school did not reach its capacity under the public

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charter school's application and the public charter school's proposed vision and plans according to the public charter school's application would be enhanced by the attendance of students from outside the State. The amendment also strikes the provision in the bill that allows a public charter school to operate in association with a private school if the public charter school complies with the provisions in law concerning public charter schools, the public charter school's operations comply with the public charter school's contract and the public charter school's finances are accounted for separately from the finances of the private school.

**LD 1048     An Act To Allow School Administrative District No. 27 To Transfer  
Ownership of the St. Francis Elementary School to the Town of St.  
Francis**

**P & S 4  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J EDGECOMB P	OTP	

This emergency bill authorizes the board of directors of School Administrative District No. 27 to transfer ownership of the St. Francis Elementary School building and its site to the Town of St. Francis, subject to the approval of the voters of the Town of St. Francis. The bill authorizes the municipal officers of the Town of St. Francis to lease a portion of the St. Francis Elementary School building and its site back to School Administrative District No. 27 for educational purposes, and, subject to applicable law, the town's municipal officers are authorized to renovate, use, lease, sell, mortgage or otherwise convey the property, subject to any leasehold rights of School Administrative District No. 27 for educational purposes. The bill also provides that, as long as School Administrative District No. 27 leases any portion of the property, the other uses of the property must be compatible with use of the property for educational purposes as reasonably determined by the district's board of directors.

**Enacted Law Summary**

Private and Special Law 2015, chapter 4 authorizes the board of directors of School Administrative District No. 27 to transfer ownership of the St. Francis Elementary School building and its site to the Town of St. Francis, subject to the approval of the voters of the Town of St. Francis. The law authorizes the municipal officers of the Town of St. Francis to lease a portion of the St. Francis Elementary School building and its site back to School Administrative District No. 27 for educational purposes, and, subject to applicable law, the town's municipal officers are authorized to renovate, use, lease, sell, mortgage or otherwise convey the property, subject to any leasehold rights of School Administrative District No. 27 for educational purposes. The law also provides that, as long as School Administrative District No. 27 leases any portion of the property, the other uses of the property must be compatible with use of the property for educational purposes as reasonably determined by the district's board of directors.

Private and Special Law 2015, chapter 4 was enacted as an emergency measure effective April 30, 2015.

**LD 1064     Resolve, To Establish the Maine Summer Success Program**

**ONTP**

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

This resolve directs the Department of Education to develop the Maine Summer Success Program, which would use the results of a series of tests in order to identify students who are not achieving their grade levels of competence and to see who would benefit from attendance at such a program. The department is directed to explore the use of social impact bonds to fund the program. The department is to report its development plan to the Joint Standing Committee on Education and Cultural Affairs by December 2, 2015.

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**LD 1081    An Act To Change the Individualized Education Program Notice Requirements**

**Died Between Houses**

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

This bill requires that the notification to a parent of a child with a disability informing the parent of the parent's right to be a member of the child's individualized education program team must include notice that the parent has 14 days to object to any proposal by a school administrative unit for the placement of the child and that the parent or school administrative unit may request alternative dispute resolution.

**Committee Amendment "A" (H-209)**

This amendment which is the minority report of the committee, reduces the time a parent or guardian of a child with a disability has to object to any proposals by a school administrative unit for the placement of the child from 14 days, as provided in the bill, to seven days.

**LD 1082    An Act To Ensure Equitable Support of Education for Maine Students in School Administrative District No. 6 and School Administrative District No. 44**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AUSTIN CUSHING	OTP-AM	

This bill eliminates the exemption for member municipalities in School Administrative District No. 6 and School Administrative District No. 44 from the standard municipal cost-sharing arrangement. For purposes of the cost-sharing calculation between these member municipalities in these two school administrative districts, the valuation and per-pupil figures for the member municipalities must both be set to 50 percent. The bill also repeals the prohibition against the withdrawal of the Town of Frye Island from School Administrative District No. 6.

**Committee Amendment "A" (H-261)**

This amendment replaces the bill with a resolve and requires the Town of Frye Island and the other member municipalities in School Administrative District No. 6 or their representatives to negotiate in good faith in order to reach a settlement of the disputes between the member municipalities regarding the formula for computing each municipality's assessment for the total expenses of the school district and the provisions for the Town of Frye Island to withdraw from the school district. The amendment also requires that the member municipalities present a report that includes their findings and recommendations regarding changes to the formula for apportionment of kindergarten to grade 12 education costs of the member municipalities and to the statutes related to the authorization and procedures necessary for the Town of Frye Island to withdraw from the school district to the Joint Standing Committee on Education and Cultural Affairs no later than December 11, 2015. Finally, the amendment provides that the joint standing committee may submit a bill to the Second Regular Session of the 127th Legislature regarding its recommendations on the report submitted by the member municipalities to settle these disputes.

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**LD 1118      Resolve, To Establish the Study Commission on the Social Emotional Learning and Development of Maine's Young Children      ONTP**

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

This resolve creates the Study Commission on the Social Emotional Learning and Development of Maine's Young Children to promote the social emotional learning and development of young children and reduce expulsions in early child care and education settings in the State by making an inventory of policies, rules, funding and services regarding early child care and education in the State and making recommendations, including suggested legislation, to strengthen the support for young children's social emotional learning and development and to address young children's behavioral needs.

**LD 1141      An Act To Promote Degree Completion by Maine Community College Students      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY	OTP-AM ONTP	H-262

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to implement a comprehensive strategy to increase the affordability of tuition at state public universities and colleges for Maine residents, thereby increasing the graduation rate from those state public institutions of higher education, and to attract to and keep in Maine young professionals. The comprehensive strategy may include, but is not limited to:

1. Establishing a textbook scholarship program, in coordination with the public institutions of higher education to provide scholarships for the purchase of textbooks at those institutions. The scholarships would be available to graduates of Maine high schools who have a grade point average of 3.0 or better on a 4.0 scale;
2. Establishing scholarships or providing incentives for degree completion with agreements to remain in the State after graduation for specified periods. Under this program, a full scholarship for the fourth and final year of school at a Maine public institution of higher education would be provided to students who agree to work in the State for a certain period of time following graduation;
3. Requiring the Department of Education and the Finance Authority of Maine cooperatively to issue low-interest student loans to students attending a public or private institution of higher education in this State who meet certain criteria, such as financial need, academic merit, graduating within four years or agreeing to work in public service for a certain period after graduation;
4. Requiring the Finance Authority of Maine to establish additional tax credits, state grants and other forms of financial aid for higher education for residents of this State who are graduates from a Maine public institution of higher education and an education loan repayment program for all graduates of an institution of higher education who are residents of this State;
5. Establishing a loan repayment program for graduates employed in certain high-demand fields in this State;
6. Establishing goals for college graduation attainment for the next 25 years;

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- 7. Exploring the development of an entity, such as a board of regents, to oversee higher education in this State in order to best serve the higher education needs of the residents and businesses of this State; and
- 8. Establishing a pilot project, based on Oregon's "Pay Forward, Pay Back" model, under which a student enrolled in a public institution of higher education, in lieu of paying tuition or fees, contracts to pay the State a certain percentage of the student's annual income following graduation for a specified number of years. The pilot project would eventually replace the current system of charging a resident of the State tuition and fees for enrollment at a state public institution of higher education. The pilot project would:
  - A. Allow a student who is a resident of the State and who qualifies for admission to an institution to enroll in the institution without paying tuition or fees;
  - B. Provide that, in lieu of paying tuition or fees, the student must sign a binding contract to pay to the State or the institution for a specified number of years a certain percentage of the student's annual adjusted gross income upon graduation from the institution;
  - C. Specify the number of years and the percentage of annual adjusted gross income for contracts at each participating institution and base the specifications on research to date; and
  - D. Establish a funding source for the first 15 to 20 years of the pilot project and a revolving fund into which payments made under the pilot project are deposited to provide long-term funding.

A pilot project may include variations by specific institution depending on the total cost of education at the institution, the portion of the cost that is paid by the State, the number of years of student repayment specified in the contract and the percentage of annual adjusted gross income specified in the contract.

**Committee Amendment "A" (H-262)**

This amendment, which is the majority report of the committee, strikes and replaces the concept draft with a bill to appropriate funds from the General Fund to the Maine Community College System for adding College Navigator positions and expanding student work study opportunities.

**LD 1152      An Act To Amend the Definition of "Property Fiscal Capacity" in the School Funding Law To Address Inequities Affecting Municipalities Experiencing Significant Reductions in Value      ONTP**

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

Current law defines a municipality's fiscal capacity for the purpose of calculating the local share and state share of the cost of public kindergarten to grade 12 education as the average state valuation for the municipality over a three-year period prior to the most recently certified state valuation. In order to avoid overstating the fiscal capacity of a municipality that has experienced a significant loss in value of 2 percent or more attributable to a single taxpayer, this bill resets the three-year period to average state valuations for those municipalities going forward, beginning with the first year the municipality's certified state valuation reflects that significant loss in value.

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**LD 1153     An Act To Restore Local Control of Education to Towns**

**ONTP**

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

This bill repeals the laws governing proficiency-based graduation requirements. It provides that a school administrative unit may elect to opt out of the so-called Common Core State Standards and statewide student assessments. It provides that a school administrative unit may establish a method of transferring funds to a public charter school that is an alternative to the current method. It makes it optional, instead of mandatory, for a school administrative unit to develop and implement a performance evaluation and professional growth system for educators.

**LD 1173     An Act To Improve School Administrative Efficiency and Expand Capacity for Professional Growth for Educators with Regional Collaborative Programs and Services**

**PUBLIC 251**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL LANGLEY	OTP-AM	H-293

This bill amends the education statutes related to regional collaboration between school administrative units to deliver certain administrative, instructional and noninstructional functions. The bill facilitates the transformation of the public education system in the State by providing grant funding from the Fund for the Efficient Delivery of Educational Services to support regional collaborative agreements between two or more school administrative units and, whenever possible, with local and county governments and State Government or with any public institution of higher education or nonprofit corporation to achieve efficiencies and reduce costs in the delivery of collaborative programs and support services related to:

1. Standards that guide curriculum and instruction and promote student advancement and graduation based on student demonstration of proficiency in meeting educational standards pursuant to the Maine Revised Statutes, Title 20-A, section 4722-A; and
2. Professional development standards that foster access to professional development, training and support for teachers and principals and expand opportunities for professional growth for teachers and principals pursuant to Title 20-A, chapter 508.

The bill also requires the Department of Education to provisionally adopt amendments to rules established for the Fund for the Efficient Delivery of Educational Services in order to align the awarding of grant funds to school administrative units with the provisions amended by this bill beginning with the 2016-2017 school year.

**Committee Amendment "A" (H-293)**

The amendment makes the following changes to the bill:

1. It removes the functions proposed in the bill for inclusion in the regional collaboration agreements included in the Maine Revised Statutes, Title 20-A, chapter 114;
2. It restores the statutory provision in Title 20-A, chapter 114-A that provides grant funding to one or more school administrative units, municipalities and counties from the Fund for the Efficient Delivery of Educational Services to

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support the improvement of educational opportunities and student achievement;

3. It amends the criteria established for providing grant funds from the Fund for the Efficient Delivery of Educational Services to expand access to professional development, training and support for teachers and school administrators by requiring that priority must be given to high-quality professional development initiatives aligned with evidence-based best practices that can be linked to improvements in student learning and expansion of opportunities for professional growth for teachers and principals pursuant to the educator effectiveness provisions established in Title 20-A, chapter 508; and

4. It removes the requirement that the Department of Education amend the rules established for the Fund for the Efficient Delivery of Educational Services.

**Enacted Law Summary**

Public Law 2015, chapter 251 facilitates the transformation of the public education system in the State by providing grant funding from the Fund for the Efficient Delivery of Educational Services to support regional collaborative agreements between one or more school administrative units and, whenever possible, with local and county governments and State Government or with any public institution of higher education or nonprofit corporation to achieve efficiencies and reduce costs in the delivery of collaborative programs and support services related to:

1. Standards that guide curriculum and instruction and promote student advancement and graduation based on student demonstration of proficiency in meeting educational standards pursuant to the Maine Revised Statutes, Title 20-A, section 4722-A; and
2. Professional development standards that foster access to professional development, training and support for teachers and principals and expand opportunities for professional growth for teachers and principals pursuant to Title 20-A, chapter 508.

**LD 1180 An Act To Require Education in Public Preschool Programs and Elementary Schools Regarding Child Sexual Abuse**

**PUBLIC 292**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER DIAMOND	OTP-AM	H-353

This bill requires the Commissioner of Education to develop model policies and a program of technical assistance for child sexual abuse response policies and reporting procedures and for age-appropriate instruction on child sexual abuse detection and prevention that may be used as part of the basic course of study in public preschool programs and elementary schools. The bill requires the Department of Education to make the model policies and technical assistance program available no later than March 1, 2016 to assist school administrative units with the implementation of child sexual abuse education programs and child sexual abuse response policies and reporting procedures in public preschool programs and kindergarten to grade five.

The bill requires that, beginning in the 2016-2017 school year, the basic course of study for elementary schools must include age-appropriate instruction on child sexual abuse detection and prevention for all students enrolled in public preschool programs and kindergarten to grade five. The bill requires a school administrative unit that operates a public preschool program or an elementary school to develop a prevention plan, beginning in the 2016-2017 school year, that includes a written local policy and an implementation plan for the child sexual abuse education programs and child sexual abuse response policies and reporting procedures.

The bill also requires the commissioner to review the content standards and performance indicators for the content area of health education, including age-appropriate instruction on child sexual abuse detection and prevention during the 2015-2016 school year as part of the commissioner's five-year review cycle of the content standards and

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performance indicators required under the system of learning results.

**Committee Amendment "A" (H-353)**

This amendment adds a mandate preamble.

This amendment replaces the bill. The amendment changes the model policy provisions of the bill to provide that the Commissioner of Education must develop a model policy on child sexual abuse prevention education and response for public preschool programs and elementary schools. The amendment requires the Department of Education to develop the model policy by July 1, 2016, to make the model policy available to school administrative units and to assist school administrative units in developing their own policies for child sexual abuse prevention education and response, based upon the model policy, which schools must develop for the 2017-2018 school year.

**Enacted Law Summary**

Public Law 2015, chapter 292 provides that the Commissioner of Education must develop a model policy on child sexual abuse prevention education and response for public preschool programs and elementary schools. The law requires the Department of Education to develop the model policy by July 1, 2016, to make the model policy available to school administrative units and to assist school administrative units in developing their own policies for child sexual abuse prevention education and response, based upon the model policy, which schools must develop for the 2017-2018 school year.

**LD 1198      An Act To Improve Representation on the Board of Trustees of the      ONTP**  
**University of Maine System**

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

This bill requires that one member of the Board of Trustees of the University of Maine System be a full-time faculty member of the university system and directs the Governor to make every effort to appoint one member with a strong agricultural background.

**LD 1207      Resolve, To Implement an Online Professional Development Platform      ONTP**  
**for Teachers and Educators**

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

This resolve directs the Department of Education to conduct research and design a plan to implement an online platform that provides Maine teachers and educators with access to comprehensive, high-quality professional development and training resources that can advance teacher effectiveness and improve student performance. The department is required to report the results of the research, along with any recommended legislation to execute the plan, to the Joint Standing Committee on Education and Cultural Affairs by December 2, 2015.

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**LD 1220     An Act To Increase Funding for the Maine Community College System**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE LIBBY	OTP-AM ONTP	H-107

This bill provides a five percent increase in appropriations to the Maine Community College System for the 2015-2016 biennium.

**Committee Amendment "A" (H-107)**

This amendment, which is the majority report of the committee, incorporates a fiscal note.

**LD 1222     An Act To Remove Barriers to School Construction Financing in  
Regional School Units**

**PUBLIC 181**

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

This bill authorizes a regional school unit to issue bonds that may be repaid using a level debt payment structure.

**Committee Amendment "A" (H-197)**

This amendment provides that the level debt payment structure authorized in the bill applies only to a regional school unit that issues bonds for a non-state-funded school construction project that is 100 percent locally funded. The amendment also authorizes a level debt payment structure only if the payment structure results in lower costs for the regional school unit throughout the life of the issue of the bonds.

**Enacted Law Summary**

Public Law 2015, chapter 181 authorizes a regional school unit that issues bonds for a non-state-funded school construction project that is 100 percent locally funded to issue bonds that may be repaid using a level debt payment structure. The law authorizes a level debt payment structure only if the payment structure results in lower costs for the regional school unit throughout the life of the issue of the bonds.

**LD 1229     Resolve, To Create a Pilot Program To Conduct Screenings for Scotopic  
Sensitivity Syndrome**

**ONTP**

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

This resolve directs the Department of Education to design and implement a scotopic sensitivity syndrome screening pilot program in 10 elementary schools to screen children in grades three to six for scotopic sensitivity syndrome in the 2016-2017 school year and report its findings and results to the joint standing committee of the Legislature having jurisdiction over education matters. The joint standing committee may report out a bill related to the report to the 128th Legislature.

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**LD 1230 An Act To Create a Digital Content Library for Education**

**PUBLIC 372  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY HUBBELL	OTP-AM	S-146

This bill creates a digital portal for education, which makes digital texts and online courses available to all students through a common statewide platform administered by the Commissioner of Education. This bill allows providers of digital texts and online courses to install them onto the portal at their own expense and set the fee charged for enrollment in or subscription to the digital text or online course. The commissioner is required to maintain a catalog of available digital texts and online courses.

**Committee Amendment "A" (S-146)**

This amendment replaces the bill, which establishes a digital portal for education, and instead creates a digital content library, which makes digital educational content and learning resources available to all students through a method determined by the Commissioner of Education and based upon the recommendations of a digital content library advisory group.

**Enacted Law Summary**

Public Law 2015, chapter 372 creates a digital content library, which makes digital educational content and learning resources that further the State's educational initiatives available to all students through a method determined by the Commissioner of Education and based upon the recommendations of a digital content library advisory group.

Public Law 2015, chapter 372 was enacted as an emergency measure effective July 16, 2015.

**LD 1235 Resolve, To Strengthen Standards-based Diplomas**

**RESOLVE 41**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND HUBBELL	OTP-AM	S-206

This bill changes the date by which the Department of Education's working group is required to develop and submit for review standards, assessments and assessment criteria for determining student proficiency as part of the development of a standards-based system of education. The bill also requires the working group to begin meeting as soon as practicable and that all meetings be open to the public.

**Committee Amendment "A" (S-206)**

This amendment replaces the bill with a resolve and creates the Maine Proficiency Education Council to study and make recommendations for a five-year plan for the full implementation of proficiency-based graduation requirements across the State in accordance with the Maine Revised Statutes, Title 20-A, section 4722-A. The Commissioner of Education shall submit a report including the recommendations of the council to the Joint Standing Committee on Education and Cultural Affairs no later than January 1, 2016.

**Enacted Law Summary**

Resolve 2015, chapter 41 creates the Maine Proficiency Education Council to study and make recommendations for a five-year plan for the full implementation of proficiency-based graduation requirements across the State in accordance with the Maine Revised Statutes, Title 20-A, section 4722-A. The Commissioner of Education must

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submit a report including the recommendations of the council to the Joint Standing Committee on Education and Cultural Affairs no later than January 1, 2016.

**LD 1249      An Act To Bring Equity to the State Portion of the Education Funding      ONTP**  
**Formula as It Applies to Regional School Unit No. 35**

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

This bill is a concept draft pursuant to Joint Rule 208. The purpose of this bill is to bring equity to the school funding formula as it applies to Regional School Unit No. 35, comprising the towns of Eliot and South Berwick. The bill would change the current formula for distribution of the costs for education within Regional School Unit No. 35 in a manner that would take into consideration unequal changes in property valuation, median income and population. The bill would phase in the changes to each municipality's share of costs over a period of five years in order to reduce the fiscal impact on the municipalities.

**LD 1250      An Act To Reform Public Charter Schools      Accepted Majority  
(ONTP) Report**

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

This bill amends the laws governing public charter schools by:

1. Requiring the Department of Education to post the annual audit of a public charter school and information concerning every contract entered into by a public charter school on a publicly accessible portion of the department's website;
2. Requiring a public charter school to provide the Department of Education with information on every contract executed by the public charter school, including leases, employment contracts or agreements with outside providers of materials or supplies or maintenance, administrative, food or educational services;
3. Requiring that notice for governing board meetings of public charter schools be posted on a publicly accessible portion of the public charter school's website at least 30 days before the meeting, that governing board meetings be open to the public and the governing board take accurate minutes of the meeting and post those minutes on a publicly accessible portion of the public charter school's website within 48 hours after adjournment of the meeting; and
4. Prohibiting a public charter school from accepting a gift or grant that is conditional upon the removal of a staff member or teacher of the public charter school.

**Committee Amendment "A" (H-152)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes the following provisions in the bill:

1. The provisions that require that notice for a meeting of a governing board of a public charter school be posted on a publicly accessible portion of the public charter school's website at least 30 days before the meeting, that a governing board meeting be open to the public and that the governing board take accurate minutes of the meeting



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2. Formative assessments that measure student growth over time; and
3. Information of the state assessment program under Title 20-A, section 6204 on student achievement reported by the department in compliance with applicable federal statutes and regulations regarding student assessment as required by the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70.

The bill would require the commissioner to annually report the statewide and school level results of the school assessment system with regard to the performance of schools and the proficiency of students in each of the State's elementary and secondary schools and to provide each participating school with a profile of school performance and student proficiency based upon data from the school assessment system. The reporting mechanisms and the categories reported must be uniform for each school compared at the elementary level or the secondary level.

The bill would also require the Commissioner of Education to convene a task force to develop a system to evaluate or rate the performance of public schools in the State and to incorporate the recommendations of the task force in the adoption of major substantive rules under this bill. The task force must include, but is not limited to, representatives of the following entities and stakeholder groups:

1. The Department of Education;
2. The State Board of Education;
3. Teachers;
4. Principals;
5. Parents;
6. The Education Research Institute under Title 20-A, section 10; and
7. Students.

The school assessment system developed by the task force must include, but is not limited to, the following elements:

1. Accurate measures of student progress over at least three years;
2. Rates of postsecondary school attendance and enlistment in the United States Armed Forces over at least three years;
3. A peer group comparison that takes into account, but is not limited to, use of special education services, the number of students eligible for free or reduced-price meals, local and county unemployment data and median household income;
4. School attendance rates;
5. Graduation rates;
6. Procedures to address specific challenges unique to a municipality, county or school administrative unit; and
7. Interviews with parents of students, members of governing boards of school administrative units, teachers and other education leaders about the overall school environment.

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The bill would require the task force to review the requirements of Title 20-A, chapter 222 and the school assessment systems that have been implemented in other states and jurisdictions and develop a school assessment system that will best serve the academic and developmental needs of students in this State. The school assessment system may not use a bell curve, and a school may not be penalized because of the failure of students to take certain standardized tests. The task force would be required to provide opportunities for the public and interested parties to provide input regarding the development of the school assessment system and give notice to the public and interested parties of the task force's meetings during which the public may provide testimony or feedback on the proposed models under consideration by the task force.

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

This amendment replaces the concept draft with a bill that does the following:

1. It provides that, beginning with the 2017-2018 school year and only after the adoption of major substantive rules by the Department of Education, for public schools, public charter schools and private schools approved for tuition purposes that enroll at least 60 percent publicly funded students, the Commissioner of Education shall implement a school assessment system to measure school performance and student proficiency in achieving the knowledge and skills described in the parameters for essential instruction and graduation requirements established under the Maine Revised Statutes, Title 20-A, section 6209, subsection 2 and the Department of Education's rule Chapter 132: Learning Results: Parameters for Essential Instruction;
2. It provides that, notwithstanding any other provisions of Title 20-A, chapter 222, the commissioner may not provide a report of the statewide or school-level results of the school assessment system until the final adoption of department rules adopted in accordance with Title 20-A, section 6214, subsection 3. It provides that the rules must be consistent with the recommendations reported by the task force established in this amendment. It also provides that this law may not be construed to prevent or inhibit the department from providing reports to comply with the federal statutes and regulations pertaining to student assessment as required by the federal No Child Left Behind Act of 2001;
3. It directs the commissioner to convene a task force to review school assessment systems that have been implemented in other states and to develop a system to evaluate and rate the performance of schools in this State;
4. It provides that the commissioner must report the task force's findings, recommendations and any necessary legislation with respect to the implementation of a school assessment system to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2016 and authorizes the joint standing committee to report out a bill to the Second Regular Session of the 127th Legislature related to the recommendations included in this report; and
5. It provides that the department must file provisionally adopted major substantive rules by January 6, 2017 to implement the school assessment system and that the rules must specify the methods to be used as part of the annual assessment of the performance of elementary and secondary schools and the proficiency of elementary and secondary school students beginning with the 2017-2018 school year.

This amendment also adds an appropriations and allocations section.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

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**LD 1266     An Act To Expand and Improve State-approved School Construction Projects**

**Accepted Majority  
(ONTP) Report**

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

This bill amends the education statutes related to the method by which the Department of Education determines the state and local shares of the major capital costs for a state-approved school construction project. The bill requires that the amount of the state and local shares for the approved major capital costs of the school construction project approved for a school year beginning on or after July 1, 2016 must be based on the same percentages as the state and the school administrative unit's contributions to the total cost of education as determined by the school administrative unit's state share percentage as calculated in accordance with the Maine Revised Statutes, Title 20-A, section 15672, subsection 31. The bill also requires that a school administrative unit establish a reserve fund to finance capital improvement or capital equipment for a state-approved school construction project approved for a school year beginning on or after July 1, 2016.

**Committee Amendment "A" (H-253)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment reduces the required annual deposit or investment for capital improvement or capital equipment from two percent, as proposed in the bill, to one percent for the reserve fund to be established by a school administrative unit that receives a state share percentage of 20 percent or more for a school construction project approved for state funding on or after July 1, 2016.

**LD 1276     An Act To Improve Educational Assessments of Maine Students**

**P & S 10**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCLELLAN	OTP-AM	H-280 S-219    LANGLEY

This bill:

1. Directs the Department of Education to terminate the State's membership in the Smarter Balanced Assessment Consortium and adopt a method of education assessment that complies with federal law but does not collect or disseminate personal data and attributes of students, such as attitudes, values, motivations, stereotypes or feelings;
2. Requires that a state assessment of student achievement be developed with direct input from teachers, parents and school boards and specifically address the needs of students and citizens of the State;
3. Requires that personally identifying data of a student derived from a state assessment of student achievement be disseminated only with the express written permission of each of the student's parents or guardians;
4. Requires that the State's participation in or entrance into an agreement with an organization, consortium or association in establishing or implementing standards and a state assessment of student performance be done through major substantive rules; and
5. Prohibits a state assessment of student achievement from being aligned with the so-called common core state standards initiated and adopted by several states.

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**Committee Amendment "A" (H-280)**

This amendment retains the provisions in the bill that:

1. Direct the Department of Education to terminate the State's membership in the Smarter Balanced Assessment Consortium and adopt a method of educational assessment that complies with federal law but does not collect or disseminate personal data and attributes of students, such as attitudes, values, motivations, stereotypes and feelings; and
2. Require that personally identifying data of a student derived from a state assessment of student achievement be disseminated only with the express written permission of each of the student's parents or guardians or of the student, if of majority age.

The amendment makes the following changes to the bill:

1. It removes the emergency preamble and the emergency clause;
2. It removes the requirement that the State's participation in or entrance into an agreement with an organization, consortium or association in establishing or implementing standards and a state assessment of student performance be done through major substantive rules;
3. It requires that the state assessment of student achievement be selected with direct input from education stakeholders and must specifically address the needs of students and citizens of the State; and
4. It removes the prohibition of a state assessment of student achievement from being aligned with the so-called common core state standards.

**Senate Amendment "A" (S-219)**

This amendment removes the provision that requires that personally identifying data of a student derived from a state assessment of student achievement be disseminated only with the express written permission of each of the student's parents or guardians or the student, if the student is of majority age.

**Enacted Law Summary**

Private and Special Law 2015, chapter 10 directs the Department of Education to terminate the State's membership in the Smarter Balanced Assessment Consortium and adopt a method of education assessment that complies with federal law but does not collect or disseminate personal data and attributes of students, such as attitudes, values, motivations, stereotypes or feelings. The law also requires that a state assessment of student achievement be developed for the 2015-2016 school year and each school year thereafter.

**LD 1277    An Act To Establish a Magnet School for Marine Science, Technology,  
Transportation and Engineering**

**PUBLIC 363**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILLWAY LANGLEY	OTP-AM	H-314

This bill establishes the Maine School for Marine Science, Technology, Transportation and Engineering as a public magnet school for the purpose of providing certain high-achieving high school students with a challenging educational experience. The school will be located in the Town of Searsport and will serve students from throughout the State. Students from other states and countries may attend on a space-available basis. The bill also corrects a cross-reference.

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**Committee Amendment "A" (H-314)**

This amendment provides that:

1. The Maine School for Marine Science, Technology, Transportation and Engineering may implement the plan established for operating the magnet school pursuant to the Maine Revised Statutes, Title 20-A, section 8236, subsection 2 during the 2017-2018 school year;
2. All powers, duties and authority of the school cease 90 days after the adjournment of the First Regular Session of the 129th Legislature; and
3. The school's board of trustees is required to provide a report to the Legislature by December 1, 2018 on the commencement and operations of the school. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill relating to the school to the First Regular Session of the 129th Legislature, which may include but is not limited to a repeal of the provision of law that terminates the powers, duties and authority of the school 90 days after the adjournment of the First Regular Session of the 129th Legislature.

**Enacted Law Summary**

Public Law 2015, chapter 363 establishes the Maine School for Marine Science, Technology, Transportation and Engineering as a public magnet school for the purpose of providing certain high-achieving high school students with a challenging educational experience. The law provides that:

1. The Maine School for Marine Science, Technology, Transportation and Engineering may implement the plan established for operating the magnet school pursuant to the Maine Revised Statutes, Title 20-A, section 8236, subsection 2 during the 2017-2018 school year;
2. All powers, duties and authority of the school cease 90 days after the adjournment of the First Regular Session of the 129th Legislature; and
3. The school's board of trustees is required to provide a report to the Legislature by December 1, 2018 on the commencement and operations of the school. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill relating to the school to the First Regular Session of the 129th Legislature, which may include but is not limited to a repeal of the provision of law that terminates the powers, duties and authority of the school 90 days after the adjournment of the First Regular Session of the 129th Legislature.

**LD 1281    An Act To Reduce the Burden on Local Communities of Transportation Costs for Special Needs Students    ONTP**

Sponsor(s)

HAMPER  
GINZLER

Committee Report

ONTP

Amendments Adopted

This bill proposes to limit the costs for special education transportation services for each school administrative unit that incurs special education costs that exceed \$20,000 for transportation services required to assist a child with a disability. The bill provides that the Commissioner of Education must pay 100 percent of the costs authorized for special education transportation services that exceed \$20,000 annually for each eligible child with a disability within the jurisdiction of the school administrative unit.

The bill also amends the statutes related to the annual review of the essential programs and services components



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**LD 1360 An Act To Increase the Number of Science, Technology, Engineering and Mathematics Professionals in Maine**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK POULIOT	OTP-AM	S-243

The purpose of this bill is to increase the number of students pursuing graduate and undergraduate degrees in the fields of science, computer science, technology, engineering and mathematics. This bill creates the Maine Science, Technology, Engineering and Mathematics Loan Program administered by the Finance Authority of Maine. Under the bill, loans with varying interest rates will be provided to participating students depending on their future employment: loans with zero percent interest rates will be available to students who remain in or return to the State and work in the fields of science, computer science, technology, engineering and mathematics upon graduation; loans bearing an interest rate of five percent will be available to students who remain in or return to the State upon graduation but are not employed in the fields of science, computer science, technology, engineering and mathematics; and loans bearing an interest rate of eight percent annually will be available for students who live and work outside the State upon graduation. This bill appropriates \$10,000,000 to fund the program for fiscal year 2015-16.

**Committee Amendment "A" (S-243)**

This amendment strikes a reference to a loan repayment program from the title of the chapter of law proposed to be enacted in the bill. The amendment adds high school seniors to the definition of "STEM student." The amendment also changes the maximum loan term from four years to five years and strikes a reference to eight percent loans being available to students who, upon graduation, are not employed in the field of science, technology, engineering and mathematics. Finally, the amendment adds a contingency funding provision that prohibits the Finance Authority of Maine from providing loans through the Maine Science, Technology, Engineering and Mathematics Loan Program in fiscal year 2015-16 unless legislation is enacted during the First Regular Session of the 127th Legislature that provides additional funding for the General Purpose Aid for Local Schools program for fiscal year 2015-16 and for the Maine Community College System for fiscal year 2015-16 and fiscal year 2016-17.

**LD 1370 An Act To Improve the Quality of Teachers**

**CARRIED OVER**

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

This bill proposes to improve teacher quality in the State by amending the current statutes related to programs involving teacher preparation, support systems for provisional teachers, teacher certification, teacher salaries and college loans for students enrolled in a program of study leading to certification as a teacher. The bill includes the following provisions.

1. It expands the student teaching experience and specifics an academic achievement level necessary for applicants to qualify for a provisional teaching certificate.
2. It strengthens the support systems required to provide assistance for provisional teachers during each year of their probationary period.
3. It directs the Commissioner of Education to pay salary supplements to classroom teachers who are involved in

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the operation of a school administrative unit's support system approved in accordance with the provisions of the Maine Revised Statutes, Title 20-A, section 13015.

4. It provides that an individual who has not completed a master's degree program and who is issued a teacher certificate in accordance with Title 20-A, chapter 502 on or after July 1, 2015 may not receive a renewed certificate or a new teaching certificate unless the individual completes a master's degree program within five years of being employed as a teacher in the State.
5. It increases the minimum salaries for certified teachers to \$40,000 beginning in the 2016-2017 school year and includes state funding for the incremental costs of meeting this minimum as part of the school funding formula.
6. It requires the Department of Education to increase the qualifying scores for the standardized qualifying examinations for applicants for initial teacher certification in its Rule Chapter 13: Qualifying Examinations for Teachers, Educational Specialists and Administrators no later than July 1, 2016.
7. It provides additional appropriations for the Educators for Maine Program within the Finance Authority of Maine in order to double the annual investment of state loan funds awarded to eligible students.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1386     An Act To Amend the Laws Governing High School Graduation Requirements**

**Accepted Majority  
(ONTP) Report**

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

This bill amends the current education statutes related to requirements for awarding a high school diploma to establish a blended system of graduation requirements that provides that a diploma indicating graduation from a secondary school must be awarded to students who accumulate at least 20 academic credits documenting the successful completion of courses and demonstrate proficiency in meeting state standards in at least two content areas of the system of learning results established under the Maine Revised Statutes, Title 20-A, section 6209. The bill also provides that a school administrative unit may award an endorsement of content area proficiency to a student who has demonstrated proficiency in a content area of the system of learning results. This bill accomplishes the following.

1. It amends the basic school approval standards that guide curriculum and instruction and promote student advancement and graduation to include language for transitioning to the blended system. Specifically, it provides that a school administrative unit's comprehensive education plan must include a plan for transitioning to the blended system.
2. It provides that, beginning in the 2016-2017 school year, diplomas must be awarded to students who meet the new curriculum and instructional requirements established for secondary schools and school boards must adopt policies to phase in these new requirements.
3. It strikes the provision that would repeal, on July 1, 2020, the standards for awarding high school diplomas to secondary school students who successfully complete courses required for graduation in accordance with Title 20-A, section 4722, thus providing that these standards will continue to apply as part of the blended system.
4. It removes the requirement that a diploma indicating graduation from a secondary school on or after January 1, 2017 must be based on student demonstration of proficiency in all content areas established under the system of

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learning results and instead provides that a diploma indicating graduation must be based on student demonstration of proficiency in at least two content areas established under the system of learning results.

5. It provides that an endorsement of content area proficiency must be included in a student's academic transcript as an official credential of academic achievement of content area proficiency.

6. It directs the Department of Education to adopt or amend rules pursuant to Title 20-A, section 253, subsection 9 by December 31, 2015 in order to implement the new blended system beginning with the 2016-2017 school year.

**Committee Amendment "A" (H-352)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

<b>LD 1394</b>	<b>An Act To Implement the Recommendations of the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula</b>	<b>CARRIED OVER</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

This bill is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Resolve 2013, chapter 114, section 10. The bill incorporates changes to the education statutes and rules proposed by the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula that the commission's report indicated are necessary to implement its recommendations.

The joint standing committee has not taken a position on the substance of the report or this bill, and by submitting this bill the joint standing committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of the recommendations and the necessary changes to the Maine Revised Statutes, Title 20-A, included in the report or this bill. The committee is submitting the bill for the sole purpose of turning the proposals in the report into a printed bill that can be referred to the joint standing committee for an appropriate public hearing and subsequent processing in the normal course of business. The joint standing committee is taking this action to ensure clarity and transparency in the legislative review of the proposals included in the report submitted by the commission.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

<b>LD 1396</b>	<b>An Act Regarding Educational Standards for Maine Students</b>	<b>Accepted Majority (ONTP) Report</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH EDGEComb P	ONTP OTP-AM	

This bill provides Maine students and teachers with high-quality content standards that have been demonstrated as some of the best state standards in the nation. The bill accomplishes the following with regard to the statewide content standards, statewide assessment programs, the comparison of recent and proposed content standards and statewide assessment programs and the release of personally identifiable data.

With regard to content standards, the bill:

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1. Prohibits the Department of Education from adopting and implementing the common core state standards, or any standards developed by any similar initiative process or program, as the State's content standards for English language arts and mathematics and voids any prior actions taken to adopt or implement the common core state standards;
2. Requires the Department of Education, within 90 days after the bill's effective date, to replace the content standards in English language arts, mathematics, science and social studies with new standards that are consistent with the standards adopted by Massachusetts prior to that state's adoption of the common core state standards, so that Maine's standards are, as much as possible, identical to those adopted by Massachusetts, except when a Maine context requires otherwise;
3. Specifies that the content standards that are based on the Massachusetts standards are effective for the 2016-2017, 2017-2018 and 2018-2019 school years only;
4. Requires the Department of Education, by June 30, 2017, to adopt new content standards for kindergarten and for each of grades one to 12 in English language arts, mathematics, science and social studies that are distinct and independent from the standards previously adopted by the Department of Education so that they are in place beginning with the 2019-2020 school year;
5. States that a school administrative unit is not required to use all or any part of the content standards adopted by the Department of Education;
6. Prohibits the Commissioner of Education from adopting any model curricula that are aligned with the content standards; and
7. Prohibits the Department of Education, the State Board of Education and any other state official, board or agency from adopting or revising any content standards in English language arts, mathematics, science or social studies until the new or revised standards are approved in accordance with the bill.

With regard to assessments, the bill:

1. Prohibits the Department of Education from using the assessments developed by the Smarter Balanced Assessment Consortium or the Partnership for Assessment of Readiness for College and Careers during the 2015-2016 school year or any school year thereafter; and also prohibits the department beginning with the 2015-2016 school year from using the assessments related to or based on the common core state standards by the Smarter Balanced Assessment Consortium, the Partnership for Assessment of Readiness for College and Careers or any other consortium of states working together to develop a set of assessments that measure whether students are on track to be successful in college and their careers;
2. For the 2015-2016 school year, requires the Department of Education to furnish and school administrative units and schools to administer the assessments for elementary and secondary schools that were administered during the 2013-2014 school year, including the New England Common Assessment Program for grades three to eight and the Maine High School Assessment testing program for grade 11 that includes the SATs in reading, mathematics and writing, as well as the Maine High School Assessment science test that was developed in collaboration with Measured Progress;
3. Requires the Department of Education to adopt or develop, not later than 90 days after the effective date of the bill, assessments for elementary and secondary schools in English language arts and mathematics that are aligned with the State's version of Massachusetts content standards for use only during the 2016-2017, 2017-2018 and 2018-2019 school years;
4. Requires the Department of Education to adopt or develop by June 30, 2019 assessments for elementary and

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secondary schools in English language arts and mathematics that are aligned with the new standards for use during the 2019-2020 school year and each school year thereafter;

5. Specifies that the nationally standardized assessment that is required as part of the statewide educational assessment program must be a nationally recognized, norm-referenced assessment, instead of a nationally standardized assessment as under current law and adds the requirement that it measure college and career readiness; and

6. Requires that a school administrative unit excuse a student from standardized assessments at the written request of the student's parent or guardian and establishes requirements for school administrative units and the Department of Education related to excusing a student.

With regard to the comparison of standards and assessments, the bill:

1. Requires the Department of Education to compare and publish on its website a comparison of the new content standards in English language arts, mathematics, science and social studies that will be effective in the 2019-2020 school year with Maine's state standards and the parameters for essential instruction and graduation requirements and to submit a report to the Legislature and Governor outlining the results of the comparison of the standards; and

2. Requires the subcommittees in the content areas of English language arts, mathematics, science and social studies to compare the content standards in English language arts, mathematics, science and social studies with the content standards that were previously adopted by the Department of Education pursuant to Public Law 2009, chapter 313, section 19 and Public Law 2009, chapter 647, section 1.

With regard to the release of personally identifiable data, the bill:

1. Specifies that, if the Federal Government requires a grant recipient to provide personally identifiable information of students or teachers as a condition of a federal education grant relating to content standards, only aggregate data may be provided for that purpose; and

2. Prohibits a federal grant recipient from releasing personally identifiable information without informed written consent of the student's parent or guardian for a student's information or of the teacher for a teacher's information.

**Committee Amendment "A" (H-315)**

This amendment, which is the minority report of the committee, makes a technical change to the bill to reflect changes in law enacted by Public Law 2015, chapter 40.

**LD 1406      An Act To Implement the Recommendations of the Commission To      Died On**  
**Study College Affordability and College Completion      Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-163

This emergency bill includes certain recommendations proposed by the Commission To Study College Affordability and College Completion for consideration by the Joint Standing Committee on Education and Cultural Affairs.

The joint standing committee has not taken a position on the substance of the report or this bill and by submitting this bill the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of the recommendations and the necessary changes to the Maine Revised Statutes, Title 20-A, chapter 419-A included in the report or this bill. The joint standing committee is submitting the bill for the sole purpose of turning the

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proposals in the report into a printed bill that can be referred to the committee for an appropriate public hearing and subsequent processing in the normal course of business. The joint standing committee is taking this action to ensure clarity and transparency in the legislative review of the proposals included in the report submitted by the Commission To Study College Affordability and College Completion.

**Committee Amendment "A" (S-163)**

This amendment makes the following changes to the recommendations proposed by the Commission To Study College Affordability and College Completion for consideration by the Joint Standing Committee on Education and Cultural Affairs.

1. It strikes the proposal to increase the minimum Maine State Grant Program awards from \$1,000 to \$1,500.
2. It changes the date for the initial report required from the Finance Authority of Maine for the annual Maine State Grant Program awards made to eligible students, including the possible tiered grants awarded, from January 15, 2016 to September 1, 2016 and also amends the annual report date to September 1st.
3. It changes the date for the college attainment and degree completion goal reports required from the University of Maine System, the Maine Community College System and the Maine Maritime Academy from July 1, 2015 to January 1, 2016.
4. It changes the date for the reports on strategic planning and funding required to implement college completion strategies required from the University of Maine System, the Maine Community College System and the Maine Maritime Academy from July 1, 2015 to January 1, 2016.
5. It strikes the proposal to require the Finance Authority of Maine to amend the Maine State Grant Program rules related to awarding tiered grants to eligible students.
6. It strikes the appropriations to the Finance Authority of Maine for tiered grant awards and to the Maine Community College System for adding College Navigator positions and expanding student work study opportunities and replaces them with an allocation to fund the one-time costs of the legislative per diem and expenses of the Task Force To Study College Attainment and Degree Completion Goals.

**LD 1420      An Act Regarding Participation by Private School Students in  
Extracurricular and Interscholastic Activities at Public Schools**

**Accepted Majority  
(ONTP) Report**

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

Current law allows a student at a private school that is recognized by the Department of Education as providing an equivalent instruction alternative to try out for extracurricular or interscholastic activities at a public school if the private school the student attends does not offer the same extracurricular or interscholastic activities, the principal of the public school approves and the student agrees to abide by other conditions.

This bill extends the same privilege to a student enrolled in an equivalent instruction program at a private school that is approved for attendance purposes by the Department of Education. Private schools that are approved by the department must meet standards for hygiene, health and safety and either be accredited by the New England Association of Schools and Colleges or meet applicable requirements of Maine law pertaining to private schools and the department's requirements for approval for attendance purposes.

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LD 1441 An Act To Establish the Public Higher Education Systems Coordinating Committee

PUBLIC 261

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill is reported out pursuant to joint order by the Joint Standing Committee on Education and Cultural Affairs. The bill replaces the Education Coordinating Committee with the Public Higher Education Systems Coordinating Committee to:

1. Promote efficiency, cooperative effort and strategic planning between the governance structures of the University of Maine System and the Maine Community College System and address issues including, but not limited to, improving college affordability, promoting student transfer between the systems, reducing the duplication of programs, identifying opportunities for building cross-system economies of scale and sharing of resources and recommending statutory changes to improve the efficiency or effectiveness of the public institutions of higher education;
2. Investigate and pursue opportunities for collaboration and resource sharing with the Maine Maritime Academy; and
3. With the Commissioner of Education and the Chair of the State Board of Education, investigate and pursue opportunities to improve college preparation, transition and completion for Maine's secondary students.

The first meeting of the committee must be convened by October 15, 2015 and the committee is directed to meet at least twice each year. The committee is required to submit a report on its deliberations, including any recommendations, to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters by February 15th each year.

**Enacted Law Summary**

Public Law 2015, chapter 261 replaces the Education Coordinating Committee with the Public Higher Education Systems Coordinating Committee to:

1. Promote efficiency, cooperative effort and strategic planning between the governance structures of the University of Maine System and the Maine Community College System and address issues including, but not limited to, improving college affordability, promoting student transfer between the systems, reducing the duplication of programs, identifying opportunities for building cross-system economies of scale and sharing of resources and recommending statutory changes to improve the efficiency or effectiveness of the public institutions of higher education;
2. Investigate and pursue opportunities for collaboration and resource sharing with the Maine Maritime Academy; and
3. With the Commissioner of Education and the Chair of the State Board of Education, investigate and pursue opportunities to improve college preparation, transition and completion for Maine's secondary students.

The first meeting of the committee must be convened by October 15, 2015 and the committee is directed to meet at least twice each year. The committee is required to submit a report on its deliberations, including any recommendations, to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters by February 15th each year.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 1443 An Act To Merge the Maine Educational Loan Authority with the Finance Authority of Maine**

**PUBLIC 170**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-223

This bill merges the Maine Educational Loan Authority with the Finance Authority of Maine.

**Committee Amendment "A" (S-223)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2015, chapter 170 merges the Maine Educational Loan Authority with the Finance Authority of Maine.

**LD 1448 An Act To Amend Education Laws**

**INDEF PP**

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

This bill gives the Commissioner of Education the authority to designate a school administrative unit to enroll a student when the student's school administrative unit neither maintains a school nor contracts with another school administrative unit and no school administrative unit enrolls the student voluntarily. For a student receiving special education services, the bill requires a resident school administrative unit to pay to the receiving school administrative unit tuition, special education tuition, other costs directly related to the student's special education and costs associated with due process proceedings for providing a free, appropriate public education.

This bill makes the following changes to the laws relating to public charter schools.

1. The bill allows charter schools authorized by a local school board or a collaborative among local school boards to give enrollment preference to residents of the school administrative unit or units whose school board or school boards authorized the charter school.
2. The bill extends the submission deadline for a charter school authorizer's annual report to the Commissioner of Education from 60 to 90 days after the end of the school fiscal year and adds language to address the disposition of graduation records and records of other students not transitioning to another Maine public school if a charter school closes.
3. The bill adds language to reflect that charter schools are subject to educator effectiveness requirements.
4. The bill provides that the compulsory attendance laws apply to virtual charter schools.
5. The bill allows the Commissioner of Education to designate the school administrative unit that is responsible for oversight of the individualized education program of a child with a disability who is a state ward and is placed in an out-of-state residential treatment center by the Department of Health and Human Services.
6. For a charter school in a school administrative unit with an enrollment of 500 or fewer students, current law caps the number of students from the school administrative unit that the charter school may enroll during its first three

*Joint Standing Committee on Education and Cultural Affairs*

years of operation at five percent of the school administrative unit's noncharter public school students per grade level. The bill provides that if five percent of the school administrative unit's noncharter public school students per grade level is less than one, the charter school may enroll one student from the school administrative unit per grade level in each of the charter school's first three years of operation.

This bill was not referred to a committee.

# *Joint Standing Committee on Education and Cultural Affairs*

## **SUBJECT INDEX**

### **Administration, Department of Education, State Board, and School Governance**

#### **Enacted**

LD 59	An Act To Protect Students' Rights and Privacy Regarding Their School Records	PUBLIC 97
LD 129	An Act To Provide Options to Schools for Making Up School Days	PUBLIC 60 EMERGENCY
LD 462	An Act To Clarify Rulemaking for Transportation of Public School Students	PUBLIC 73
LD 840	An Act To Collect and Report Data on the Implementation of Proficiency-based Diplomas and Standards-based Student Learning	PUBLIC 367
LD 1173	An Act To Improve School Administrative Efficiency and Expand Capacity for Professional Growth for Educators with Regional Collaborative Programs and Services	PUBLIC 251

#### **Not Enacted**

LD 130	An Act To Exempt Certain Established Public Prekindergarten Programs from New Regulations	ONTP
LD 305	An Act To Authorize Circus Conservatory of America To Grant Baccalaureate Degrees	CARRIED OVER
LD 314	An Act To Amend the Administration of the Transportation System in the Department of Education	Majority (ONTP) Report
LD 356	An Act To Permit the New England School of Dental Technology To Grant the Degree of Bachelor of Science	CARRIED OVER
LD 392	An Act To Eliminate the Maine School Performance Grading System	Majority (ONTP) Report
LD 419	An Act To Establish the Summer Success Program Fund	CARRIED OVER
LD 536	An Act To Amend Provisions Regarding the Appointment of Members of the Maine Charter School Commission	Died Between Houses
LD 793	Resolve, To Examine Unfunded Mandates in the Education Laws and To Recommend Unfunded Mandates To Be Eliminated	ONTP
LD 981	An Act To Establish a Veterinary School	CARRIED OVER
LD 1033	Resolve, To Assist the University of Maine System and the Maine Community College System To Reduce the Need for Remedial Education	CARRIED OVER

LD 1064	Resolve, To Establish the Maine Summer Success Program	ONTP
LD 1253	An Act To Improve the Evaluation of Elementary and Secondary Schools	CARRIED OVER

**Adult Education**

**Not Enacted**

LD 109	An Act To Ensure Maine Companies Have Access to Skilled Labor	Died On Adjournment
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**Alternative Education, Charter Schools and School Choice**

**Enacted**

LD 131	An Act To Amend the Laws Related to Public Funding of Charter Schools	PUBLIC 54 EMERGENCY
LD 1277	An Act To Establish a Magnet School for Marine Science, Technology, Transportation and Engineering	PUBLIC 363

**Not Enacted**

LD 218	An Act To Support Fair Financing in Charter Schools and School Administrative Units	ONTP
LD 265	An Act To Require the State To Fund Public Charter Schools	ONTP
LD 306	Resolve, To Prevent Overpayment for Virtual Education	ONTP
LD 696	An Act To Establish a Moratorium on the Establishment of Virtual Charter Schools	Died Between Houses
LD 1047	An Act To Allow for Collaboration in Public Charter Schools	Majority (ONTP) Report
LD 1250	An Act To Reform Public Charter Schools	Majority (ONTP) Report
LD 1282	An Act To Support Conservation and the Health and Wellness of Maine Youth through Physically Active Residential Environmental Education Programs	ONTP
LD 1448	An Act To Amend Education Laws	INDEF PP

**Career and Technical Education**

**Not Enacted**

LD 637	An Act Concerning the Calendars of Career and Technical Education Programs and Partnering Schools	Majority (ONTP) Report
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## *Cultural Affairs*

### Enacted

LD 235	An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Education, the Maine Arts Commission and the Maine State Museum and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2015	PUBLIC 7 EMERGENCY
LD 261	Resolve, Directing the Maine Arts Commission, the Maine Historic Preservation Commission and the Maine State Museum Commission To Study the Replacement of Statues in the National Statuary Hall Collection	RESOLVE 51

### Not Enacted

LD 300	An Act To Appropriate Funds To Help Restore the Historic Wood Island Life Saving Station in Kittery	Died On Adjournment
LD 877	Resolve, To Study the Fort Norumbega Site in Bucksport	ONTP

## *Curriculum, Instruction, Textbooks and Testing*

### Enacted

LD 3	An Act To Ensure Consistent Certification of Graduation Standards in Publicly Funded Secondary Schools	PUBLIC 40 EMERGENCY
LD 231	An Act To Ensure That Schoolchildren with Dyslexia Receive the Assistance Needed	PUBLIC 338
LD 417	An Act Regarding Measures To Ensure Support for Students' Financial Literacy	PUBLIC 64
LD 537	An Act To Avoid the Inappropriate Use of Assessment Tools on Children before Grade 3	PUBLIC 183
LD 556	An Act To Require Public Schools To Offer Instruction Related to Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator	PUBLIC 140
LD 853	An Act To Allow Secondary Schools To Grant Certificates of Academic Proficiency	PUBLIC 342
LD 1180	An Act To Require Education in Public Preschool Programs and Elementary Schools Regarding Child Sexual Abuse	PUBLIC 292
LD 1235	Resolve, To Strengthen Standards-based Diplomas	RESOLVE 41
LD 1276	An Act To Improve Educational Assessments of Maine Students	P & S 10

### Not Enacted

LD 128	An Act To Allow a School Administrative Unit To Implement a Firearm Safety Education Program for Elementary School Students	ONTP
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LD 152	An Act To Encourage Cardiopulmonary Resuscitation To Be Taught in High School	ONTP
LD 338	An Act To Reduce Remedial Course Requirements at Maine Community Colleges	ONTP
LD 464	An Act To Improve Science and Engineering Education for Maine's Students	Veto Sustained
LD 567	Resolve, To Implement Recommendations from the Maine Science, Technology, Engineering and Mathematics Education and Workforce Plan	Majority (ONTP) Report
LD 579	An Act To Allow Teachers To Teach and Students To Learn by Amending the Laws Governing Education Standards	ONTP
LD 695	An Act To Clarify Statewide Assessment Program Options	Veto Sustained
LD 725	An Act To Increase Suicide Awareness and Prevention in Maine Public Schools	ONTP
LD 749	An Act To Ensure Integrity in Students' Proficiency	ONTP
LD 1153	An Act To Restore Local Control of Education to Towns	ONTP
LD 1386	An Act To Amend the Laws Governing High School Graduation Requirements	Majority (ONTP) Report
LD 1396	An Act Regarding Educational Standards for Maine Students	Majority (ONTP) Report

### **Education - Other**

#### **Enacted**

LD 454	An Act To Enact the Student Information Privacy Act	PUBLIC 256
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#### **Not Enacted**

LD 711	An Act To Provide for a Later Starting Time for High Schools	Minority (ONTP) Report
LD 956	An Act To Create Community Schools	Died On Adjournment
LD 1118	Resolve, To Establish the Study Commission on the Social Emotional Learning and Development of Maine's Young Children	ONTP
LD 1420	An Act Regarding Participation by Private School Students in Extracurricular and Interscholastic Activities at Public Schools	Majority (ONTP) Report

### **Health, Nutrition and Safety**

#### **Enacted**

LD 557	An Act To Provide Reasonable Accommodations for School Attendance for Children Certified for the Medical Use of Marijuana	PUBLIC 369
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**Not Enacted**

LD 380	Resolve, To Establish a Working Group To Aid with the End of Student Hunger	ONTP
LD 463	An Act Regarding Eligibility of Children Placed in Guardianship for the School Lunch and Milk Program	ONTP
LD 852	An Act To Establish Maine's School Beverage Standards	ONTP
LD 933	An Act To Implement the Recommendations of the Task Force To End Student Hunger in Maine	Died On Adjournment
LD 985	An Act To Align Maine's School Marketing Law with Current Federal Food Standards	Veto Sustained
LD 1229	Resolve, To Create a Pilot Program To Conduct Screenings for Scotopic Sensitivity Syndrome	ONTP
LD 1285	An Act To Support School Nutrition	Died Between Houses

**Online Learning Programs and Courses****Enacted**

LD 1230	An Act To Create a Digital Content Library for Education	PUBLIC 372 EMERGENCY
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**Not Enacted**

LD 391	Resolve, To Create a State-run Virtual Academy Providing Maine Students with Access to Online Learning through Their Existing School Districts	ONTP
LD 1251	An Act To Safeguard Students' Personal and Private Information	ONTP
LD 1252	An Act To Protect Student Data	ONTP

**Postsecondary Education Finance and Student Aid****Enacted**

LD 428	An Act To Amend the Powers and Duties of the State Board of Education	PUBLIC 72
LD 878	An Act To Support College Affordability in Maine	PUBLIC 103
LD 1443	An Act To Merge the Maine Educational Loan Authority with the Finance Authority of Maine	PUBLIC 170

**Not Enacted**

LD 17	An Act To Restore Programs and Faculty to the University of Maine System	ONTP
LD 42	An Act To Increase Funding for Instruction within the University of Maine System	ONTP
LD 99	An Act To Stabilize the Faculty and Programs at the University of Southern Maine	ONTP

LD 127	An Act To Preserve Programs in Allied Health at Kennebec Valley Community College	Majority (ONTP) Report
LD 318	An Act To Appropriate Funds to Kennebec Valley Community College for its Programs in Allied Health	ONTP
LD 627	An Act To Make College More Affordable for Maine Residents	Died Between Houses
LD 784	An Act To Authorize a Revenue Bond for a Student Loan Reduction Plan	CARRIED OVER
LD 794	An Act To Ensure That Funding to the University of Maine System Is Used Efficiently	ONTP
LD 939	An Act To Increase Transparency in the University of Maine System Regarding Procurement and Administrative Costs	ONTP
LD 968	An Act To Expand Access to Affordable Higher Education and To Strengthen Workforce Development	INDEF PP
LD 1141	An Act To Promote Degree Completion by Maine Community College Students	Died On Adjournment
LD 1220	An Act To Increase Funding for the Maine Community College System	Died On Adjournment
LD 1360	An Act To Increase the Number of Science, Technology, Engineering and Mathematics Professionals in Maine	Died On Adjournment
LD 1406	An Act To Implement the Recommendations of the Commission To Study College Affordability and College Completion	Died On Adjournment

### **Postsecondary Education Governance and Coordination**

#### **Enacted**

LD 1441	An Act To Establish the Public Higher Education Systems Coordinating Committee	PUBLIC 261
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#### **Not Enacted**

LD 18	Resolve, To Review and Audit the University of Maine System's Finances and Governance Practices	ONTP
LD 151	An Act To Protect Public Health in the Maine Community College System	Leave to Withdraw
LD 215	An Act To Improve Student Retention in Maine's Postsecondary Institutions	CARRIED OVER
LD 393	An Act To Create a Unified Board of Higher Education	ONTP
LD 538	An Act To Reduce Fees at Maine's Postsecondary Institutions	ONTP
LD 1198	An Act To Improve Representation on the Board of Trustees of the University of Maine System	ONTP

## *Safe Schools and Student Conduct*

### Enacted

LD 97	Resolve, Directing the Department of Education To Amend the School Emergency Drill Rules	RESOLVE 2
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## *School Budgets*

### Enacted

LD 763	An Act To Change the Budget Approval Process for Alternative Organizational Structures	PUBLIC 286
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### Not Enacted

LD 1082	An Act To Ensure Equitable Support of Education for Maine Students in School Administrative District No. 6 and School Administrative District No. 44	INDEF PP
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## *School Construction, Facilities and Buses*

### Enacted

LD 1048	An Act To Allow School Administrative District No. 27 To Transfer Ownership of the St. Francis Elementary School to the Town of St. Francis	P & S 4 EMERGENCY
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LD 1222	An Act To Remove Barriers to School Construction Financing in Regional School Units	PUBLIC 181
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### Not Enacted

LD 578	An Act To Redefine the Method by Which the Department of Education Determines Cost Sharing for School Construction and Renovation Projects for Municipalities within a School Administrative Unit	Majority (ONTP) Report
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LD 683	Resolve, Regarding Legislative Review of the Final Repeal of Chapter 60: New School Siting Approval, a Late-filed Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education, State Board of Education	ONTP
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LD 685	Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Late-filed Major Substantive Rule of the Department of Education, State Board of Education	ONTP
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LD 1266	An Act To Expand and Improve State-approved School Construction Projects	Majority (ONTP) Report
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## *School Finance*

### Enacted

LD 418	Resolve, To Study the Use of Social Impact Bonds as a Funding Mechanism for Public Education Programs in Maine	RESOLVE 52
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**Not Enacted**

LD 56	An Act To Limit Increases in the State's Share of Funding for Kindergarten to Grade 12 Public Education	ONTP
LD 60	An Act To Ensure Proper Funding for Teacher Retirement	Died On Adjournment
LD 65	An Act To Apply Equally a Curtailment or Other Loss in General Purpose Aid to Education	ONTP
LD 240	An Act To Amend the School Funding Formula	ONTP
LD 441	An Act To Amend the Laws Governing Local Share of Education Costs	Majority (ONTP) Report
LD 728	An Act To Limit the Amount of Money a Municipality May Spend on Education	ONTP
LD 876	An Act To Encourage Equity in School Funding by Limiting a Municipality's Contribution Based on Its Student Enrollment	ONTP
LD 1152	An Act To Amend the Definition of "Property Fiscal Capacity" in the School Funding Law To Address Inequities Affecting Municipalities Experiencing Significant Reductions in Value	ONTP
LD 1249	An Act To Bring Equity to the State Portion of the Education Funding Formula as It Applies to Regional School Unit No. 35	ONTP
LD 1394	An Act To Implement the Recommendations of the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula	CARRIED OVER

**Special Education Programs and Finance**

**Enacted**

LD 201	Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education	RESOLVE 25 EMERGENCY
LD 350	An Act To Expedite MaineCare Payments for School Administrative Units	PUBLIC 63

**Not Enacted**

LD 19	An Act Regarding Special Education for Students Enrolled in a Home Instruction Program	ONTP
LD 44	Resolve, To Direct the Department of Education To Train School Personnel To Implement Dyslexia Awareness and Student Accommodation Policies	ONTP
LD 601	An Act To Clarify the Authority of Individualized Education Plans in Relation to Proficiency-based Diplomas	ONTP
LD 1081	An Act To Change the Individualized Education Program Notice Requirements	Died Between Houses
LD 1281	An Act To Reduce the Burden on Local Communities of Transportation Costs for Special Needs Students	ONTP

### *Teachers and Administrators*

#### Enacted

LD 38	An Act To Allow Sufficient Time for Implementation of the Performance Evaluation and Professional Growth System for Educators	PUBLIC 18 EMERGENCY
LD 461	An Act To Change the Notification Deadline for the Nonrenewal of a Teacher's Contract	PUBLIC 65
LD 692	An Act Regarding Educator Effectiveness	PUBLIC 3 EMERGENCY
LD 1042	Resolve, To Create the Task Force on School Leadership	RESOLVE 46 EMERGENCY

#### Not Enacted

LD 374	An Act To Require School Administrators To Complete 50 Hours of Direct Student Instruction To Be Recertified	Majority (ONTP) Report
LD 764	Resolve, To Impose a One-year Delay on the Use of Standardized Tests To Evaluate Teachers	Veto Sustained
LD 1207	Resolve, To Implement an Online Professional Development Platform for Teachers and Educators	ONTP
LD 1370	An Act To Improve the Quality of Teachers	CARRIED OVER

### *Truants, Dropouts and Homeless Students*

#### Not Enacted

LD 311	An Act To Improve Attendance at Public Elementary Schools	Veto Sustained
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STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND  
NATURAL RESOURCES**

August 2015

**MEMBERS:**

SEN. THOMAS B. SAVIELLO, CHAIR  
SEN. ERIC L. BRAKEY  
SEN. CATHERINE BREEN

REP. JOAN W. WELSH, CHAIR  
REP. ROBERT S. DUCHESNE  
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REP. RICHARD H. CAMPBELL  
REP. ANDREW RUSSELL BUCKLAND  
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13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
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*Joint Standing Committee on Environment and Natural Resources*

**LD 40      An Act To Protect Maine's Great Ponds      ONTP**

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

This bill creates a prohibition on the application of fertilizers within 50 feet of the normal high-water line of a great pond, with exceptions for persons involved in agriculture or applying fertilizer to establish or restore vegetation to stop, slow or remediate shoreline erosion or damage.

**LD 70      An Act To Assist Towns in Eradicating Milfoil and Other Invasive Aquatic Plants and Nuisance Species      ONTP**

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

This bill provides funding in fiscal years 2014-15 and 2015-16 in the amount of \$225,000 for the Lake and River Protection Fund within the Department of Inland Fisheries and Wildlife and in the amount of \$900,000 for the Invasive Aquatic Plant and Nuisance Species Fund within the Department of Environmental Protection. These General Fund distributions are intended to correspond to the annual average funds deposited into each of these accounts representing fees collected on motorboat and personal watercraft lake and river protection stickers issued pursuant to the Maine Revised Statutes, Title 12, section 13058, subsection 3. Pursuant to statute, these funds are used by each department to engage in activities relating to the containment, eradication and management of the spread of invasive aquatic plants and nuisance species in Maine, to assist municipalities and other entities in accomplishing these goals and to aid in the enforcement of laws and rules pertaining to invasive aquatic plants and nuisance species.

**LD 85      An Act To Prohibit Synthetic Plastic Microbeads in Personal Care Products and Over-the-counter Drugs      PUBLIC 4**

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

This bill establishes dates after which the manufacture for sale or acceptance for sale of personal care products containing synthetic plastic microbeads is prohibited. It also establishes dates after which the manufacture for sale or acceptance for sale of an over-the-counter drug containing synthetic plastic microbeads is prohibited.

**Enacted Law Summary**

Public Law 2015, chapter 4 establishes dates after which the manufacture for sale or acceptance for sale of personal care products containing synthetic plastic microbeads is prohibited. It also establishes dates after which the manufacture for sale or acceptance for sale of an over-the-counter drug containing synthetic plastic microbeads is prohibited.

*Joint Standing Committee on Environment and Natural Resources*

**LD 105      An Act To Enhance the Competitiveness of Maine's Biomass Facilities      ONTP**  
**by Exempting from Waste Handling Fees Certain Construction and**  
**Demolition Debris**

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

This bill prohibits the imposition of a fee for the disposal of construction and demolition debris or residue from the processing of construction and demolition debris used for daily cover.

**LD 146      Resolve, Regarding Legislative Review of Chapter 200: Metallic Mineral      ONTP**  
**Exploration, Advanced Exploration and Mining, a Major Substantive**  
**Rule of the Department of Environmental Protection**

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

This resolve provides for legislative review of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection.

**LD 147      Resolve, Regarding Legislative Review of Portions of Chapter 500:      RESOLVE 12**  
**Stormwater Management, a Major Substantive Rule of the Department      EMERGENCY**  
**of Environmental Protection**

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

This resolve provides for legislative review of portions of Chapter 500: Stormwater Management, a major substantive rule of the Department of Environmental Protection.

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

This amendment authorizes final adoption of portions of Chapter 500: Stormwater Management, a provisionally adopted major substantive rule of the Department of Environmental Protection, only if certain changes are made to the provisionally adopted rule sections on the urban impaired stream standard and the permit shield provision.

**Enacted Law Summary**

Resolve 2015, chapter 12 authorizes final adoption of portions of Chapter 500: Stormwater Management, a provisionally adopted major substantive rule of the Department of Environmental Protection, only if certain changes are made to the provisionally adopted rule sections on the urban impaired stream standard and the permit shield provision.

Resolve 2015, chapter 12 was finally passed as an emergency measure effective April 29, 2015.

*Joint Standing Committee on Environment and Natural Resources*

**LD 153      An Act To Amend Setback Requirements and Standards Related to      ONTP**  
**Species Migration under the Laws Regulating Development near Vernal**  
**Pools**

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

This bill requires the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to adopt rules regarding significant vernal pool habitats to define a fixed radial area of regulation around a vernal pool depression and allow for an alternative directional corridor area of regulation. Use of an alternative directional corridor area would have to be requested by the applicant, who must demonstrate to the Department of Environmental Protection that the use of an alternative directional corridor area would provide habitat protection value equal to or greater than would the fixed radial area of regulation. Department of Environmental Protection rules must specify the regulatory process and standards for obtaining a permit in an alternative directional corridor area.

**LD 190      An Act To Add Certain Capital Goods to the Product Stewardship      PUBLIC 67**  
**Exclusions**

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

This bill exempts specialized manufacturing equipment, specialized processing equipment and their components from the laws governing product stewardship.

**Enacted Law Summary**

Public Law 2015, chapter 67 exempts specialized manufacturing equipment, specialized processing equipment and their components from the laws governing product stewardship.

**LD 241      Resolve, Regarding Metallic Mineral Mining Rules of the Department of      INDEF PP**  
**Environmental Protection**

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

This resolve directs the Department of Environmental Protection to resubmit for legislative review Rule Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection previously provisionally adopted and submitted to the 126th Legislature for review. During the Second Regular Session of the 126th Legislature, the department submitted its provisionally adopted mining rule for legislative review, but the Legislature did not enact into law legislation authorizing final adoption of the rule. This resolve directs that the Legislature review the rule in accordance with the Maine Administrative Procedure Act, but stipulates that the rule may not be finally adopted by the department unless legislation submitted to the 127th Legislature authorizing final adoption becomes law.

*Joint Standing Committee on Environment and Natural Resources*

This bill was not referred to a committee.

**LD 307      An Act To Amend the Shoreland Zoning Laws To Exempt Certain  
Walkways and Trails from Setback Requirements**

**PUBLIC 11**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE FECTEAU	OTP-AM	S-6

This bill exempts the construction of a walkway or trail from certain water and wetland setback requirements if the walkway or trail will be adjacent to a segment of a river located within a downtown revitalization project and the walkway or trail meets other specified requirements.

**Committee Amendment "A" (S-6)**

This amendment changes the headnote to indicate that the exemption from setback requirements proposed in the bill is available only for walkways and trails over rivers within a downtown revitalization project. The amendment also extends the exemption to privately owned walkways or trails.

**Enacted Law Summary**

Public Law 2015, chapter 11 exempts the construction of a walkway or trail from certain water and wetland setback requirements if the walkway or trail will be adjacent to a segment of a river located within a downtown revitalization project and the walkway or trail meets other specified requirements.

**LD 313      An Act To Create a Sustainable Solution to the Handling, Management  
and Disposal of Solid Waste in the State**

**CARRIED OVER**

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to implement recommendations from the Department of Environmental Protection relating to solid waste handling, management and disposal issues identified in a letter dated March 24, 2014 to the department from the Joint Standing Committee on Environment and Natural Resources. Specifically, this bill would enact measures designed to:

1. Provide incentives for and encourage the increased use of methods of source reduction, reuse, recycling and composting as a means of achieving the state-mandated recycling goal of 50 percent under the Maine Revised Statutes, Title 38, section 2132, together with a method for accurately measuring future achievements toward that goal;
2. Achieve economic stabilization of the three existing waste-to-energy facilities in the State by January 1, 2016, with options for funding that stabilization;
3. Develop a plan to minimize the need for future expansion of landfill capacity in Maine, including state-owned landfills;
4. Identify additional strategies to increase the beneficial use of waste materials, particularly where there are potential economic benefits to be derived from these materials; and
5. Develop other components of an overall comprehensive implementation plan necessary and appropriate to better

*Joint Standing Committee on Environment and Natural Resources*

advance the goals of the State's solid waste management hierarchy under Title 38, section 2101.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 325 An Act To Strengthen Recycling of Single-use Plastic Shopping Bags**

**Accepted Minority  
(ONTP) Report**

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

This bill requires a retailer to assess a 5¢ surcharge for a plastic bag designed for one-time use distributed to a customer at the point of retail sale. A retailer retains 2¢ from the surcharge for administrative costs. The revenues from the plastic bag surcharge are credited to the Plastics Recycling Fund administered by the Department of Environmental Protection for the purpose of promoting recycling efforts related to plastics. A retailer may provide recyclable paper bags to bag products at the point of sale. A retailer must provide reusable bags for purchase by a customer.

**Committee Amendment "A" (H-83)**

This amendment, which is the majority report of the committee, replaces the bill and changes the title. It prohibits a retailer from using plastic bags to bag products at the point of retail sale or otherwise make plastic bags available to customers, with exceptions for certain types of plastic bags. This prohibition is effective September 1, 2020. A retailer may provide recyclable paper bags to bag products at the point of sale and must provide reusable bags for purchase by a customer. The amendment also makes changes to existing law regarding retailer collection and recycling of used plastic bags to ensure consistency with the implementation of the plastic bag prohibition.

**LD 352 Resolve, Regarding Legislative Review of Portions of Chapter 119: Motor Vehicle Fuel Volatility Limit, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 10  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 119: Motor Vehicle Fuel Volatility Limit, a major substantive rule of the Department of Environmental Protection.

**Enacted Law Summary**

Resolve 2015, chapter 10 authorizes final adoption of portions of Chapter 119: Motor Vehicle Fuel Volatility Limit, a major substantive rule of the Department of Environmental Protection.

Resolve 2015, chapter 10 was finally passed as an emergency measure effective April 16, 2015.

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**LD 394      Resolve, To Lower the Department of Environmental Protection's  
5-point Odor Intensity Referencing Scale for Odor Control at Solid  
Waste Processing Facilities**

**CARRIED OVER**

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

This resolve directs the Department of Environmental Protection to amend its Chapter 409 rules in effect on July 27, 2014 relating to the operation of solid waste processing facilities to decrease by 50 percent the existing concentration levels in water of n-butanol corresponding to each level within the modified five-point odor intensity referencing scale for use in odor control for facilities that process wastewater treatment sludge from publicly owned treatment works and facilities that process septage.

This resolve was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 395      An Act To Clarify Storm Water Management Standards for Expansions  
of Existing Projects**

**PUBLIC 34**

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the site location of development laws, as set forth in the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 6, to provide that any surface water generated by an expansion project and any new or existing system through which that water flows must comply with the surface water regulatory standards in effect at the time the expansion application is filed if:

1. A development is being expanded and the existing, original development was permitted by a municipality, did not require a permit under the site location of development laws and is being expanded in a manner that triggers the need for a permit; or
2. A development is being expanded and an expansion of the development was previously permitted under the site location of development laws.

If the criteria are not met and as long as a development complied with the applicable standards at the time the existing, original development was created, the surface water generated by the existing, original development and the systems through which that water flows do not need to comply with the regulatory standards in effect at the time the expansion application is filed.

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

This amendment replaces the bill, changing the bill title and providing an exemption from current storm water management standards for the existing portion of a project that is expanded as long as the existing portion met all applicable state and municipal standards for storm water management in effect at the time the existing portion was constructed. This exemption does not apply to an existing project that is expanded if the existing storm water management system will be used, in whole or in part, to treat storm water flowing from the expanded portion of the existing project; the expanded portion of the existing project; or a redevelopment project.

**Enacted Law Summary**

Public Law 2015, chapter 34 provides an exemption from current storm water management standards for the

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existing portion of a project that is expanded as long as the existing portion met all applicable state and municipal standards for storm water management in effect at the time the existing portion was constructed. This exemption does not apply to an existing project that is expanded if the existing storm water management system will be used, in whole or in part, to treat storm water flowing from the expanded portion of the existing project; the expanded portion of the existing project; or a redevelopment project.

**LD 396      An Act To Encourage the Use of Alternatives to Single-use Plastic Disposable Bags      ONTP**

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

This bill requires a retailer to assess a 5¢ fee for a single-use plastic disposable bag distributed to a customer at the point of retail sale. The retailer retains 1¢ from each 5¢ fee for administrative costs and may elect to retain an additional 1¢ from each 5¢ fee to provide a carryout program that credits a customer no less than 5¢ for each bag provided by the customer at the point of retail sale for packaging purchases. The revenues from the fee, less the portion retained by the retailer for administrative costs and, if applicable, the carryout program, are credited to the Plastics Recycling Fund administered by the Department of Environmental Protection for the purpose of promoting recycling efforts in the State related to plastics. A retailer may provide recyclable paper products at the point of sale and must provide reusable bags for purchase by a customer. This bill authorizes the Department of Environmental Protection to enforce these laws and impose penalties for violations. This bill also directs that, by January 1, 2016, the Department of Environmental Protection must conduct a public information campaign relating to plastics and their impact on the environment and must implement an outreach campaign aimed at providing reusable bags to residents of the State, especially to elderly and low-income households.

**LD 397      An Act Regarding the Packaging and Labeling of Disposable Cleaning and Personal Hygiene Products      Accepted Majority (ONTP) Report**

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

This bill provides that, effective January 1, 2016, a person may not package or label a disposable cleaning or personal hygiene product for distribution or sale in the State in a package or with a label that states the product is flushable and safe for sewer and septic systems unless the package or label states in a highly visible manner that the product is flushable and safe for sewer and septic systems; the person makes available to the Department of Environmental Protection and maintains written documentation of testing substantiating that the product meets the acceptance criteria for flushability as published in the Guidance Document for Assessing the Flushability of Nonwoven Consumer Products, published by the Association of the Nonwoven Fabrics Industry on June 1, 2013; and this testing has been performed by a laboratory that is capable of performing and qualified to perform the testing. The bill also provides that a person may not package or label a disposable cleaning or personal hygiene product for distribution or sale in the State that is not flushable or safe for sewer and septic systems unless the package or label on the product states in a highly visible manner that the product is not flushable or safe for sewer or septic systems. These requirements do not apply to a wholesaler or retailer that distributes or sells but does not package or label disposable cleaning or personal hygiene products or to liquid, gel or powder cleaning products or septic treatment products. The bill directs the department to adopt rules to implement these provisions.

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**LD 442 An Act To Clarify Municipal Capacity for Site Location of Development and Encourage Local Development**

**PUBLIC 28**

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

Current law allows a municipality with capacity to review and approve applications for new developments that trigger the site location of development laws, as well as modifications to developments that were initially reviewed and approved by that municipality. The law, however, does not allow a municipality with capacity to review and approve modifications to a development that was initially reviewed and approved by the Department of Environmental Protection. This bill allows a municipality with capacity to review and approve modifications to an existing development that was initially reviewed and approved by the department.

**Enacted Law Summary**

Public Law 2015, chapter 28 amends the site location of development laws to allow a municipality with capacity to review and approve modifications to an existing development that was initially reviewed and approved by the Department of Environmental Protection.

**LD 467 An Act To Change the Borders of the Saco River Corridor**

**ONTP**

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

This bill reduces the size of the Saco River Corridor. Under current law, the corridor includes lands adjacent to the rivers within the corridor to a distance of 500 feet from the high water line of the rivers or the edge of the floodplain if that extends beyond 500 feet, up to a maximum of 1,000 feet. The bill changes the distance to 250 feet from the high water line or to the edge of the floodplain if that extends beyond 250 feet, up to a maximum of 250 feet.

**LD 468 An Act To Prohibit the Use of Certain Disposable or Polystyrene Food Service Containers**

**Accepted Majority (ONTP) Report**

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

Beginning January 1, 2016, this bill prohibits the sale or distribution, at retail or wholesale, in the State of disposable food service containers composed in whole or in part of polystyrene foam, as well as disposable food service containers that are not recyclable or compostable unless there is no recyclable or compostable product available at a comparable cost. This bill requires the Department of Environmental Protection to adopt rules to implement these statutory provisions.

**Committee Amendment "A" (H-187)**

This amendment, which is the minority report of the committee, amends the bill as follows:

1. It amends the definition of "compostable" to remove the phrase "at a rate consistent with other materials that undergo degradation by biological processes;"

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- 2. It amends the definition of "disposable food service container" to provide a cross-reference for the term "prepared food" and to clarify that "disposable food service container" does not include items composed entirely of paper or aluminum and does not include polystyrene foam coolers and ice chests that are intended for reuse or for the shipping or transportation of prepared food; and
- 3. It provides that the prohibition in the bill does not apply to the use of disposable food service containers necessary for compliance with applicable state or federal food safety laws, rules or regulations.

**LD 551      An Act To Provide Incentives for Implementation of Municipal Comprehensive Plans To Prevent Sprawl**

**Leave to Withdraw Pursuant to Joint Rule**

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to provide incentives to municipalities that implement comprehensive plans to prevent sprawl.

**LD 568      An Act To Protect Maine Lakes**

**PUBLIC 75**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN BREEN	OTP-AM	H-66

This bill amends the laws governing the Lakes Assessment and Protection Program. It also creates a prohibition on the application of fertilizers within 25 feet of the normal high-water line of a great pond, with exceptions for persons involved in agriculture.

**Committee Amendment "A" (H-66)**

This amendment replaces the bill and creates a prohibition on the application of fertilizers containing phosphorus or nitrogen within 25 feet of the normal high-water line of a great pond, except that a person may apply a fertilizer within 25 feet but not closer than 10 feet of the normal high-water line of a great pond using a drop spreader, rotary spreader with a deflector or targeted spray liquid.

**Enacted Law Summary**

Public Law 2015, chapter 75 creates a prohibition on the application of fertilizers containing phosphorus or nitrogen within 25 feet of the normal high-water line of a great pond, except that a person may apply a fertilizer within 25 feet but not closer than 10 feet of the normal high-water line of a great pond using a drop spreader, rotary spreader with a deflector or targeted spray liquid.

**LD 580      An Act To Extend the Funding Period for Landfill Closure Costs**

**PUBLIC 302**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE SAVIELLO	OTP-AM	H-115

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Under current law, the Department of Environmental Protection pays 75 percent of certain landfill closure costs incurred on or after July 1, 1994 and before December 31, 2015. This bill extends that time period to December 31, 2025.

**Committee Amendment "A" (H-115)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" (S-113)**

This amendment changes the date by which a license must have been issued for a landfill from September 1, 1989 to January 10, 1990 in order for the Department of Environmental Protection to pay 75 percent of certain closure costs for that landfill. It also adds an appropriations and allocations section.

This amendment was not adopted.

**Senate Amendment "B" (S-182)**

This amendment provides that a license application for a landfill received on or before September 1, 1989 makes the landfill eligible for payment of 75 percent of certain landfill closure costs by the Department of Environmental Protection. It also adds an appropriations and allocations section.

This amendment was not adopted.

**Enacted Law Summary**

Public Law 2015, chapter 302 authorizes the Department of Environmental Protection to pay 75 percent of certain landfill closure costs incurred on or after July 1, 1994 and before December 31, 2025.

**LD 588 An Act To Revise the Mining Laws**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the laws governing metallic mineral mining.

**LD 595 An Act To Reduce Carbon Emissions from Residential Heating**

**ONTP**

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

This bill requires the Department of Environmental Protection to set aside no less than \$200,000 per year of the revenue resulting from the sale of carbon dioxide emissions allowances for the purchase of high-efficiency wood stoves through financial incentives as determined by the department by rule.

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**LD 596      An Act To Allow for the Purchase and Use of Specialty Racing Fuel in      ONTP**  
**Maine**

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

This bill allows gasoline containing more than half of one percent by volume methyl tertiary butyl ether (MTBE) to be sold for or used by a motor vehicle in a race, as long as the gasoline containing MTBE is sold and distributed in prepackaged drums, pails or other containers.

**LD 602      An Act To Amend the Laws Governing the Prohibition on the Sale of      Accepted Majority**  
**Motor Fuel Containing Corn-based Ethanol      (ONTP) Report**

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

Current law provides that the prohibition on the sale of motor fuel containing corn-based ethanol does not take effect until at least 10 other states or a number of states with a collective population of 30,000,000 have enacted laws that prohibit the sale of motor fuel containing corn-based ethanol. This bill amends the law to provide that this prohibition takes effect if at least three other states have enacted laws that prohibit the sale of motor fuel containing corn-based ethanol.

**Committee Amendment "A" (H-79)**

This amendment, which is the minority report of the committee, provides that the prohibition on the sale of motor fuel containing corn-based ethanol does not take effect until at least three of the other New England states, Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont, have enacted laws that prohibit the sale of motor fuel containing corn-based ethanol.

**LD 603      An Act To Achieve Regional Uniformity in Sulfur Standards for Heating      PUBLIC 66**  
**Oil**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE MASON	OTP-AM	H-47

This bill delays by six months the implementation of the statewide prohibition on the use of any but ultra low sulfur distillate fuel.

**Committee Amendment "A" (H-47)**

This amendment replaces the bill, retaining the six-month delay on the implementation of the statewide prohibition on the use of any but ultra low sulfur distillate fuel, but clarifying that the prohibition applies to the importation, distribution and offering for sale, rather than the use, of any but ultra low sulfur distillate fuel. The amendment also incorporates the change in the implementation date and the prohibition language throughout the statutory section.

**Enacted Law Summary**

Public Law 2015, chapter 66 delays by six months the implementation of the statewide prohibition on the

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importation, distribution or offering for sale of any but ultra low sulfur distillate fuel.

**LD 659      Resolve, To Increase Recycling in Maine through Increased Composting and Energy Recovery from Organic Wastes      ONTP**

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

This resolve requires the Department of Environmental Protection, with input from stakeholders, to develop a comprehensive strategy to encourage composting and energy recovery from food waste and other organic wastes. It also requires the department to submit the strategy and related recommendations to the Joint Standing Committee on Environment and Natural Resources by January 15, 2016.

**LD 680      An Act To Reduce Waste from Disposable Bags      Accepted Majority (ONTP) Report**

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

This bill requires a retailer to assess a 5¢ fee for a single-use disposable plastic or kraft paper bag distributed to a customer at the point of retail sale. The retailer retains 1¢ from each 5¢ fee for administrative costs and may elect to retain an additional 1¢ from each 5¢ fee to provide a carryout program that credits a customer no less than 5¢ for each bag provided by the customer at the point of retail sale for packaging purchases. The revenues from the fee, less the portion retained by the retailer for administrative costs and, if applicable, the carryout program, are credited to the Plastics and Paper Recycling Fund administered by the Department of Environmental Protection for the purpose of promoting recycling efforts in the State related to plastics and paper. A retailer must provide reusable bags for purchase by customers. This bill authorizes the Department of Environmental Protection to enforce these laws and impose penalties for violations. This bill also directs that, by January 1, 2016, the Department of Environmental Protection must conduct a public information campaign relating to plastics and paper and their impact on the environment and must implement an outreach campaign aimed at providing reusable bags to residents of the State, especially to elderly and low-income households.

**Committee Amendment "A" (H-84)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

**LD 712      An Act To Increase Organic Waste Recycling in the State      ONTP**

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

This bill enacts a statutory provision directing the Department of Environmental Protection to track state, regional, municipal and local organic waste recycling efforts and, as resources allow, to develop, implement and administer programs to encourage or support organic waste recycling in the State. The department is directed to submit by January 15, 2017, and annually thereafter, a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing its findings and any recommendations

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related to organic waste recycling, including any proposed legislation to implement its recommendations. After receiving the report, the committee may report out a bill relating to organic waste recycling. The bill also directs the department to develop, implement and administer an organic waste recycling pilot program. For the pilot program, the department is required to invite as participants at least three municipalities and the Legislative Council and the Department of Administrative and Financial Services, Bureau of General Services. The Department of Environmental Protection is directed to provide technical assistance and may provide financial assistance to each participating entity in developing and implementing an organic waste recycling program. Each participating entity must collect data on and document the amount of organic waste diverted from the waste stream by the program, the related cost savings realized by the participating entity and any problems encountered in implementing the program, and must compile this information into a report for the department. The department is directed to analyze the reports submitted by the participating entities and, by January 15, 2017, submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing the findings of the program and including any recommendations for legislation. This bill also adopts a definition for the term "organic waste."

**LD 713      Resolve, To Further Protect Lake Water Quality**

**CARRIED OVER**

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

This resolve directs the Department of Environmental Protection to, as soon as practicable, amend its Rule Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances in effect on the effective date of this resolve to reflect a number of changes, including changes to setbacks for new principal and accessory structures, phosphorus mitigation requirements in conjunction with the expansion of the footprint of a structure within the setback area and requirements for the location of wells within the setback area. The resolve also directs the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding the effectiveness of the department's shoreland zoning rules since January 1, 2005 and to report its findings and any recommendations for legislation to the Joint Standing Committee on Environment and Natural Resources by January 1, 2016. The committee may report out a bill relating to those recommendations to the Second Regular Session of the 127th Legislature.

This resolve was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 727      An Act To Allow the Retrofit of Underground Oil Storage Tanks**

**PUBLIC 361**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME	OTP-AM	S-48

This bill authorizes the retrofitting of single-walled underground oil storage tanks with secondary containment meeting certain standards.

**Committee Amendment "A" (S-48)**

This amendment provides that a site assessment of an underground oil storage facility is required when a single-walled underground oil storage tank is retrofitted with secondary containment as authorized in the bill. The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

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Public Law 2015, chapter 361 authorizes the retrofitting of single-walled underground oil storage tanks with secondary containment meeting certain standards.

**LD 750      An Act To Allow Regulated Metal Mining in Maine**

**Accepted Minority  
(ONTP) Report**

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

This bill provides for a moratorium on metallic mineral exploration or mining in the State. It directs the Department of Environmental Protection, by January 1, 2017, to provisionally adopt and submit for legislative review major substantive rules related to the Maine Metallic Mineral Mining Act. These rules must:

1. Include standards necessary to protect the public health and safety and the environment;
2. Comply with all applicable federal environmental laws and standards;
3. Require that all mining areas be left in or returned to a geologically stable condition following remediation and closure;
4. Require the permittee to provide a specific plan for ensuring that all mining areas will be left in or returned to a geologically stable condition following remediation and closure;
5. Require the permittee to demonstrate that the environmental quality and security of the site will be protected through the use of proven technologies and best available practices and require use of these technologies and practices as a permit condition;
6. Require that all remediation costs related to a mining area are paid by the permittee and not by the State;
7. Require that the financial assurance method approved for and the financial assurance amount required for a permittee be determined by an independent third-party expert with a background in mining;
8. Prohibit in situ leaching, heap leaching and block caving;
9. Prohibit the granting of a permit to certain applicants; and
10. Implement a framework for permitting a mining activity that includes several well-defined decision points for the department to conduct additional review of the permitted activities.

The bill provides that the department may not finally adopt the rules unless the Legislature authorizes final adoption. The moratorium remains in effect until the Legislature authorizes final adoption of the department's rules and the department finally adopts those rules. The bill also provides for accompanying major substantive rulemaking by the Maine Land Use Planning Commission regarding certification of mining permit applications.

**Committee Amendment "A" (H-272)**

This amendment, which is the majority report of the committee, replaces the bill and authorizes final adoption by the Department of Environmental Protection of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a provisionally adopted major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review on January 10, 2014 and that was also submitted to the Legislature for review on January 9, 2015 only if a number of specified changes to the rule are made. The amendment also

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provides for a number of corresponding changes to the Maine Metallic Mineral Mining Act and for rulemaking by the Maine Land Use Planning Commission related to commission certification of metallic mineral mining permit applications as described in the Act.

**LD 765      Resolve, To Develop a Statewide Plan for the Disposal of Household Hazardous Waste      ONTP**

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

This resolve directs the Department of Environmental Protection to design a statewide plan for the collection of household hazardous waste and to develop a long-term funding mechanism to support the plan. It directs the department to consider designating regional collection locations for the acceptance of household hazardous waste and to submit a report relating to the plan to the Joint Standing Committee on Environment and Natural Resources by December 2, 2015 and authorizes the committee to report out a bill regarding the subject matter of the department's report.

**LD 795      An Act To Encourage Prudent Development along the Coast or in a Flood Zone by Considering Predictions for Sea Level Rise      CARRIED OVER**

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures that would require sea level model predictions to be taken into account in the design phase of any development project on the coast or in a flood zone if more than 10 percent of the total funding for the project is state funding. "Development project" includes, but is not limited to, the development of buildings, land, walkways, bridges, roads, culverts and piers. The bill also proposes to enact measures to require coordination among state and federal agencies, universities and stakeholders concerning development projects on the coast or in a flood zone that may be affected by sea level rise.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 824      An Act Regarding Ethanol Motor Fuel      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR BRAKEY	OTP-AM	H-74

This bill amends the law regarding ethanol-enhanced motor fuel to clarify that a motor fuel distributor, franchisor or refiner may not impose any condition, restriction, agreement or understanding that prohibits or limits the sale, resale, transfer or purchase of conventional, ethanol-free motor fuel products in the State. The bill also directs the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding motor fuel and fuel additives, including, but not limited to, acetaldehyde in ethanol motor fuel. The stakeholder group is directed to study the State's compliance with the federal Clean Air Act Amendments of 1990 with respect to emissions of acetaldehyde produced by the combustion of ethanol motor fuel, and conduct a comprehensive review of the statewide costs associated with the acetaldehyde in ethanol motor fuel, including the corrosive effects of acetaldehyde on small engines, the effects of acetaldehyde on marine resources in the State and the negative impact such effects have on business in the State. The commissioner shall report the stakeholder group's findings to the

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Joint Standing Committee on Environment and Natural Resources by December 1, 2015. The committee may report out a bill to the Second Regular Session of the 127th Legislature.

**Committee Amendment "A" (H-74)**

This amendment makes a change to a statutory headnote and removes language that makes the statutory provision proposed in the bill apply notwithstanding any provision of law to the contrary. It also removes the requirement in the bill that directs the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding motor fuel and fuel additives.

**LD 884 An Act To Amend Laws Concerning Water Quality Standards**

**ONTP**

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

This bill makes the following changes to the laws concerning water quality:

1. It allows the Department of Environmental Protection to issue more than three discharge licenses to allow discharges to Class AA waters for the purpose of assisting in the restoration of Atlantic salmon and returning the waters to a state that is closer to historically natural chemical quality;
2. It allows the Department of Environmental Protection to issue more than three discharge licenses to allow discharges to Class A waters for the purpose of assisting in the restoration of Atlantic salmon and returning the waters to a state that is closer to historically natural chemical quality;
3. It recognizes an alternate name for Beaverdam Brook and Clifford Brook;
4. It recognizes an alternate name for Crooked Stream and that the name of Township 31 Middle Division has been changed to Day Block Township;
5. It clarifies the location of the West Branch of the Narraguagus River;
6. It recognizes an alternate name for Mile Brook;
7. It recognizes that the names of Squa Pan Stream and Squa Pan Lake have been changed to Scopan Stream and Scopan Lake;
8. It clarifies the description of the Class AA waters within the St. John River basin and specifies where the headwaters start;
9. In the law concerning minor drainage areas, which is organized by county, it lists the Town of Winterport under the proper heading of Waldo County;
10. It recognizes that town lines have been redrawn in Casco Bay and that the Class SA area encompassing Jewell Island and other islands, which previously was divided between Portland, Cumberland and Harpswell, is now divided between the towns of Chebeague Island, Harpswell, Long Island and Portland;
11. In the laws concerning classification of waters as estuarine and marine, it corrects a conflict between descriptions of two stream segments and clarifies that the marine classification extends to the head of tide; and
12. It clarifies a description of a line at the mouth of The Basin in Phippsburg.

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**LD 911      An Act Concerning the Review of Certain Projects under the Site  
Location of Development Laws**

**PUBLIC 190**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR SAVIELLO	OTP-AM	H-271

This bill amends the laws regarding the expedited permitting of grid-scale wind energy development as follows:

1. It creates several new definitions relating to the scenic impact of a wind energy development;
2. It allows for the consideration of cumulative scenic impacts in the permitting of wind energy developments;
3. It adds to the definition of "scenic resource of state or national significance" great ponds that were studied for their value in 1987 or 1989 and that have on them commercial sporting camps established prior to 2007;
4. It allows the Department of Environmental Protection to require a visual impact assessment for wind energy developments located within 15 miles of scenic resources of state or national significance and mandates a visual impact assessment if a generating facility is located within 15 miles of specific scenic resources of state or national significance; and
5. It allows the Department of Environmental Protection to require a visual impact assessment for wind energy developments located beyond 15 miles from scenic resources of state or national significance under certain limited circumstances.

**Committee Amendment "A" (H-271)**

This amendment replaces the bill and amends the laws regarding the expedited permitting of grid-scale wind energy development as follows:

1. It creates new definitions relating to the scenic impact of a wind energy development project; and
2. It allows for the consideration of cumulative scenic impacts in the permitting of wind energy development projects.

**Enacted Law Summary**

Public Law 2015, chapter 190 amends the laws regarding the expedited permitting of grid-scale wind energy development as follows:

1. It creates new definitions relating to the scenic impact of a wind energy development project; and
2. It allows for the consideration of cumulative scenic impacts in the permitting of wind energy development projects.

**LD 947      An Act To Fund State Efforts To Reduce the Landfilling of Solid Waste**

**ONTP**

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

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This bill, which is a concept draft pursuant to Joint Rule 208, proposes to establish the Maine Solid Waste Reduction Fund and the Maine Solid Waste Reduction Program, administered by the Department of Environmental Protection, to provide grants to assist municipalities in the diversion of solid waste from disposal at solid waste landfills through equipment or infrastructure purchases or the establishment of programs to reduce the need for waste disposal. The bill provides funding for this fund and program through the elimination of certain exemptions from fees for the disposal of solid waste at landfills.

**LD 948      An Act To Harmonize Maine's Laws Governing Toxic Chemicals in      ONTP**  
**Children's Products with Those of Other States**

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

This bill amends the laws governing toxic chemicals in children's products to ensure consistency with similar laws enacted in other states. It requires annual reporting of the use of chemicals of high concern in children's products sold in Maine, phased in over a five-year period, with implementing rules adopted by January 1, 2016. It requires the Commissioner of Environmental Protection to designate three priority products that contain a chemical of high concern or a priority chemical by January 1, 2017. The bill also requires the Department of Environmental Protection to adopt, not later than January 1, 2016, a rule designating four phthalates as priority chemicals and requiring manufacturers and distributors of children's products containing those phthalates to report to the department.

**LD 1040      An Act To Enhance Funding Opportunities for the Youth Conservation      PUBLIC 365**  
**Corps**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-86

This bill creates a statutory program to reduce shoreline erosion and protect lake quality, to be administered by the Department of Environmental Protection. It directs the department to contract with the Lakes Environmental Association for implementation of the program and to use volunteer labor from the Youth Conservation Corps for an eight-week period in the summer of 2016 and the summer of 2017. The scope of the contracted work is to be determined by the amount of outside funds deposited into the Erosion Control Fund from which the department is directed to disburse \$3 from the fund for every \$2 received from the outside source, up to \$150,000 for each year.

**Committee Amendment "A" (S-86)**

This amendment replaces the bill and creates a statutory program to reduce shoreline erosion and protect lake water quality to be implemented and administered by a private organization contracted with by the Department of Environmental Protection. Under the bill, the department would administer the program. The amendment directs the department to distribute appropriated funds through a competitive bid process to implement and administer the program and stipulates that the contracted private organization must use labor from a youth conservation corps in the summers of 2016 and 2017 to implement erosion control measures and that the contracted organization is allowed to disburse to a youth conservation corps no more than \$1 of state funding for every \$2 in matching funds contributed by that youth conservation corps. The amendment adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2015, chapter 365 creates a statutory program, administered by the Department of Environmental Protection, to reduce shoreline erosion and protect lake water quality to be implemented and administered by a



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more stringent than the requirements set forth in statute; and

5. It provides that a collection site that uses environmentally sound management practices is not subject to penalties for violation of the department's rules related to post-consumer paint.

The amendment also adds an appropriations and allocations section and an emergency preamble and an emergency clause.

**Enacted Law Summary**

Public Law 2015, chapter 331 amends the laws governing the stewardship program for architectural paint as follows:

1. It amends the definitions of the terms "architectural paint" and "consumer" and adds new definitions for the terms "collection container," "collection site," "conditionally exempt small quantity generator" and "post-consumer paint that is a hazardous waste;"
2. It amends the requirements regarding the information to be included in a submitted plan for the establishment of a paint stewardship program;
3. It provides new requirements applicable to participating collection sites under an approved paint stewardship program, including directives on the collection and storage of post-consumer paint, record-keeping by collection sites and acceptance of post-consumer paint that is a hazardous waste;
4. It provides that, except as may otherwise be required by federal law or under an approved paint stewardship program plan, the Department of Environmental Protection may not impose requirements on collection sites that are more stringent than the requirements set forth in statute; and
5. It provides that a collection site that uses environmentally sound management practices is not subject to penalties for violation of the department's rules related to post-consumer paint.

Public Law 2015, chapter 331 was enacted as an emergency measure effective July 12, 2015.

**LD 1045 An Act To Modify the Laws Regarding the Collection and Recycling of Mercury-added Thermostats**

**PUBLIC 83**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO MARTIN J	OTP-AM	S-62

This bill amends the laws regarding the collection and recycling of mercury-added thermostats as follows:

1. It adds a definition for the term "contractor";
2. It clarifies that the financial incentive provided for the return of a mercury-added thermostat is to be provided to the contractor or homeowner who removed the thermostat from service;
3. It changes the due date on the annual manufacturer's report to the Department of Environmental Protection from January 30th to April 1st and removes the requirement that the report contain an accounting of administrative costs;
4. It requires contractors to submit annual reports to the department containing information on the contractor and the thermostats removed from service and disposed of during the previous calendar year; and

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5. It repeals at a future date certain portions of the laws regarding the collection and recycling of mercury-added thermostats.

The bill also directs the department to review the financial incentive plan under the laws regarding the collection and recycling of mercury-added thermostats and, by February 15, 2016, submit a report to the Joint Standing Committee on Environment and Natural Resources addressing certain aspects of the plan and, where applicable, recommending legislation to amend the plan or other relevant laws.

### **Committee Amendment "A" (S-62)**

This amendment replaces the bill and amends the laws regarding the collection and recycling of mercury-added thermostats as follows:

1. It retains the provision from the bill that adds a definition for the term "contractor";
2. It clarifies that the financial incentive provided for the return of a mercury-added thermostat is to be provided to any person who returns a mercury-added thermostat to an established recycling collection point; and
3. It retains the provision from the bill that changes the due date on the annual manufacturer's report to the Department of Environmental Protection from January 30th to April 1st and removes the requirement that the report contain an accounting of administrative costs.

The amendment also retains the provision from the bill that directs the department to review the financial incentive plan under the laws regarding the collection and recycling of mercury-added thermostats and, by February 15, 2016, submit a report to the Joint Standing Committee on Environment and Natural Resources addressing certain aspects of the plan and, where applicable, recommending legislation to amend the plan or other relevant laws.

The amendment removes from the bill the provisions that require contractors to submit annual reports to the department containing information on the contractor and the thermostats removed from service and disposed of during the previous calendar year and that repeal at a future date certain portions of the laws regarding the collection and recycling of mercury-added thermostats.

### **Enacted Law Summary**

Public Law 2015, chapter 83 amends the laws regarding the collection and recycling of mercury-added thermostats as follows:

1. It adds a definition for the term "contractor;"
2. It clarifies that the financial incentive provided for the return of a mercury-added thermostat is to be provided to any person who returns a mercury-added thermostat to an established recycling collection point; and
3. It changes the due date on the annual manufacturer's report to the Department of Environmental Protection from January 30th to April 1st and removes the requirement that the report contain an accounting of administrative costs.

Public Law 2015, chapter 83 also directs the department to review the financial incentive plan under the laws regarding the collection and recycling of mercury-added thermostats and, by February 15, 2016, submit a report to the Joint Standing Committee on Environment and Natural Resources addressing certain aspects of the plan and, where applicable, recommending legislation to amend the plan or other relevant laws.

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**LD 1128    An Act To Make Minor Changes and Corrections to Statutes  
Administered by the Department of Environmental Protection**

**PUBLIC 124**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO WELSH	OTP-AM	S-91

This bill makes changes to various reporting requirements in the environmental protection laws. It eliminates a biennial report to the Legislature by the directors of the Clean Government Initiative and regular reports by the Commissioner of Environmental Protection on the status of licensed discharges and oil spill prevention and control. Instead of requiring the commissioner to report annually to the Legislature on the surface water ambient toxic monitoring program, this bill requires a limited biennial executive summary. It changes a cross-reference to correct the citation. It changes rule-making authority regarding hazardous waste, waste oil and biomedical waste by moving authority from the Board of Environmental Protection to the commissioner.

**Committee Amendment "A" (S-91)**

This amendment retains the provisions from the bill except as follows:

1. It allows for the submission of an executive summary of the Commissioner of Environmental Protection's report on the surface water ambient toxic monitoring program to the joint standing committees of the Legislature having jurisdiction over natural resources matters and marine resources matters and requires the full report to be published on the Department of Environmental Protection's website and a copy or copies to be provided to the State Librarian and retains the requirements that the report contain the annual work program for the past year and the current year and the results of the dioxin monitoring program;
2. It retains the commissioner's report on the status of licensed discharges but changes the reporting frequency from annual to biennial; and
3. It provides that rule-making authority on the transportation, collection and storage of waste oil and on the registration, design and operation of used oil collection centers for the purposes of the Maine Revised Statutes, Title 38, section 1319-Y remains with the Board of Environmental Protection and is not transferred to the commissioner.

**Enacted Law Summary**

Public Law 2015, chapter 124 makes changes to various reporting requirements and rule-making authority in the environmental protection laws as follows:

1. It eliminates a biennial report to the Legislature by the directors of the Clean Government Initiative;
2. It changes the reporting frequency on the Commissioner of Environmental Protection's report on the status of licensed discharges from annual to biennial;
3. It allows for the submission of an executive summary of the commissioner's report on the surface water ambient toxic monitoring program to the joint standing committees of the Legislature having jurisdiction over natural resources matters and marine resources matters and requires the full report to be published on the Department of Environmental Protection's website and a copy or copies to be provided to the State Librarian and retains the requirements that the report contain the annual work program for the past year and the current year and the results of the dioxin monitoring program;
4. It eliminates a biennial report to the Legislature by the commissioner on oil spill prevention and control; and

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5. It changes rule-making authority regarding hazardous waste, waste oil and biomedical waste by moving authority from the Board of Environmental Protection to the commissioner, except that rule-making authority on the transportation, collection and storage of waste oil and on the registration, design and operation of used oil collection centers for the purposes of the Maine Revised Statutes, Title 38, section 1319-Y remains with the board and is not transferred to the commissioner.

**LD 1194      An Act To Allow Municipalities To Contract with and Dispose of Waste,      ONTP**  
**including Residue, in State-owned Solid Waste Disposal Facilities, as**  
**Allowed under a Facility License, To Ensure Compliance with the Solid**  
**Waste Management Hierarchy**

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

This bill ensures compliance with the solid waste management hierarchy established in the Maine Revised Statutes, Title 38, section 2101 by authorizing a municipality or regional association to enter into a contract or agreement with the owner or operator of a state-owned solid waste disposal facility in order to utilize the facility for managing solid waste generated within the State, including for the disposal of residue from a solid waste processing facility. This bill also prohibits the owner or operator of a state-owned solid waste disposal facility from entering into, implementing or enforcing a contract or agreement with any person to prohibit, directly or indirectly, a municipality or regional association from entering into a contract or agreement with the owner or operator of the facility to utilize the facility for managing solid waste generated within the State, including for the disposal of residue from a solid waste processing facility.

**LD 1204      An Act To Increase Recycling and Composting by Creating the Maine      ONTP**  
**Recycling Fund**

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

This bill establishes the Recycling Grants and Low-interest Loan Program and the Maine Recycling Fund under the Department of Environmental Protection to assist municipalities and persons engaged in the business of collecting, transporting, processing or marketing recyclable materials and to fund activities designed to enhance the State's recycling rate and the diversion of recyclable materials that would otherwise be disposed of in a landfill or processed at a waste-to-energy facility. The bill requires the fund to be used only to fund the program and to provide assistance to municipal recycling efforts.

The bill also establishes the Recycling Public Advisory Council to assist the department in the administration of the program. The bill directs the council, in cooperation and consultation with the department, to initiate and conduct public outreach and education programs on the purposes and value of source-separated recycling, or recycling by separation at the point of generation, and sustainable materials management in order to maximize the recovery of all recyclable materials and yard waste generated by commercial and residential sectors.

This bill phases out beverage containers 32 ounces and greater in capacity from the bottle redemption laws beginning December 1, 2016 and ends the liability of redemption centers and dealers to consumers for deposits on January 1, 2017 and the liability of manufacturers and distributors to redemption centers for deposits and handling fees on February 1, 2018. The bill requires manufacturers and distributors of bottles 32 ounces or greater in capacity to pay a fee, beginning December 1, 2016 and ending December 1, 2022, at the rate of \$0.005 per beverage container delivered for sale or distribution during any month in order to provide revenue to the fund.

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**LD 1208 An Act Concerning Pavement Sealing Products**

**Accepted Majority  
(ONTP) Report**

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

This bill prohibits the sale and use of coal tar sealant products beginning October 1, 2016.

**LD 1244 An Act To Amend Environmental Permitting Standards**

**PUBLIC 264**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO HANLEY	OTP-AM	S-156 S-227 BREEN

This bill requires the Commissioner of Environmental Protection to issue a decision on an application for an expedited wind energy development within one year of the date the department accepts the application as complete. It repeals procedures related to the review of an application for a grid-scale wind energy development. It provides permitting requirements for small-scale wind energy developments. It requires parties to a water level dispute to attempt to resolve the matter through mediation before the department proceeds with an adjudicatory hearing. It establishes standards for microhydropower projects and requires the department to adopt rules ensuring that a microhydropower project will not have an undue adverse effect on the natural environment and will not violate water quality standards.

**Committee Amendment "A" (S-156)**

This amendment retains provisions from the bill that repeal procedures related to the review of an application for a grid-scale wind energy development and provide permitting requirements for small-scale wind energy developments. The amendment also retains the provision from the bill that allows the Department of Environmental Protection to charge parties to a water level dispute an appropriate licensing fee sufficient to cover costs incurred in conducting an adjudicatory hearing, but the amendment sets a maximum fee of \$20,000. The amendment removes provisions from the bill that increase the time in which the Commissioner of Environmental Protection is required to issue a decision on an application for an expedited wind energy development from 185 days to one year, that establish standards and criteria for microhydropower projects and that require parties to a water level dispute to attempt to resolve the matter through mediation prior to an adjudicatory hearing.

**Senate Amendment "A" To Committee Amendment "A" (S-227)**

This amendment amends Committee Amendment "A" to remove the provision allowing the Department of Environmental Protection to charge parties to a water level dsipute a licensing fee sufficient to cover costs incurred in conducting an adjudicatory hearing, with a maximum fee of \$20,000. This amendment also amends the laws governing the establishment of water level regimes to provide that after October 1, 2015 but before October 1, 2016 the Commissioner of Environmental Protection may not conduct an adjudicatory hearing for the purpose of or issue an order establishing a water level regime or minimum flow requirements, except that the commissioner may conduct an adjudicatory hearing or issue an order for these purposes on requests or petitions submitted prior to October 1, 2015. All orders establishing a water level regime issued prior to October 1, 2015 remain in effect and enforceable until they expire or are amended or rescinded. This amendment also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill to the Second Regular Session of the 127th Legislature relating to the establishment of water level regimes.

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**Enacted Law Summary**

Public Law 2015, chapter 264 repeals procedures related to the review of an application for a grid-scale wind energy development and provides permitting requirements for small-scale wind energy developments. It amends the laws governing the establishment of water level regimes to provide that after October 1, 2015 but before October 1, 2016 the Commissioner of Environmental Protection may not conduct an adjudicatory hearing for the purpose of or issue an order establishing a water level regime or minimum flow requirements, except that the commissioner may conduct an adjudicatory hearing or issue an order for these purposes on requests or petitions submitted prior to October 1, 2015. All orders establishing a water level regime issued prior to October 1, 2015 remain in effect and enforceable until they expire or are amended or rescinded. It also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill to the Second Regular Session of the 127th Legislature relating to the establishment of water level regimes.

**LD 1303     An Act To Stabilize and Streamline the Department of Environmental Protection's Ground Water Oil Clean-up Fund and Maine Coastal and Inland Surface Oil Clean-up Fund**

**PUBLIC 319  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO WELSH	OTP-AM	S-301

This bill combines current provisions of law related to the Ground Water Oil Clean-up Fund and the Maine Coastal and Inland Surface Oil Clean-up Fund. It streamlines administration of oil clean-up funds and stabilizes funding for clean-up activities. It improves government administration by combining two boards with expertise in oil spill prevention and cleanup and responsibility for fund oversight into one, and it streamlines fee requirements from two separate amounts for each product type into one.

**Committee Amendment "A" (S-301)**

This amendment adds an emergency preamble and emergency clause and retains all provisions from the bill except as follows:

1. It provides that the balance in the new Maine Ground and Surface Waters Clean-up and Response Fund is limited to \$18,500,000;
2. It provides that unrefined crude oil is not subject to the funding provision for the new Maine Ground and Surface Waters Clean-up and Response Fund that allows for fee increases when the fund balance falls to \$6,000,000 or less;
3. It provides additional specific fee information for reimbursement of fees imposed on transfers out of state;
4. It removes from the bill certain changes to the statutory standard deductible amounts for coverage of clean-up costs and eligible third-party damage costs under the new Maine Ground and Surface Waters Clean-up and Response Fund. It eliminates from the bill the section that transfers from the Board of Environmental Protection to the Clean-up and Response Fund Review Board the authority to adopt rules to determine the standards for assessing an applicant's ability to pay the deductible with respect to the applicant's personal residence; and
5. It amends certain provisions of the bill governing the appointment of members to the Clean-up and Response Fund Review Board.

The amendment also makes necessary changes to statutory cross-references and adds an appropriations and allocations section.



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legislative review on January 8, 2015 and approved for final adoption by the Legislature pursuant to Resolve 2015, chapter 12, effective April 29, 2015. It corrects an inadvertent omission from Resolve 2015, chapter 12 and provides for final adoption of the rule chapter in accordance with Resolve 2015, chapter 12 as amended by this resolve, as long as final adoption occurs within 60 days of the effective date of this resolve.

**Enacted Law Summary**

Resolve 2015, chapter 22 provides for final adoption by the Department of Environmental Protection of portions of Rule Chapter 500: Stormwater Management, a major substantive rule of the department that was submitted for legislative review on January 8, 2015 and approved for final adoption by the Legislature pursuant to Resolve 2015, chapter 12, effective April 29, 2015. This resolve corrects an inadvertent omission from Resolve 2015, chapter 12 and provides for final adoption of the rule chapter in accordance with Resolve 2015, chapter 12 as amended by this resolve, as long as final adoption occurs within 60 days of the effective date of this resolve.

Resolve 2015, chapter 22 was finally passed as an emergency measure effective June 9, 2015.

**LD 1435     An Act Regarding Ethanol-free Motor Fuel**

**PUBLIC 143**

Sponsor(s)

O'CONNOR

Committee Report

Amendments Adopted

This bill clarifies that a motor fuel distributor, franchisor or refiner may not impose any condition, restriction, agreement or understanding that prohibits or limits the sale, resale, transfer or purchase of conventional, ethanol-free motor fuel products in the State on a prospective basis.

This bill was not referred to a committee.

**Enacted Law Summary**

Public Law 2015, chapter 143 clarifies that a motor fuel distributor, franchisor or refiner may not impose any condition, restriction, agreement or understanding that prohibits or limits the sale, resale, transfer or purchase of conventional, ethanol-free motor fuel products in the State on a prospective basis.

# *Joint Standing Committee on Environment and Natural Resources*

## SUBJECT INDEX

### *Bottle Redemption Program*

#### Enacted

LD 1366 An Act To Promote Recycling Program Integration and Efficiencies PUBLIC 166

#### Not Enacted

LD 1204 An Act To Increase Recycling and Composting by Creating the  
Maine Recycling Fund ONTP

### *Coal tar*

#### Not Enacted

LD 1208 An Act Concerning Pavement Sealing Products Majority (ONTP)  
Report

### *Coastal areas*

#### Not Enacted

LD 795 An Act To Encourage Prudent Development along the Coast or in a  
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#### Enacted

LD 1128 An Act To Make Minor Changes and Corrections to Statutes  
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#### Not Enacted

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#### Enacted

LD 352 Resolve, Regarding Legislative Review of Portions of Chapter 119:  
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LD 603 An Act To Achieve Regional Uniformity in Sulfur Standards for  
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LD 727 An Act To Allow the Retrofit of Underground Oil Storage Tanks PUBLIC 361

LD 1303 An Act To Stabilize and Streamline the Department of Environmental Protection's Ground Water Oil Clean-up Fund and Maine Coastal and Inland Surface Oil Clean-up Fund PUBLIC 319 EMERGENCY

LD 1435 An Act Regarding Ethanol-free Motor Fuel PUBLIC 143

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LD 596 An Act To Allow for the Purchase and Use of Specialty Racing Fuel in Maine ONTP

LD 602 An Act To Amend the Laws Governing the Prohibition on the Sale of Motor Fuel Containing Corn-based Ethanol Majority (ONTP) Report

LD 824 An Act Regarding Ethanol Motor Fuel Veto Sustained

**Hazardous Waste**

**Not Enacted**

LD 765 Resolve, To Develop a Statewide Plan for the Disposal of Household Hazardous Waste ONTP

**Invasives**

**Not Enacted**

LD 70 An Act To Assist Towns in Eradicating Milfoil and Other Invasive Aquatic Plants and Nuisance Species ONTP

**Metallic Mineral Mining**

**Not Enacted**

LD 146 Resolve, Regarding Legislative Review of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a Major Substantive Rule of the Department of Environmental Protection ONTP

LD 241 Resolve, Regarding Metallic Mineral Mining Rules of the Department of Environmental Protection INDEF PP

LD 588 An Act To Revise the Mining Laws Leave to Withdraw

LD 750 An Act To Allow Regulated Metal Mining in Maine Minority (ONTP) Report

**Permitting**

**Enacted**

LD 1244 An Act To Amend Environmental Permitting Standards PUBLIC 264

**Product Stewardship**

**Enacted**

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LD 1044	An Act To Ensure That Collection Facilities Can Participate in the Architectural Paint Stewardship Program	PUBLIC 331 EMERGENCY
LD 1045	An Act To Modify the Laws Regarding the Collection and Recycling of Mercury-added Thermostats	PUBLIC 83

### *Shoreland Zoning*

**Enacted**

LD 307	An Act To Amend the Shoreland Zoning Laws To Exempt Certain Walkways and Trails from Setback Requirements	PUBLIC 11
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**Not Enacted**

LD 467	An Act To Change the Borders of the Saco River Corridor	ONTP
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### *Significant Wildlife Habitat - Vernal pools*

**Not Enacted**

LD 153	An Act To Amend Setback Requirements and Standards Related to Species Migration under the Laws Regulating Development near Vernal Pools	ONTP
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### *Site Location of Development*

**Enacted**

LD 442	An Act To Clarify Municipal Capacity for Site Location of Development and Encourage Local Development	PUBLIC 28
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### *Solid Waste*

**Enacted**

LD 580	An Act To Extend the Funding Period for Landfill Closure Costs	PUBLIC 302
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**Not Enacted**

LD 105	An Act To Enhance the Competitiveness of Maine's Biomass Facilities by Exempting from Waste Handling Fees Certain Construction and Demolition Debris	ONTP
LD 313	An Act To Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State	CARRIED OVER
LD 325	An Act To Strengthen Recycling of Single-use Plastic Shopping Bags	Minority (ONTP) Report
LD 394	Resolve, To Lower the Department of Environmental Protection's 5-point Odor Intensity Referencing Scale for Odor Control at Solid Waste Processing Facilities	CARRIED OVER
LD 396	An Act To Encourage the Use of Alternatives to Single-use Plastic Disposable Bags	ONTP
LD 468	An Act To Prohibit the Use of Certain Disposable or Polystyrene Food Service Containers	Majority (ONTP) Report

LD 659	Resolve, To Increase Recycling in Maine through Increased Composting and Energy Recovery from Organic Wastes	ONTP
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LD 712	An Act To Increase Organic Waste Recycling in the State	ONTP
LD 947	An Act To Fund State Efforts To Reduce the Landfilling of Solid Waste	ONTP
LD 1194	An Act To Allow Municipalities To Contract with and Dispose of Waste, including Residue, in State-owned Solid Waste Disposal Facilities, as Allowed under a Facility License, To Ensure Compliance with the Solid Waste Management Hierarchy	ONTP
LD 1359	An Act To Assist Municipalities with the Recycling of Solid Waste by Allowing Net Electrical Billing Credits	ONTP

### *Storm Water*

#### Enacted

LD 147	Resolve, Regarding Legislative Review of Portions of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 12 EMERGENCY
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LD 1427	Resolve, Regarding the Department of Environmental Protection's Rule Chapter 500: Stormwater Management	RESOLVE 22 EMERGENCY

### *Sustainable Development*

#### Not Enacted

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### *Toxic Chemicals*

#### Not Enacted

LD 948	An Act To Harmonize Maine's Laws Governing Toxic Chemicals in Children's Products with Those of Other States	ONTP
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### *Waste - Other*

#### Enacted

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#### Not Enacted

LD 397	An Act Regarding the Packaging and Labeling of Disposable Cleaning and Personal Hygiene Products	Majority (ONTP) Report
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### *Water Quality*

#### Enacted

LD 568	An Act To Protect Maine Lakes	PUBLIC 75
LD 1040	An Act To Enhance Funding Opportunities for the Youth Conservation Corps	PUBLIC 365

#### Not Enacted

LD 40	An Act To Protect Maine's Great Ponds	ONTP
LD 713	Resolve, To Further Protect Lake Water Quality	CARRIED OVER
LD 884	An Act To Amend Laws Concerning Water Quality Standards	ONTP
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### *Wind Power*

#### Enacted

LD 911	An Act Concerning the Review of Certain Projects under the Site Location of Development Laws	PUBLIC 190
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STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES  
AND TECHNOLOGY**

August 2015

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*Joint Standing Committee on Energy, Utilities and Technology*

**LD 89      An Act To Improve Telecommunications in Maine      ONTP**

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

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

This bill would implement a comprehensive strategy to improve telecommunications in Maine.

**LD 103      An Act To Recruit New Businesses to Maine by Providing Energy Efficiency Assistance      ONTP**

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

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

This bill proposes to create a program using a \$5,000,000 fund to help employers lower their energy costs through energy efficiency and weatherization initiatives. This program would be modeled after the Governor's Jobs Initiative Program administered by the Department of Labor's bureau of employment services, which provides financial assistance to employers that are expanding, reorganizing or locating in the State or are training new or current employees to upgrade worker skills.

**LD 132      An Act To Remove the 100-megawatt Limit on Hydropower under the Renewable Resources Laws      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR THIBODEAU	ONTP OTP-AM	

This bill removes the 100-megawatt maximum capacity limit for a hydroelectric generator that meets all state and federal fish passage requirements applicable to generators to qualify as a renewable capacity resource and for a hydroelectric generator to qualify as a renewable resource for the purpose of meeting the State's renewable resource portfolio requirement.

**Committee Amendment "A" (H-270)**

This amendment, which is the minority report, removes the 100-megawatt maximum capacity limit for all generation sources as it pertains to renewable capacity resources and renewable resources, not just hydroelectric generation, as in the bill. The amendment also adds anaerobic digestion of by-products of waste from animals or agricultural crops, food or vegetative material, algae or organic refuse as a renewable capacity resource under the renewable resource portfolio requirements.

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**LD 192      An Act To Clarify the Law Governing the Collection of Unpaid Sanitary District Charges**

**PUBLIC 174**

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

This bill makes three changes to the section of the Maine Sanitary District Enabling Act governing the administration of liens on real estate to enforce the collection of unpaid sanitary district charges. The bill removes language regarding committing a rate, toll, rent or other charge to the treasurer of a sewer district. The bill requires that a district provide to an owner of record a copy of a sewer lien certificate if the owner did not receive a demand notice. The bill also changes the law so that a mortgage holder of record or an owner of record who did not receive a required copy of the lien certificate has an additional three months to pay in full before the lien automatically forecloses.

**Committee Amendment "A" (S-121)**

This amendment adds a mandate preamble to the bill. It clarifies the date when sewer and municipal water system liens arise and are initially perfected, which is the date the service is provided. It also clarifies and expands upon a requirement in the bill that the treasurer of a sanitary district must mail a copy of a lien certificate to a record owner of real estate that did not receive a demand notice for the payment of an unpaid rate, toll, rent or other charge of the sanitary district.

**Enacted Law Summary**

Public Law 2015, chapter 174 removes language regarding committing a rate, toll, rent or other charge to the treasurer of a sewer district. It clarifies the date when sewer and municipal water system liens arise and are initially perfected, which is the date the service is provided. It also clarifies that the treasurer of a sanitary district must mail a copy of a lien certificate to a record owner of real estate that did not receive a demand notice for the payment of an unpaid rate, toll, rent or other charge of the sanitary district. It also provides that a mortgage holder of record or an owner of record who did not receive a required copy of the lien certificate has an additional three months to pay in full before the lien automatically forecloses.

**LD 200      Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission**

**RESOLVE 9  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-17

This resolve provides for legislative review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission.

**Committee Amendment "A" (H-17)**

This amendment requires the Public Utilities Commission to make an additional change to Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the commission, before final adoption is authorized. It requires a specific time frame, not to exceed 10 business days, for a non-member operator to notify the commission that the non-member operator's contact person who receives excavation notifications has changed or that the contact information of the contact person has changed for purposes of maintaining the commission's OKTODIG database.

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**Enacted Law Summary**

Resolve 2015, chapter 9 provides for legislative review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission. It also requires the Public Utilities Commission to make an additional change to Chapter 895 before final adoption is authorized. It requires a specific time frame, not to exceed 10 business days, for a non-member operator to notify the commission that the non-member operator's contact person who receives excavation notifications has changed or that the contact information of the contact person has changed for purposes of maintaining the commission's OKTODIG database.

Resolve 2015, chapter 9 was finally passed as an emergency measure effective April 14, 2015.

**LD 216 An Act To Amend the Charter of the Hampden Water District**

**P & S 2  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING DAVITT	OTP-AM	S-9

This bill amends the Hampden Water District charter to change a trustee's term of office from five years to three years and to change what constitutes a vacancy on the board of trustees and how a vacancy may be filled.

**Committee Amendment "A" (S-9)**

This amendment provides that current terms of the trustees of the Hampden Water District are modified to transition from the current five-year terms to the three-year terms established in the bill. The amendment also removes language from the bill and from the district's current charter that defines particular circumstances that create a vacancy in the position of trustee; the amendment authorizes the board of trustees to define in its bylaws particular circumstances under which a vacancy is deemed to be created, such as when a trustee ceases to be a resident of the district.

**Enacted Law Summary**

Private and Special Law 2015, chapter 2 amends the Hampden Water District charter to change a trustee's term of office from five years to three year and provides that current terms of the trustees of the Hampden Water District are modified to transition from five-year terms to three-year terms. It allows trustees to call and hold a special election to fill a vacancy of the board. It removes language from the district's current charter that defines particular circumstances that create a vacancy in the position of trustee and instead authorizes the board of trustees to define in its bylaws particular circumstances under which a vacancy is deemed to be created, such as when a trustee ceases to be a resident of the district.

Private and Special Law 2015, chapter 2 was enacted as an emergency measure effective April 16, 2015.

**LD 237 An Act To Address Recommendations from the Report by the Office of Program Evaluation and Government Accountability Regarding the Public Utilities Commission**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L WOODSOME	OTP-AM	H-53

This bill establishes a consumer advisor position in the Office of the Public Advocate to advise citizens participating in proceedings before the Public Utilities Commission. The position is established to address a recommendation in

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the Office of Program Evaluation and Government Accountability's 2013 report on the Public Utilities Commission that the Public Utilities Commission and the Public Advocate explore ways to facilitate consumers' ability to effectively represent themselves in adjudicatory proceedings before the Public Utilities Commission.

**Committee Amendment "A" (H-53)**

This amendment adds an appropriations and allocations section to the bill.

**LD 273      An Act To Encourage and Enhance the Future of Waste-to-energy      CARRIED OVER**  
**Facilities by Establishing a Portfolio Requirement for Electricity from**  
**Waste Energy Resources**

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

This bill does the following.

1. It amends the definition of renewable capacity resource to include waste energy resources.
2. It defines "waste energy resource" as a source of electrical generation that is fueled by municipal solid waste in conjunction with recycling and whose total power capacity does not exceed 35 megawatts. In addition, the waste energy resource would have to meet Maine's air emissions standards for resource recovery facilities and licensing standards for solid waste facilities and ensure that residuals from the waste energy resource are disposed of at a landfill meeting Maine's licensing standards.
3. It requires 3.5 percent of a competitive energy providers portfolio to come from waste energy resources.
4. It allows competitive energy providers to satisfy the portfolio requirements for waste energy resources through an alternative compliance payment mechanism, the rate of which is to be established by rule yearly, by the Public Utilities Commission. Payment made by providers is to fund the Efficiency Maine Trust and Renewable Resource Fund.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 295      An Act To Promote Tidal Energy Projects      ONTP**

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

This bill expands the definition of "tidal energy demonstration project" as it relates to general permits for tidal energy demonstration projects to cover tidal range projects. Tidal range projects capture the potential energy created by the difference in sea level (or head) across a marine enclosure.

This bill amends Public Law 2009, chapter 615 to allow the Public Utilities Commission to direct the renewal of a long-term contract for up to 25 years. This potential 25 year extension would be in addition to the current allowable term for a long-term contract of 20 years.

It increases the allowed installed capacity for both deep-water offshore wind energy pilot projects and tidal energy demonstration projects from 30 megawatts to 45 megawatts and allows up to 30 megawatts of that power to be

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derived from tidal demonstration projects, which is an increase from five megawatts allowed under the current law.

Lastly, this bill directs the Commission to conduct additional competitive solicitation of proposals for tidal energy demonstration projects as soon as practicable after the bill becomes effective, and to make all reasonable efforts to complete its review of proposals and finalize long-term contracts as soon as practicable after initiating a solicitation.

**LD 326      An Act To Transfer Ownership of the Monhegan Water Company      ONTP**

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

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

This bill proposes to transfer ownership of the Monhegan Water Company.

**LD 339      An Act To Clarify That the Telephone Number 9-1-1 Is the Only      PUBLIC 62**  
**Number Advertised or Promoted for Emergency Response Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION WOODSOME	OTP-AM	H-44

This bill clarifies that the telephone number 9-1-1 is the primary number advertised or promoted for emergency response services. The bill also eliminates certain outdated language regarding the publication of the 9-1-1 number in telephone directories.

**Committee Amendment "A" (H-44)**

This amendment provides that a person is prohibited from advertising or promoting for emergency response services any telephone number other than 9-1-1. The amendment also provides a process for the imposition of a penalty for a person that uses a number other than 9-1-1 to advertise or promote emergency response services.

**Enacted Law Summary**

Public Law 2015, chapter 62 specifies that a person may not advertise or promote for emergency response services any telephone number other than 9-1-1. It also creates a process for the imposition of a penalty for a person that uses a number other than 9-1-1 to advertise or promote emergency response services. Lastly, it eliminates certain outdated language regarding the publication of the 9-1-1 number in telephone directories.

**LD 340      An Act To Extend the Statutory Sunset of the Green Power Offer      PUBLIC 25**

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

This bill repeals the statutory sunset of the green power offer.

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

This amendment extends the statutory sunset of the green power offer to April 1, 2021, instead of repealing the

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statutory sunset as in the bill.

**Enacted Law Summary**

Public Law 2015, chapter 25 extends the statutory sunset of the green power offer to April 1, 2021.

**LD 342      An Act To Reduce the E-9-1-1 Surcharge      ONTP**

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

This bill reduces the E-9-1-1 surcharge from 45 cents to 40 cents beginning January 1, 2016.

**LD 357      Resolve, To Study Options for a State Demand Response Program      RESOLVE 14**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L WHITTEMORE	OTP-AM	H-75

This resolve directs the Efficiency Maine Trust to conduct a study of options for a state demand response program that will produce electricity consumer and electric grid benefits and to report to the Joint Standing Committee on Energy, Utilities and Technology by February 1, 2016.

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

This amendment adds language to the preamble. The amendment also adds language that encourages participation of Maine electricity consumers in the state demand response program. The amendment includes the Office of the Public Advocate as a consultant to the Efficiency Maine Trust's study. The amendment requires that in the survey with other New England states the trust gauge interest in program rules that do not unduly burden or discourage consumer participation. The amendment requires that the trust solicit the involvement of transmission and distribution utilities. The amendment directs the trust to coordinate with other state agency participants to more effectively and efficiently solicit public comment. Lastly, the amendment authorizes the Joint Standing Committee on Energy, Utilities and Technology to report out a bill to the Second Regular Session of the 127th Legislature.

**Enacted Law Summary**

Resolve 2015, chapter 14 directs the Efficiency Maine Trust to conduct a study of options for a state demand response program that will produce electricity consumer and electric grid benefits and to report to the Joint Standing Committee on Energy, Utilities and Technology by February 1, 2016. It authorizes the Joint Standing Committee on Energy, Utilities and Technology to report out a bill to the Second Regular Session of the 127th Legislature.

**LD 398      An Act To Allow Consumers of Cable Television To Purchase Channels Individually      Accepted Majority (ONTP) Report**

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

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This bill requires that cable system operators offer subscribers the option of purchasing access to cable channels individually.

**Committee Amendment "A" (H-64)**

This amendment, which is the minority report of the committee, retains the provision of the bill that requires a cable system operator to offer subscribers the option of purchasing access to cable channels individually and adds an exception for those channels that are provided in the basic service tier.

**LD 420      An Act To Amend the Law Regarding Filing Fees for Proposed      Veto Sustained**  
**Transmission Line Projects**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION WOODSOME	OTP-AM	H-71

This bill proposes to amend the law in the following two ways.

1. It changes the fee for petitioning the Public Utilities Commission for approval to erect a transmission line capable of operating at 69 kilovolts or more from 4/100 of one percent of the estimated cost to erect, rebuild or relocate the transmission line to 4/100 of one percent or \$100,000, whichever is higher.
2. It amends the law to require a fee of 2/100 of one percent of the estimated cost of a transmission line and its associated infrastructure capable of operating at less than 69 kilovolts and projected to cost in excess of \$20,000,000 to be paid by a person petitioning the Public Utilities Commission to construct such a line and infrastructure.

**Committee Amendment "A" (H-71)**

This amendment incorporates a fiscal note.

**LD 430      An Act To Assist Municipalities To Obtain Payment of Overdue Sewer      ONTP**  
**Bills**

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

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

This bill proposes to assist municipalities in obtaining payment of overdue sewer bills by strengthening the enforcement tools that are available to municipalities to collect these debts.

**LD 446      An Act To Change the Name of the Public Utilities Commission's      PUBLIC 8**  
**Consumer Assistance Division**

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

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This bill adds "and safety" to references to the Public Utilities Commission's consumer assistance division to reflect that the division now also oversees the State's gas safety regulation and enforcement, and enforcement of the underground facility damage prevention law.

**Enacted Law Summary**

Public law 2015, chapter 8 adds "and safety" to references to the Public Utilities Commission's consumer assistance division to reflect that the division now also oversees the State's gas safety regulation and enforcement, and enforcement of the underground facility damage prevention law.

**LD 465 An Act To Eliminate the Broadband Sustainability Fee**

**PUBLIC 151**

Sponsor(s)

HIGGINS  
DAVIS

Committee Report

OTP-AM

Amendments Adopted

H-219

This bill terminates the broadband sustainability fee and requires that all funds in the broadband sustainability fund be used to support municipal governments in developing plans to promote broadband service in unserved or underserved areas.

**Committee Amendment "A" (H-219)**

This amendment requires the ConnectME Authority to use any remaining funds from the broadband sustainability fund to support and promote broadband service in unserved or underserved areas. The bill directs the funds to municipal governments for the development of plans to promote broadband.

**Enacted Law Summary**

Public Law 2015, chapter 151 terminates the broadband sustainability fee and requires the ConnectME Authority to use any remaining funds from the broadband sustainability fund to support and promote broadband service in unserved or underserved areas.

**LD 466 An Act To Increase Competition and Ensure a Robust Information and Telecommunications Market**

**CARRIED OVER**

Sponsor(s)

DUNPHY L  
WHITTEMORE

Committee Report

Amendments Adopted

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

This bill proposes to determine public policy for provider of last resort telecommunications service in the State.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 558 An Act To Amend the Community-based Renewable Energy Project Laws for Purposes of the Mayo Mill Project**

**ONTP**

Sponsor(s)

HIGGINS  
DAVIS

Committee Report

ONTP

Amendments Adopted

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This bill would increase the maximum generating capacity for all program participants under the community-based renewable energy pilot program from 50 megawatts to 60 megawatts. This would allow other projects, including the Mayo Mill project in Dover-Foxcroft to participate in the program.

**LD 589 An Act To Increase the Beneficial Reuse of Waste Materials**

**PUBLIC 220**

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

This bill would allow biomass generators that are fueled by any type of anaerobic digestion to be a renewable capacity resource under the renewable portfolio requirements. This is an expansion of the current law that limits biomass generators to be fueled by anaerobic digestion of agricultural products, by-products or wastes only.

This bill also amends the Community-based Renewable Energy Act in the following ways.

1. It adds the term “net generating capacity” to the definitions section of the Act.
2. It changes the limits on capacity for program participant from installed generating capacity to net generating capacity.
3. It provides that projects authorized and certified by the Public Utilities Commission before December 31, 2015, retain those approvals as long as the project continues to develop and operate.

**Committee Amendment "A" (S-164)**

This amendment replaces the bill. This amendment makes an electricity generator that relies on anaerobic digestion of by-products of waste from animals or agricultural crops, food or vegetative material, algae or organic refuse a renewable capacity resource under the renewable resource portfolio requirements.

**Enacted Law Summary**

Public Law 2015, chapter 220 allows a biomass generator that relies on anaerobic digestion of by-products of waste from animals or agricultural crops, food or vegetative material, algae or organic refuse to be a renewable capacity resource under the renewable resource portfolio requirements.

**LD 593 An Act To Allow the Resale of Electricity by Electric Vehicle Charging Stations**

**PUBLIC 29**

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

This bill exempts an electric vehicle charging station provider from being considered a competitive electricity provider. The bill defines what constitutes an electric vehicle charging station provider and allows a provider to install an electrical submeter and to charge a submeter user only for kilowatt hours used.

**Enacted Law Summary**

Public Law 2015, chapter 29 exempts an electric vehicle charging station provider from being considered a competitive electricity provider. It defines what constitutes an electric vehicle charging station provider and allows a provider to install an electrical submeter and to charge a submeter user only for kilowatt hours used.

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**LD 650      An Act To Amend the Brunswick Sewer District Charter**

**P & S 5**

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

This bill raises the debt limit of the Brunswick Sewer District from \$20,000,000 to \$25,000,000, pending a referendum held by November 7, 2017 approving the increase.

**Enacted Law Summary**

Private and Special Law 2015, chapter 5 raises the debt limit of the Brunswick Sewer District from \$20,000,000 to \$25,000,000, pending a referendum held by November 7, 2017 approving the increase.

**LD 660      An Act To Protect Homeowners from Damage in the Event of a Failure  
of Public Water Systems**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT	OTP-AM	H-189

This bill allows a consumer-owned water utility to establish a homeowner protection fund to reimburse a homeowner in the event of a water system failure that causes damage to the homeowner's property. The Public Utilities Commission is required to adopt rules governing the creation and use of such a fund.

**Committee Amendment "A" (H-189)**

This amendment replaces the bill, which establishes a homeowner protection fund, and enables contingency allowance funds to be used to reimburse a consumer in the event of a water system failure that causes damage to the consumer's property. This amendment clarifies that the use of contingency funds by a consumer-owned water utility does not waive a utility's immunities or limitations on damages that exist under the Maine Tort Claims Act, any other statute or the common law. This amendment also increases the annual contingency allowance from ten percent to 12 percent for a utility with annual revenues up to \$85,000, and from five percent to seven percent for a utility with total annual revenues in excess of \$85,000.

**LD 743      An Act To Protect the Environment and Assist Municipalities with the  
Recycling, Reuse and Processing of Solid Waste**

**ONTP**

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

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

This bill proposes to enact measures to support the State's solid waste management hierarchy and provide for the effective and efficient management of solid waste throughout the State by encouraging the conversion of municipal solid waste to electrical energy as a means to minimize the amount of municipal solid waste that is disposed of and stored in landfills.

The bill encourages materials management and conversion of municipal solid waste into electrical energy through the establishment of a net electrical billing process that will have the effect of reducing energy costs to

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municipalities who are the primary disposers of the waste. The net electrical billing process will also serve to encourage the reduction, recycling and effective management of municipal solid waste; preserve many existing well-paying jobs; enhance the diversification of the State's energy resource mix; stabilize the State's energy supply infrastructure; and result in a net environmental benefit to the State and its citizens.

1. The bill would establish a waste management net electrical billing program in accordance with the following provisions.

A. An eligible participating waste-to-energy facility in the State would be authorized to develop and offer a contract for the conversion of municipal solid waste to electricity that provides net electrical billing credits based upon the number of metered kilowatt-hours produced by the incineration of the municipal solid waste that is originated with each eligible governmental entity customer that enters into a contract. No contract would be authorized unless it is certified by the Department of Environmental Protection.

B. There would be two types of metering in the program:

(1) Generation meters registering the flow of electricity produced through the incineration of municipal solid waste at each eligible participating waste-to-energy facility; and

(2) Consumption meters registering the consumption of electricity by the eligible governmental entity customer.

C. Each eligible participating waste-to-energy facility would annually calculate the annual electrical crediting ratio by taking the total metered electrical power generated and dividing it by the total number of tons of municipal solid waste processed during the reporting year. The annual electrical crediting calculation would be certified and provided by each eligible participating waste-to-energy facility to the Department of Environmental Protection and the Public Utilities Commission on or before a date determined by the Department of Environmental Protection.

D. Based on net electrical crediting calculations, the Department of Environmental Protection, in cooperation with the Public Utilities Commission, would set the annual ratio at which net electrical billing credits will be determined by each eligible participating waste-to-energy facility during the next program administrative year.

E. Each eligible participating waste-to-energy facility would provide monthly data on the number of electrical billing credits each participating eligible governmental entity customer has earned during the preceding 30-day period to the electrical utility that provides service to each participating eligible governmental entity customer. Copies of the report would be provided monthly to the participating eligible governmental entity customer. Contracts supporting the net electrical billing process would be developed between eligible participating waste-to-energy facilities and utilities, as well as the utilities and the eligible governmental entity customers participating in the program. A contract would not be used unless it is certified by the Department of Environmental Protection and the Public Utilities Commission.

F. Each electrical utility would apply the reported net electrical billing credits for each participating eligible governmental entity customer on its next electrical service billing. Any credits not used on a given monthly electrical billing for a participating eligible governmental entity customer would be carried over and applied to a future monthly electrical service bill for that customer.

G. The program would be administered by the Department of Environmental Protection in consultation with the Public Utilities Commission.

H. The Board of Environmental Protection would adopt routine technical rules necessary for the operation and administration of the program.

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2. The bill would establish definitions necessary to implement the waste management net electrical billing program, including:

- A. Defining "eligible governmental entity customer" as a governmental entity organized and existing pursuant to the laws of the State that provides an annual written certification that it operates an established program of solid waste reduction, recycling and composting relative to the solid waste it collects before it sends that solid waste to an eligible participating waste-to-energy facility for processing and conversion into electricity;
- B. Defining "eligible participating waste-to-energy facility" as a facility licensed pursuant to the provisions of the Maine Revised Statutes, Title 38 that converts municipal solid waste to electricity through an incineration process that is licensed by the Department of Environmental Protection, reduces the volume of the municipal solid waste it processes by at least 80 percent and the weight by at least 65 percent and is not a party to a power purchase agreement;
- C. Defining "municipal solid waste" as solid waste that has been collected by a participating eligible governmental entity customer other than waste that the customer has diverted through reduction, recycling and composting before it is sent to an eligible participating waste-to-energy facility for processing and conversion into electricity; and
- D. Defining "net electrical billing credits" as the monetary credits that are applied by an electrical utility to the monthly bill of an eligible governmental entity customer that has earned those credits by sending municipal solid waste that it has collected to an eligible participating waste-to-energy facility for conversion into electricity.

**LD 796      An Act To Allow a Municipality To Choose Its Power Provider**

**ONTP**

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

This bill provides a process to allow a municipality to choose a single transmission and distribution utility via a referendum when that municipality is served by more than one utility. The decision to hold a referendum must be made by a majority vote of the municipal officials. A referendum to choose a single utility must occur during a gubernatorial or presidential election in November and must be called, advertised and conducted according to the law relating to municipal elections.

The bill also requires that the Public Utilities Commission approve a petition by the municipal officials to have only one utility furnishing service in the municipality. The Public Utilities Commission must approve a petition if it finds the chosen utility is willing to furnish service to the entire municipality, the chosen utility has the financial ability to meet its obligations under the Maine Revised Statutes, Title 35-A and the chosen utility is willing and able to pay a fair and reasonable price, as determined by the commission, for the assets of the second utility needed to furnish service to the entire municipality. Upon approval, the Public Utilities Commission is directed to order the second utility to sell its assets used to serve the municipality to the chosen transmission and distribution utility. This bill also allows the Public Utilities Commission to adopt routine technical rules to implement these provisions.

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**LD 797      An Act To Ensure Reliable Power Supply to Homes and Businesses      ONTP**

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

This bill amends the current law to require specifically that a transmission and distribution utility, or other entity authorized to construct lines trim, cut or remove trees located within the public right-of-way, and trim or cut portions of trees encroaching upon the public right-of-way on either side of a line to a minimum of 20 feet from the line or to the edge of the right-of-way, whichever is less in order to ensure safe and reliable service. This bill directs the transmission and distribution utility or other entity authorized to construct lines to perform necessary cutting on a five-year cycle.

**LD 825      An Act To Allow Consumer-owned Transmission and Distribution Utilities To Apply for Efficiency Maine Grants      ONTP**

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

This bill allows a consumer-owned transmission and distribution utility to apply for funding from the Efficiency Maine Trust to support the development of a distributed generation facility or combined heat and power facility as long as the facility will reduce electricity consumption or reduce greenhouse gas emissions and lower energy costs; the facility will be owned and operated by an entity other than the consumer-owned transmission and distribution utility; the facility will meet certain electrical efficiency standards; and the owner of the facility provides performance guarantees to insulate ratepayers from any risks associated with the construction of the facility.

**LD 826      An Act To Promote Maine's Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investments in High-speed Internet      CARRIED OVER**

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

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

This bill proposes to increase funding to the ConnectME Authority from \$1,000,000 to \$5,000,000 to expand universal broadband and high-speed Internet into rural areas identified as the six percent of the State unserved by high-speed Internet. This bill proposes to make expanding high-speed Internet into unserved rural areas a key emphasis in the economic development of and to multiply the return to the State by directing the ConnectME Authority to use the increased funding to increase the rate of strategic broadband investment and leverage additional federal funding to provide middle-mile and last-mile infrastructure in the unserved areas and to correct broadband deficiencies identified in the ConnectME Authority's baseline update of 2013.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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**LD 827      An Act To Amend the Fluoridation Laws To Provide for Customer Choice      ONTP**

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

This bill provides an additional mechanism to vote on fluoridation of a water supply. The bill would allow customers of a public water system to petition to have the issue of fluoridation decided upon, and in that instance only the customers of the public water system would vote on the issue. An election under this mechanism would be conducted by the public water system according to procedures adopted by the public water system.

**LD 879      An Act To Ensure High-quality Telecommunications Services for Maine Consumers and Businesses      CARRIED OVER**

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

This bill makes several changes in the regulation of telecommunications utilities.

1. It permits the Public Utilities Commission to eliminate alternative forms of regulation if the commission determines that service deficiencies are occurring.
2. It requires the Public Utilities Commission to adopt rules that provide for automatic penalties if service quality standards are not met.
3. It repeals a provision regarding the reporting of unscheduled outages to the Public Utilities Commission.
4. It reduces the number of exemptions a telephone utility has from customer service and regulatory requirements.
5. It removes the exemption from regulation for telecommunications services provided using interconnected voice over Internet protocol technology.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 880      An Act To Permit Rate-adjustment Mechanisms for Water Utilities      PUBLIC 115**

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

This bill provides the Public Utilities Commission with the authority to create a mechanism for a water utility to request an adjustment to rates charged to ratepayers to reconcile actual revenues or costs with projected revenues or costs, either on a total or per customer basis. This bill also requires the Public Utilities Commission, as part of its annual report, to list all rate adjustments requested and all those that have been granted.

**Committee Amendment "A" (H-103)**

This amendment changes the method proposed in the bill by which the Public Utilities Commission may authorize a

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reasonable rate-adjustment mechanism to allow the commission of its own volition to establish or authorize a reasonable rate-adjustment mechanism to decouple water utility revenues from water utility sales through revenue reconciliation when there is a change in sales due to a change in the number of customers or a change in the volume of consumption.

**Enacted Law Summary**

Public Law 2015, chapter 115 allows the Public Utilities Commission to establish or authorize a reasonable rate-adjustment mechanism to decouple water utility revenues from water utility sales through revenue reconciliation when there is a change in sales due to a change in the number of customers or a change in the volume of consumption. It also requires the Public Utilities Commission, as part of its annual report, to list all rate adjustments requested and all those that have been granted.

**LD 881      An Act To Allow the Public Utilities Commission To Contract for      CARRIED OVER**  
**Liquefied Natural Gas Storage and Distribution**

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

This bill allows the Public Utilities Commission to contract for the storage and distribution of liquefied natural gas to provide a source of natural gas during peak winter months. This bill defines a "liquefied natural gas contract" and provides that, prior to entering into a contract, the Public Utilities Commission must ensure that a liquefied natural gas facility will be located in a rural, low-income community within the State, a study has been conducted by an independent third party showing the construction of the facility will result in a minimum of 200 direct and indirect jobs, exclusive of jobs directly linked to the actual construction of the facility and, if feasible, the facility will be constructed by a qualified construction firm based in the State.

This bill also requires that before the Public Utilities Commission executes or directs the execution of a liquefied natural gas contract, the Governor must approve in writing the contract.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 882      An Act To Ensure That Telephone Utility Reorganizations Advance the      Accepted Majority**  
**Economic Development and Information Access Goals of the State      (ONTP) Report**

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

This bill requires the Public Utilities Commission to consider additional requirements before approving a reorganization involving a telephone utility with gross annual state revenues greater than \$50,000,000. The commission may approve the reorganization only when it is satisfied that the proposal will advance the economic development and information access goals of the State; that the reorganization does not result in changes to the location and the accessibility of the telephone utility's management, and to employment levels in a manner that would adversely affect safety, reliability or quality of service; and that the reorganization provides an affirmative benefit to the public. The bill also removes the requirement that the Public Utilities Commission rule upon a request for the reorganization of a large telephone utility within 180 days.

**Committee Amendment "A" (H-285)**

This amendment, which is the minority report, removes the requirement that economic development goals must be

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advanced in order for the Public Utilities Commission to approve a reorganization involving a telephone utility with gross annual state revenues greater than \$50,000,000. This amendment also requires a broader finding by the commission that the reorganization does not result in changes that would adversely affect safety, reliability or quality of service, unlike in the bill, which requires a finding that the reorganization would not result in changes that would adversely affect safety, reliability or quality of service as it pertains to the location and the accessibility of the telephone utility's management and operations or to the proportion and number of the telephone utility's employees who reside in the State.

**LD 883      An Act To Create the Cellular Telephone Labeling Act**

**Accepted Majority  
(ONTP) Report**

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

This bill requires cellular telephone manufacturers that include safety notifications in their owner's manuals to ensure that cellular telephone packaging includes those safety notifications or a label indicating where the safety notifications may be found in the owner's manual. It prohibits retailers from selling at retail in this State cellular telephones of manufacturers that include safety notifications in their owner's manuals but do not include on the product packaging the safety notifications or a label indicating where the safety notifications may be found. It requires manufacturers of cellular telephones to provide the safety notifications to retailers at no cost to the retailers. It also prohibits retailers from selling at retail in this State a cellular telephone that does not bear a label warning that the device emits radiofrequency electromagnetic fields. It also requires retailers to provide an information bulletin to the purchaser of a cellular telephone informing the purchaser of potential health risks associated with the use of cellular telephones. The bill provides that a violation of these provisions is a violation of the Maine Unfair Trade Practices Act.

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

This amendment is the minority report of the committee. This amendment requires disclosure labels for cellular telephones instead of warning labels. The amendment removes requirements for retailers from the bill regarding warning labels and information bulletins for cellular telephones and no longer prohibits a retailer from selling cellular telephones in the State that do not comply with the requirements of the bill. The amendment changes the information required on product packaging and creates a new disclosure requirement for those cellular telephone manufacturers that do not include safety notifications within their owner's manual.

**LD 912      An Act To Allow the Establishment of Regional Municipal Utility  
Districts To Support Broadband Communications**

**PUBLIC 222**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY COLLINS	OTP-AM	H-267

This bill amends the laws governing interlocal agreements to expressly allow an agreement that establishes a regional municipal utility district to provide or, through public-private partnerships, to support or promote the provision of telecommunications services; broadband services; Internet services; or energy generation, transmission or distribution services and to issue revenue bonds in support of any of these activities. A regional municipal utility district that seeks to provide services that are regulated by the Public Utilities Commission would be subject to the commission's regulations.

**Committee Amendment "A" (H-267)**

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This amendment removes from the bill telecommunications services and energy generation, transmission or distribution services from the services allowed to be provided through a regional municipal utility district.

**Enacted Law Summary**

Public Law 2015, chapter 222 amends the laws governing interlocal agreements to expressly allow an agreement that establishes a regional municipal utility district to provide or, through public-private partnerships, to support or promote the provision of broadband services and Internet services and to issue revenue bonds in support of any of these activities.

**LD 945      An Act To Manage Electricity Rates To Lower Consumer Electricity      ONTP**  
**Bills and Increase Utilities' Cash Flow through 3rd-party Management**  
**of Smart Meters**

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

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

This bill proposes to manage electricity rates to lower consumer electricity bills and increase utilities' cash flow through third-party management of smart meters.

**LD 946      Resolve, To Establish a Moratorium on the Assessment of Large Volume      RESOLVE 39**  
**Consumers by Gas Utilities and To Evaluate Cost-effective Natural Gas**  
**Conservation and Efficiency Improvements for Large Volume**  
**Consumers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L MASON	OTP-AM	H-369

This bill changes laws amended by Public Law 2013, chapter 369, also known as the Omnibus Energy Act. It provides that only consumers whose rates reflect an assessment that is charged to a gas utility and deposited in the natural gas conservation fund are eligible to receive funding from the fund. It exempts large volume commercial or industrial customers from paying an assessment to be deposited in the fund except through a voluntary arrangement. It provides that the Public Utilities Commission may not approve a long-term contract to supply installed capacity and associated renewable energy and renewable energy credits from one or more deep-water offshore wind energy pilot projects or tidal energy demonstration projects that assesses any amount from transmission voltage level customers and subtransmission voltage level customers.

**Committee Amendment "A" (H-369)**

This amendment replaces the bill with a resolve. The amendment establishes a moratorium on assessments for large volume consumers by gas utilities until 90 days after the adjournment of the Second Regular Session of the 127th Legislature. This amendment specifies that the Public Utilities Commission may not allow a natural gas utility to collect an assessment under the Maine Revised Statutes, Title 35-A, section 10111 through its rates from large volume consumers and may not make a final decision regarding the appropriateness of or size of such collections from large volume consumers. The amendment specifies that the Public Utilities Commission may not order or authorize a natural gas utility to exempt from collection of an assessment through its rates any consumers other than large volume consumers. The amendment specifies that, during this same time period, large volume consumers are not eligible to participate in any Efficiency Maine Trust natural gas conservation programs. This amendment also

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ensures that, during this period, notwithstanding Title 35-A, section 10111, any assessment by the commission must be in an amount necessary to capture all cost-effective energy efficiency that is achievable and reliable only for consumers who are eligible to receive funds from the natural gas conservation fund. This amendment defines a large volume consumer as a consumer using 1,000,000 centum cubic feet or more of natural gas per year.

This amendment also directs the Efficiency Maine Trust to meet with large volume consumers of gas utilities and other interested stakeholders to examine alternatives for promoting and securing cost-effective natural gas conservation and efficiency improvements for large volume consumers of gas utilities. This amendment directs the trust to report the results of these meetings, along with recommendations, to the Joint Standing Committee on Energy, Utilities and Technology by December 31, 2015. The committee is authorized to report out a bill to the Second Regular Session of the 127th Legislature.

**Enacted Law Summary**

Resolve 2015, chapter 39 establishes a moratorium on assessments for large volume consumers by gas utilities until 90 days after the adjournment of the Second Regular Session of the 127th Legislature. It specifies that the Public Utilities Commission may not allow a natural gas utility to collect an assessment under the Maine Revised Statutes, Title 35-A, section 10111 through its rates from large volume consumers and may not make a final decision regarding the appropriateness of or size of such collections from large volume consumers. The law specifies that the Public Utilities Commission may not order or authorize a natural gas utility to exempt from collection of an assessment through its rates any consumers other than large volume consumers. It further specifies that, during this same time period, large volume consumers are not eligible to participate in any Efficiency Maine Trust natural gas conservation programs. It ensures that, during this period, notwithstanding Title 35-A, section 10111, any assessment by the commission must be in an amount necessary to capture all cost-effective energy efficiency that is achievable and reliable only for consumers who are eligible to receive funds from the natural gas conservation fund. The law defines a large volume consumer as a consumer using 1,000,000 centum cubic feet or more of natural gas per year.

The law directs the Efficiency Maine Trust to meet with large volume consumers of gas utilities and other interested stakeholders to examine alternatives for promoting and securing cost-effective natural gas conservation and efficiency improvements for large volume consumers of gas utilities. Lastly, the law directs the trust to report the results of these meetings, along with recommendations, to the Joint Standing Committee on Energy, Utilities and Technology by December 31, 2015. The committee is authorized to report out a bill to the Second Regular Session of the 127th Legislature.

**LD 992      An Act To Regulate Standards of Service for Mobile      ONTP**  
**Telecommunications Services and Broadband Services**

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

This bill defines the term "broadband service provider". This bill provides authority for the Public Utilities Commission to regulate service standards for providers of mobile telecommunications services and broadband services and to investigate consumer complaints. This bill also allows the Public Utilities Commission, through an adjudicatory proceeding, to assess an administrative penalty on a mobile telecommunications service provider or broadband service provider for violations of standards adopted by the Public Utilities Commission. The bill allows the Public Utilities Commission to establish a reasonable assessment on providers to implement these provisions. This bill creates a nonlapsing fund for assessments. This bill provides the authority for the Public Utilities Commission to enact major substantive rules to implement these provisions. Lastly, this bill requires that the Public Utilities Commission report to the Joint Standing Committee on Energy, Utilities and Technology on the progress made in the implementation of these provisions and include in the report legislation necessary to accomplish the purposes of this bill. The Joint Standing Committee on Energy, Utilities and Technology may report out a bill to the

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Second Regular Session of the 127th Legislature.

**LD 1063    An Act To Promote Community Broadband Planning and Strengthen  
Economic Opportunity throughout Maine**

**PUBLIC 284**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON MASON	OTP-AM	H-336

This bill amends the Advanced Technology Infrastructure Act. It amends the definitions of "communications service" and "communications service provider." It makes changes to the State's goals and policies in the Act. It amends the membership of the ConnectME Authority and amends the duties of the authority. It requires the authority to provide funds for broadband planning grants. It abolishes the ConnectME Advisory Council. It requires the authority to establish a triennial strategic plan for broadband service and to report to the Legislature on progress toward meeting the plan's goals and objectives.

**Committee Amendment "A" (H-336)**

This amendment does the following.

1. It removes the expansion of the contribution base of entities paying into the ConnectME Fund by removing changes to the definitions of "communications service" and "communications service provider" and by retaining a provision of current law, proposed to be eliminated in the bill, that allows certain wireless voice or data retail service providers to agree to be assessed as communications service providers.
2. It removes the requirement that broadband investments funded by the ConnectME Authority must benefit multiple communities and specifies that infrastructure investments may be capable of being used either by a single provider or by multiple providers.
3. It directs the ConnectME Authority to give preference when supporting broadband infrastructure to investments that provide the greatest relative improvement to existing broadband service in an unserved or underserved area.
4. It removes the eligibility of private or public organizations for community broadband planning grants and makes nonprofit local or regional community organizations that are providing local or regional economic development programs eligible for those grants.
5. It requires that plans funded through grants include one or more potential network designs, cost estimates, operating models and potential business models based on input from broadband providers and any other parties that submit a design solution in the course of plan development.
6. It requires the ConnectME Authority to ensure that grants are equitably distributed throughout the unserved and underserved areas of the State and that the grants encourage collaboration between multiple communities, but removes the requirement in the bill that the authority adopt rules for these purposes.
7. It specifies that matching funds for broadband planning grants may not consist of in-kind contributions from the municipality or a party with a financial interest in a broadband infrastructure project that would be constructed pursuant to a planning grant.
8. It extends the date for the ConnectME Authority's triennial plan submission from December 31, 2015 to February 15, 2016.

**Enacted Law Summary**

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Public Law 2015, chapter 284 does the following:

1. Abolishes the ConnectME Advisory Council;
2. Repeals the existing State broadband policy and replaces it with amended goals and policies;
3. Amends the membership of the ConnectME authority to include two additional entities - the Commissioner of the Department of Economic and Community Development and an individual with significant knowledge of telemedicine appointed by the Governor;
4. Removes the ability of the ConnectME Authority to request staff resources from the Public Utilities Commission or other state agencies with expertise in communications services or advanced communications technology infrastructure;
5. Redefines the duties of the ConnectME Authority;
6. Amends the reporting requirement to the Legislature by requiring that a detailed description of the progress toward the goals and objectives established in the triennial strategic plan be included in the report;
7. Promotes community broadband planning, which directs the ConnectME Authority to fund broadband planning grants to municipalities, groups of municipalities or nonprofit local or regional community organizations to develop plans to expand the availability of broadband in unserved and underserved areas; and
8. Requires the ConnectME Authority to develop a triennial strategic plan by February 15, 2016 for broadband that includes quantifiable measures of performance and that allows for public input.

**LD 1073      An Act To Lower Energy Costs and Increase Access to Solar Energy for Agricultural Businesses      CARRIED OVER**

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

This bill establishes the Solar Energy Agricultural Rebate Fund to be used by the Efficiency Maine Trust to provide rebates until December 31, 2017 for solar photovoltaic and solar thermal technologies to agricultural businesses. It provides that an agricultural business that is a customer of an investor-owned transmission and distribution utility must be compensated for accumulated unused kilowatt-hour credits every 12 months. It also authorizes customers of transmission and distribution utilities to elect to be billed using net energy billing.

**Committee Amendment "A" (S-253)**

The amendment adds an appropriations and allocations section. This amendment was adopted in the Senate and the House before the bill was committed to the committee again.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1075      An Act To Amend the Charter of the Canton Water District      CARRIED OVER**

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

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This bill amends the Canton Water District charter. It adds language allowing the district to contract out work, changes provisions governing the scheduling of the annual meeting of the board of trustees in order to increase flexibility and changes the provisions regarding compensation of trustees to have the trustees recommend and the municipal officers of the Town of Canton approve compensation amounts. It removes language allowing the trustees to include their annual report in the town report. It changes a quorum at annual and special meetings of the board of trustees from five percent to a majority of those present and narrows voting at those meetings from residents of the district to customers residing in the district. It also establishes readiness-to-serve charges, allows the district to invest in mutual funds and establishes liens for unpaid rates.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1107      An Act To Improve the Laws Governing the Purchasing of Power      ONTP**

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

This bill requires a competitive electricity provider to offer a 40 percent discount for electricity consumed during off-peak periods.

This bill requires the Public Utilities Commission to establish by rule, a discount rate for residential and small business customers who purchase electricity from resources that qualify as new renewable capacity resources. The discount rate must be at a level that encourages the purchase of new renewable capacity resources.

This bill also requires the Public Utilities Commission to establish a rate design, by rule, for standard-offer services that provides that off-peak pricing is 40 percent lower than pricing for on-peak periods.

Lastly, the bill creates a “Cost of Electricity Study Commission.” The study commission would be comprised of 13 legislators and would be tasked with studying the following:

1. The sources and costs of electricity in the State;
2. How costs in the State compare to those in other states;
3. How the State can lower electricity prices;
4. The level of profits earned by investor-owned transmission and distribution utilities over the last 10 years; and
5. How those profits were used.

This study commission is required to submit a report that includes its findings and recommendations by December 2, 2015.

**LD 1116      An Act To Authorize the Development of Thorium Energy      ONTP**

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

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This bill authorizes the Public Utilities Commission to issue permits for the operation of a thorium refinery or a liquid fluoride thorium reactor in this State and provides that energy produced by a liquid thorium reactor qualifies as a renewable resource and as a renewable capacity resource under the renewable portfolio requirements.

**LD 1124 An Act To Manage Risks Associated with the Installation of Natural Gas Pipelines**

**PUBLIC 216**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L WOODSOME	OTP-AM	H-406

This bill enacts construction requirements in statute for the construction of natural gas pipelines and establishes these requirements for gas utilities. The requirements govern clearance between underground facilities, crossings of other facilities and consultation with owners of proximate underground facilities. The bill also requires that the application process include providing evidence of notice to owners of facilities in the applicable public way.

**Committee Amendment "A" (H-406)**

This amendment retains sections of the bill that address the application process and objection process relating to the regulation of facilities in the public way. This amendment defines "underground location standards" and specifies that a local licensing authority may adopt underground location standards for utility facilities within its jurisdiction, except along state or state-aid highways within compact areas of urban compact municipalities, in which case the location standards adopted by the Department of Transportation serve as the minimum standard. The amendment specifies that if a local licensing authority has not adopted underground location standards for utility facilities within its jurisdiction, the standards adopted by the Department of Transportation govern. This amendment allows a local licensing authority that has not adopted standards to grant an exception to the standards adopted by the Department of Transportation if it finds that applying the standards would present an exceptional hardship or unreasonable cost under the circumstances and alternative standards will adequately ensure public safety; all affected parties, as determined by the local licensing authority, have agreed to alternative underground location standards that will adequately ensure public safety; a unique situation exists that requires an adjustment of the standards in a manner that ensures public safety; or the underground location standards exceed the limits of the available space within the right-of-way. Lastly, this amendment requires coordination among underground utility facility owners.

**Enacted Law Summary**

Public Law 2015, chapter 216 requires that the application process for a location permit include providing evidence of notice to owners of facilities in the applicable public way and allows an owner of a facility in the public way to object to an application for a location permit.

The law defines "underground location standards" and specifies that a local licensing authority may adopt underground location standards for utility facilities within its jurisdiction, except along state or state-aid highways within compact areas of urban compact municipalities, in which case the location standards adopted by the Department of Transportation serve as the minimum standard. The law specifies that if a local licensing authority has not adopted underground location standards for utility facilities within its jurisdiction, the standards adopted by the Department of Transportation govern. The law allows a local licensing authority that has not adopted standards to grant an exception to the standards adopted by the Department of Transportation if it finds that applying the standards would present an exceptional hardship or unreasonable cost under the circumstances and alternative standards will adequately ensure public safety; all affected parties, as determined by the local licensing authority, have agreed to alternative underground location standards that will adequately ensure public safety; a unique situation exists that requires an adjustment of the standards in a manner that ensures public safety; or the underground location standards exceed the limits of the available space within the right-of-way. Lastly, the law requires coordination among underground utility facility owners to promote ease of access to and maintenance of

those facilities, while ensuring public safety.

**LD 1167 An Act To Modernize Maine's Broadband Standards**

**ONTP**

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

This bill requires the ConnectME Authority to review its definition of broadband service on an annual basis and consider how broadband service is defined by the Federal Communications Commission. This bill also requires the ConnectME Authority to consider other indicators of nationally competitive broadband performance expectations when defining broadband service. This bill requires that if the ConnectME Authority amends its definition of broadband service, it must strengthen the definition to ensure it contributes to the State's nationally competitive economic development status. This bill also requires that the ConnectME Authority enhance broadband service in Maine to achieve actual speeds for downloads and uploads that are at least equal to or greater than the average of all the New England states' actual speeds.

**LD 1185 An Act To Establish the Municipal Gigabit Broadband Network Access Fund**

**PUBLIC 323**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS	OTP-AM	H-288
WOODSOME	OTP-AM	S-257 WOODSOME

This bill establishes the Municipal Gigabit Broadband Network Access Fund within the Department of Economic and Community Development to increase access across the State to ultra high-speed broadband infrastructure that will enhance the State's competitiveness in national and international economies. The bill establishes funding for the department to award planning and implementation grants to communities and municipalities in order to support public-private partnerships that will establish a municipal gigabit fiber-optic broadband network in their regions.

**Committee Amendment "A" (H-288)**

This amendment is the majority report of the committee. This amendment does the following.

1. It changes the entity in charge of administering the Municipal Gigabit Broadband Network Access Fund from the Department of Economic and Community Development to the ConnectME Authority.
2. It reduces the minimum number of implementation grants to be awarded from 50 to 25.
3. It removes the provision requiring a minimum number of implementation grants to be awarded to economically disadvantaged communities.
4. It reduces the maximum number of planning grants to be awarded from 50 to 25.
5. It includes submission requirements for those awarded planning grants.
6. It removes those sections of the bill that require the ConnectME Authority to review laws, rules and regulations related to high-speed broadband access and that direct the Public Utilities Commission to eliminate barriers regarding ultra high-speed broadband infrastructure.
7. It reduces the overall amount to be allocated from the General Fund from approximately \$12,000,000 to

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approximately \$6,000,000 and makes corresponding reductions to initiatives to achieve the reduction in the overall amount to be allocated.

### **Committee Amendment "B" (H-289)**

This amendment is the minority report of the committee. This amendment replaces the bill with a resolve that directs the Department of Economic and Community Development and the ConnectME Authority to work with broadband providers, communities and regional economic development groups throughout the State to determine where existing broadband access provides economic benefits and where additional broadband access may increase economic opportunities within a community or region. This amendment directs the department and authority to report to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2016. The amendment provides that the committee may report out a bill based on the report.

### **Senate Amendment "A" To Committee Amendment "A" (S-257)**

This amendment:

1. Removes General Fund allocations that provide funds to support the Municipal Gigabit Broadband Network Access Fund;
2. Provides that the ConnectME Authority may receive and deposit in the Municipal Gigabit Broadband Network Access Fund federal funds, the proceeds from bonds and funds from any other public or private source;
3. Removes the minimum number of implementation and planning grants the ConnectME Authority is required to award;
4. Removes the requirement that the ConnectME Authority establish a timeline and standards for grants under the Municipal Gigabit Broadband Network Access Fund and perform an evaluation of the Municipal Gigabit Broadband Network Access Fund; and
5. Makes other changes to reflect the removal of the General Fund allocation to fund the Municipal Gigabit Broadband Network Access Fund.

This amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2015, chapter 323 establishes the Municipal Gigabit Broadband Network Access Fund within the ConnectME Authority to increase access across the State to ultra high-speed broadband infrastructure that will enhance the State's competitiveness in national and international economies. The law provides that to extent funds are available they must be used to provide planning and implementation grants to communities and municipalities in order to support public-private partnerships that will establish a municipal gigabit fiber-optic broadband network in their regions.

**LD 1215    An Act To Provide Lower Energy Costs to Maine Businesses and Residences by Carrying Out the Legislature's Intent Regarding Funding of the Efficiency Maine Trust**

**PUBLIC 255**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON KATZ	OTP-AM ONTP	H-113

This bill corrects an error that was created when the word "and" was inadvertently omitted during the production of a bill reported out by the Joint Standing Committee on Energy, Utilities and Technology, "An Act To Reduce Energy

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Costs, Increase Energy Efficiency, Promote Electric System Reliability and Protect the Environment," which was enacted into law as Public Law 2013, chapter 369.

### Committee Amendment "A" (H-113)

This amendment incorporates a fiscal note.

### Enacted Law Summary

Public Law 2015, chapter 255 adds the word "and" between "total retail electricity" and "transmission and distribution sales" in Title, 35-A MRSA, section 10110, subsection 4-A. This law was enacted to correct an error that was created when the word "and" was inadvertently omitted during the production of a bill reported out by the Joint Standing Committee on Energy, Utilities and Technology, "An Act To Reduce Energy Costs, Increase Energy Efficiency, Promote Electric System Reliability and Protect the Environment," which was enacted into law as Public Law 2013, chapter 369.

### LD 1221    **An Act To Enhance Energy Cost Reduction and Facilitate Heating Alternatives in furtherance of the Omnibus Energy Act**

**Died Between Houses**

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

This bill does the following.

1. It provides that the Director of the Efficiency Maine Trust is to be appointed by the Governor, subject to review by the appropriate committee and confirmation by the Senate. However, the position would still serve at the pleasure of the Efficiency Maine Trust Board.
2. It removes the requirement that the Director of the Efficiency Maine Trust "have demonstrated experience in the planning, design or delivery of energy efficiency programs or the management of organizations that plan, design or deliver those programs."
3. It requires the Director of the Efficiency Maine Trust to "apprise the Commissioner of the Maine Energy Office regarding the execution of the director's responsibilities."
4. It corrects an error that was created when the word "and" was inadvertently omitted during the production of a bill reported out by the Joint Standing Committee on Energy, Utilities and Technology, "An Act To Reduce Energy Costs, Increase Energy Efficiency, Promote Electric System Reliability and Protect the Environment," which was enacted into law as Public Law 2013, chapter 369.
5. It renames the Governor's Energy Office the Maine Energy Office and places the office under the control and supervision of a commissioner rather than a director. The commissioner would be appointed by the Governor, subject to review by the appropriate committee and confirmation by the Senate.
6. It establishes a deputy commissioner position within the Maine Energy Office, also appointed by the Governor, subject to review by the appropriate committee and confirmation by the Senate.
7. It provides that \$300,000 from the Efficiency Maine Trust must be transferred annually to support the Maine Energy Office.

### Committee Amendment "A" (H-386)

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This amendment is the majority report of the committee. This amendment removes section 2 of the bill, which changes the process for the appointment of the Director of the Efficiency Maine Trust. This amendment also removes section 4 of the bill, which clarifies that the procurement cap is to apply to the total retail electricity supply and transmission and distribution sales in the State. Lastly, it specifies that Efficiency Maine Trust funds provided to fund the Maine Energy Office may only be used for office activities that support or are reasonably related to programs or activities of the Efficiency Maine Trust.

This amendment adds an appropriations and allocations section.

**Committee Amendment "B" (H-387)**

This amendment is the minority report of the committee. This amendment specifies that the Director of the Efficiency Maine Trust is to be appointed to a six-year term. This amendment removes the requirement that the director is to serve at the pleasure of the board. This amendment also maintains existing statutory language concerning the experience a director must possess and adds "or relevant energy-related experience" to the required experience for the position.

This amendment also strikes section 4 of the bill, which clarifies that the procurement cap is to apply to the total retail electricity supply and transmission and distribution sales in the State.

This amendment also adds an appropriations and allocations section.

**LD 1223 An Act To Revise the Charter of the Kennebunk Sewer District**

**P & S 9  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L WOODSOME	OTP-AM	H-341

This bill revises the Kennebunk Sewer District charter to conform to the Maine Revised Statutes, Title 38, chapter 10 and make minor changes and updates.

**Committee Amendment "A" (H-341)**

This amendment makes the following changes to the bill.

1. It clarifies that the costs of locating and constructing sewer facilities outside the boundaries of the Kennebunk Sewer District for Maine Regional School Unit 21 or the Town of Kennebunk are not the responsibility of the district and removes language stating that those costs are borne entirely by the unit or the town.
2. It specifies that notice of unpaid rates prior to commencing a foreclosure proceeding may be delivered by giving the notice to the owner of the real estate served or by sending the notice by certified mail, return receipt requested, to the owner's last known address or, only upon exhausting these two options, by leaving the notice at the owner's last and usual place of abode.
3. It changes the number of days after which a debt may be incurred following a special district meeting from seven to 28.
4. It removes "but not fewer than 50" in reference to the number of signatures needed on a petition to call a special election regarding the district's incurring debt.
5. It changes the date by which a referendum must be called regarding the changes to the district's charter from January 1, 2016 to January 1, 2018.

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**Enacted Law Summary**

Private and Special Law 2015, chapter 9 revises the Kennebunk Sewer District charter to conform to the Maine Revised Statutes, Title 38, chapter 10 and make minor changes and updates. It also clarifies that the costs of locating and constructing sewer facilities outside the boundaries of the Kennebunk Sewer District for Maine Regional School Unit 21 or the Town of Kennebunk are not the responsibility of the district and removes language from the charter stating that those costs are borne entirely by the unit or the town. Lastly, the law also specifies that notice of unpaid rates prior to commencing a foreclosure proceeding may be delivered by giving the notice to the owner of the real estate served or by sending the notice by certified mail, return receipt requested, to the owner's last known address or, only upon exhausting these two options, by leaving the notice at the owner's last and usual place of abode.

Private and Special Law 2015, chapter 9 was enacted as an emergency measure effective June 15, 2015.

**LD 1231 An Act To Create the Southwest Harbor Water and Sewer District**

**P & S 11**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-185

This bill provides for the creation of the Southwest Harbor Water and Sewer District and the transfer of all water and sewer assets of the Town of Southwest Harbor to the new district.

**Committee Amendment "A" (S-185)**

This amendment makes minor changes to language in the bill. This amendment makes consent of the Board of Selectmen of the Town of Southwest Harbor required prior to the exercise by the Southwest Harbor Water and Sewer District of the rights of eminent domain. This amendment provides that one of the trustees of the district must be the town manager of the Town of Southwest Harbor. This amendment also provides a process if the town manager position becomes vacant, which allows either the acting town manager to serve as a trustee or, in the absence of an acting town manager, the Board of Selectmen of the Town of Southwest Harbor to appoint a resident of the Town of Southwest Harbor as a trustee until the town manager position is filled. This amendment also requires the board of selectmen to determine the terms of the two appointed trustees, for the first board only. This amendment requires that notice be filed with the Office of the Secretary of State, instead of a certificate of dissolution, stating that all sewer and water assets of the municipality and all debt and liabilities of the water and sewer departments of the Town of Southwest Harbor have been transferred to the district. This amendment strikes the provision of the bill regarding the debt responsibility of the Town of Southwest Harbor.

**Enacted Law Summary**

Private and Special Law 2015, chapter 11 provides for the creation of the Southwest Harbor Water and Sewer District and the transfers of all water and sewer assets of the Town of Southwest Harbor to the new district.

**LD 1245 An Act To Preserve the Efficiency of Transportation Maintenance and Construction Activities**

**PUBLIC 177**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS MCLEAN	OTP-AM	S-122

This bill provides an exemption from the Overhead High-voltage Line Safety Act to an employee or independent contractor engaged on behalf of a municipality or state agency to maintain or install traffic signals, traffic beacons,

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dynamic signs or luminaires within 10 feet of overhead high-voltage lines.

**Committee Amendment "A" (S-122)**

This amendment provides that traffic lighting is considered covered equipment under the Overhead High-voltage Line Safety Act, and it defines "traffic lighting." This amendment provides that state agencies, quasi-independent state agencies and municipalities are exempt from the provisions of the Maine Revised Statutes, Title 35-A, sections 756 and 757 for the installation or maintenance of traffic lighting as long as the person performing the installation or maintenance has met applicable training certification or licensing requirements for performing the installation or maintenance and the installation or maintenance is performed in accordance with all applicable federal, state and local laws, regulations, safety codes and ordinances and any other applicable safety requirements. The amendment also requires a municipality or a contractor working for a municipality to maintain the minimum insurance requirements specified by the Department of Transportation.

**Enacted Law Summary**

Public Law 2015, chapter 177 provides that traffic lighting is considered covered equipment under the Overhead High-voltage Line Safety Act, and it defines "traffic lighting." It provides that state agencies, quasi-independent state agencies and municipalities are exempt from the provisions of the Maine Revised Statutes, Title 35-A, sections 756 and 757 for the installation or maintenance of traffic lighting as long as the person performing the installation or maintenance has met applicable training certification or licensing requirements for performing the installation or maintenance and the installation or maintenance is performed in accordance with all applicable federal, state and local laws, regulations, safety codes and ordinances and any other applicable safety requirements. It also requires a municipality or a contractor working for a municipality to maintain the minimum insurance requirements specified by the Department of Transportation.

**LD 1255      An Act To Improve Rural Utility Service through the Use of Microgrids      ONTP**

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

This bill creates a new chapter in the laws concerning public utilities for microgrids and defines what constitutes a microgrid. It provides the Public Utilities Commission the authority to adopt major substantive rules to regulate the creation and operation of microgrids.

**LD 1256      An Act To Improve the Safety and Survival of 9-1-1 Callers and First Responders      PUBLIC 230**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS WOODSOME	OTP-AM	H-268

This bill allows the Public Utilities Commission, Emergency Services Communication Bureau to provide selected public safety answering points with assistance in the voluntary adoption and implementation of standardized dispatch protocols, which includes dispatcher training and certification consistent with the protocols, necessary software and printed support materials and a continuous quality improvement program that measures compliance with the protocols through ongoing random case review of each police and fire dispatcher. Funding is provided by allowing up to five cents of each statewide E-9-1-1 surcharge collected to be used by the bureau.

The bill directs the bureau to adopt routine technical rules that contain criteria to determine how to allocate resources among public safety answering points if more public safety answering points seek to adopt and implement

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standardized dispatch protocols than available funding will cover. This bill directs the bureau to seek input from the statewide association of dispatchers when developing the criteria for rules.

### **Committee Amendment "A" (H-268)**

This amendment changes the adoption and implementation of standardized dispatch protocols from voluntary to mandatory and limits those protocols to only fire calls, instead of police and fire as in the bill. This amendment phases in adoption and implementation over a three-year period and requires the Public Utilities Commission, Emergency Services Communication Bureau to adopt routine technical rules, with input from all public safety answering point managing entities, that identify the phase-in process and address program administration. Lastly, this amendment directs the Emergency Services Communication Bureau to submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters that includes cost estimates for the adoption and implementation of standardized dispatch protocols for answering police 9-1-1 calls, the time it would take to phase in these protocols based on available funding from the surcharge in the Maine Revised Statutes, Title 25, section 2927, subsections 1-E and 1-F, whether there should be a certification and licensing requirement for all standardized dispatch protocols and any other recommendations to ensure efficient and effective oversight of the standardized dispatch protocols. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may submit legislation during the First Regular Session of the 129th Legislature relating to the report.

The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2015, chapter 230 directs the Public Utilities Commission, Emergency Services Communication Bureau to assist public safety answering points in the adoption and implementation of standardized dispatch protocols for fire 9-1-1 calls by using up to five cents of each E-9-1-1 surcharge and prepaid wireless telecommunications service E-9-1-1 surcharge collected to provide dispatcher training, necessary software and support materials, and quality assurance training and software. It requires the adoption and implementation of standardized dispatch protocols for fire 9-1-1 calls to be phased in over a three-year period. It requires the Public Utilities Commission, Emergency Services Communication Bureau to adopt routine technical rules, with input from all public safety answering point managing entities, that identify the phase-in process and address program administration. Lastly, it directs the Emergency Services Communication Bureau to submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters that includes cost estimates for the adoption and implementation of standardized dispatch protocols for answering police 9-1-1 calls, the time it would take to phase in these protocols based on available funding from the surcharge in the Maine Revised Statutes, Title 25, section 2927, subsections 1-E and 1-F, whether there should be a certification and licensing requirement for all standardized dispatch protocols and any other recommendations to ensure efficient and effective oversight of the standardized dispatch protocols. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may submit legislation during the First Regular Session of the 129th Legislature relating to the report.

**LD 1257      Resolve, To Make Home Heat Pumps Affordable**

**ONTP**

Sponsor(s)

FREDETTE

Committee Report

ONTP

Amendments Adopted

This resolve allows the Public Utilities Commission to authorize a transmission and distribution utility to purchase heat pumps for consumer use and offer special discounted electric rates or other assistance to make heat pumps more accessible to residents of the State.

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**LD 1263      Resolve, To Create Sustainable Growth in Maine's Distributed Energy Sector That Uses Market Forces To Fairly Compensate Energy Producers**

**RESOLVE 37**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON SAVIELLO	OTP-AM	H-368

This bill allows customers of transmission and distribution utilities to engage in net energy billing, a method under which a customer is billed on the basis of net energy over the billing period taking into account accumulated unused kilowatt-hour credits from the previous billing period. It changes the law regarding renewable resources to increase the new renewable capacity resources percentages in the portfolio requirements of competitive electricity providers and requires those increases to be met by new renewable capacity resources that rely on solar energy, and it removes the Public Utilities Commission's power to suspend scheduled increases in portfolio requirements for new renewable capacity resources. It also establishes an alternative compliance payment mechanism and a system of solar renewable energy credits, including an auction for long-term contracts for these credits, in order to provide competitive electricity providers with alternative methods to satisfy the new portfolio requirements.

**Committee Amendment "A" (H-368)**

This amendment replaces the bill with a resolve. The resolve directs the Public Utilities Commission to convene a stakeholder group to develop an alternative to net energy billing. This amendment provides direction for the commission in the development of an alternative. This amendment requires the commission to submit a report by January 30, 2016 to the Joint Standing Committee on Energy, Utilities and Technology that includes an overview of the stakeholder discussions; an overview of the alternative; any areas in which stakeholders were unable to reach consensus; technical specifications, rules or policies needed to carry out the alternative; a proposed timeline for implementation of the alternative; technical or legal barriers to implementation of the alternative; and any other recommendations. The committee is authorized to report out a bill to the Second Regular Session of the 127th Legislature related to the report.

**Enacted Law Summary**

Resolve 2015, chapter 37 directs the Public Utilities Commission to convene a stakeholder group to develop an alternative to net energy billing. The law provides direction for the commission in the development of an alternative. The law requires the commission to submit a report by January 30, 2016 to the Joint Standing Committee on Energy, Utilities and Technology that includes an overview of the stakeholder discussions; an overview of the alternative; any areas in which stakeholders were unable to reach consensus; technical specifications, rules or policies needed to carry out the alternative; a proposed timeline for implementation of the alternative; technical or legal barriers to implementation of the alternative; and any other recommendations. The committee is authorized to report out a bill to the Second Regular Session of the 127th Legislature related to the report.

**LD 1293      An Act To Allow a Local Distributed Energy Pilot Program**

**Accepted Majority (ONTP) Report**

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

This bill establishes a pilot program to encourage municipal and private partnerships to develop solar array photovoltaic systems that provide public benefits. The total generating capacity of all solar array photovoltaic

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systems participating in the pilot program may not exceed 15 megawatts. Under the pilot program, up to 2.5 megawatts of energy produced by the solar array photovoltaic system may be supplied under a net energy billing arrangement to meet the energy requirements of the municipality and any public schools located in the municipality in which the solar array photovoltaic system is located. All costs to a transmission and distribution utility directly resulting from the pilot program are just and reasonable costs for ratemaking purposes.

**LD 1302 An Act To Increase Competition and Ensure a Robust Information and Telecommunications Market**

**CARRIED OVER**

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

This bill makes the following changes in the laws governing provider of last resort service:

1. Removes the requirement that a provider of provider of last resort service have the capacity to maintain uninterrupted voice service during a power failure, either through the incorporation into the network or network interface devices of suitable battery backup or through electric current;
2. Provides that after December 31, 2015 and until December 31, 2021:
  - A. No voice network service provider may be required to provide provider of last resort service without its express consent;
  - B. Provider of last resort service will not be provided in any United States census tract area in which there are, in addition to the incumbent local exchange carrier, at least one voice network service provider that provides telephone exchange service to at least 94 percent of the households in the census tract area and at least one mobile telecommunications services provider that provides mobile telecommunications services to at least 94 percent of the households in the census tract area;
  - C. For all other areas of the State, referred to as potential provider of last resort service, or POLR, areas, the Public Utilities Commission is required to develop rules establishing a process for designating willing providers of provider of last resort service. An incumbent local exchange carrier that voluntarily agrees to continue providing provider of last resort service in a potential POLR area remains the provider of provider of last resort service in that area until no longer willing to provide the service or until replaced by another provider or until December 31, 2021, whichever occurs first; and
  - D. In order to encourage voice network service providers to provide provider of last resort service in potential POLR areas, the commission is allowed to make available and provide state universal service fund money to providers of provider of last resort service;
3. Provides that after December 31, 2021:
  - A. Provider of last resort service is not available and the commission may not designate any voice network service provider to provide provider of last resort service in any area of the State; and
  - B. The commission is prohibited from requiring contributions to the state universal service fund and may not disburse or authorize disbursement of any money from the fund to any voice network service provider for the purpose of ensuring reasonably comparable consumer rates; and
4. Directs the commission to examine all laws and rules relating to provider of last resort service and determine any changes that may be needed to conform those rules and laws to the provisions of this bill. The commission is

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directed to submit a report, together with any necessary draft legislation to implement its recommendations, to the Joint Standing Committee on Energy, Utilities and Technology by December 15, 2015. The committee is authorized to report out a bill relating to provider of last resort service to the Second Regular Session of the 127th Legislature.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1309 An Act To Create the Central Maine Water District**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN MCCORMICK	OTP-AM	H-399

This bill consolidates the Gardiner Water District, a quasi-municipal corporation organized and existing pursuant to Private and Special Law 1903, chapter 82, as amended, and the Hallowell Water District, a quasi-municipal corporation organized and existing pursuant to Private and Special Law 1921, chapter 75, as amended, to create the Central Maine Water District. The Central Maine Water District includes within its service territory the towns of Chelsea, Farmingdale, Pittston and Randolph and the cities of Hallowell and Gardiner. The district is a standard water district with all of the powers in the Maine Revised Statutes, Title 35-A, chapter 64 except as otherwise provided in this bill; the additional powers are those provided by the Legislature to each current district in their Private and Special Law charters and amendments.

Consolidation is contingent upon its approval by a referendum vote in each of the service territory municipalities in which 25 percent or more of the households in that municipality are customers of the Hallowell Water District or the Gardiner Water District, as applicable. The municipalities in which 25 percent or more of the households in that municipality are customers of the district currently are the cities of Hallowell and Gardiner and the towns of Farmingdale and Randolph.

**Committee Amendment "A" (H-399)**

This amendment removes from the bill provisions restricting the decision to form the Central Maine Water District and have it acquire the assets and liabilities of the Hallowell Water District and the Gardiner Water District to the legal voters of municipalities in which 25 percent or more of the households would be customers of the proposed district and replaces them with provisions extending the decision to so vote to all the legal voters of the proposed district. It also provides for two additional referendum questions: one for the voters in the City of Hallowell to vote whether to permit the Hallowell Water District to turn over its assets and liabilities to the Central Maine Water District and eventually dissolve as a corporate entity and one for the voters in the City of Gardiner to vote whether to permit the Gardiner Water District to turn over its assets and liabilities to the Central Maine Water District and eventually dissolve as a corporate entity. It requires that all three questions must be voted affirmatively for the Central Maine Water District to be formed. It also changes the charter to require a districtwide referendum to increase the district's debt limit.

**LD 1310 An Act To Amend the Community-based Renewable Energy Program**

**PUBLIC 232**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT	OTP-AM ONTP	H-269

This bill makes various changes to the community-based renewable energy pilot program. It makes the program permanent, broadens eligibility, adds provisions to ensure program participant viability, eliminates the program

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incentive of renewable energy credit multipliers and requires the Public Utilities Commission to use a periodic competitive bidding process to choose projects that will receive long-term contracts.

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

This amendment is the majority report of the committee and strikes and replaces the bill. The amendment provides a definition for the term "net generating capacity." The amendment changes the limits on generating capacity from installed generating capacity to net generating capacity. The amendment reduces the reserved amount of megawatts from 10 to two for program participants that have a net generating capacity of less than 100 kilowatts or are located in the service territory of a consumer-owned transmission and distribution utility. The amendment removes the scheduled repeal of the law regulating community-based renewable energy and clarifies that the Public Utilities Commission may not issue an order after December 31, 2015 directing an investor-owned transmission and distribution utility to enter into any long-term contract or allow a consumer-owned transmission and distribution utility to enter into any long-term contract. The amendment specifies that all community-based renewable energy projects that have been selected for a long-term contract must become operational and commence generating electricity by December 31, 2018.

The amendment requires the commission to review all certified program participant projects that have not yet reached commercial operations to determine whether projects are reasonably likely to achieve commercial operations within three-year time period. This amendment provides that those projects determined not viable remain certified, but any contract that had been issued is to be revoked. The amendment allows the commission to conduct an expedited request for proposals to select community-based renewable energy projects to become program participants and enter into long-term contracts, if there is capacity remaining after the removal of nonviable projects. The amendment specifies that only those projects that provide the most benefit to ratepayers and have contract pricing below 10 cents per kilowatt hour within each contract year may be chosen. Lastly, this amendment prohibits a project under this process from choosing the renewable energy credit multiplier incentive. Those projects that are operational and have elected the renewable energy credit multiplier do not count towards the 50-megawatt cap on net generating capacity.

### **Enacted Law Summary**

Public Law 2015, chapter 232 provides a definition for the term "net generating capacity." It changes the limits on generating capacity from installed generating capacity to net generating capacity. It reduces the reserved amount of megawatts from 10 to two for program participants that have a net generating capacity of less than 100 kilowatts or are located in the service territory of a consumer-owned transmission and distribution utility. It removes the scheduled repeal of the law regulating community-based renewable energy and clarifies that the Public Utilities Commission may not issue an order after December 31, 2015 directing an investor-owned transmission and distribution utility to enter into any long-term contract or allow a consumer-owned transmission and distribution utility to enter into any long-term contract. It specifies that all community-based renewable energy projects that have been selected for a long-term contract must become operational and commence generating electricity by December 31, 2018.

It requires the commission to review all certified program participant projects that have not yet reached commercial operations to determine whether projects are reasonably likely to achieve commercial operations within three-year time period. It provides that those projects determined not viable remain certified, but any contract that had been issued is to be revoked. It allows the Public Utilities Commission to conduct an expedited request for proposals to select community-based renewable energy projects to become program participants and enter into long-term contracts, if there is capacity remaining after the removal of nonviable projects. It specifies that only those projects that provide the most benefit to ratepayers and have contract pricing below 10 cents per kilowatt hour within each contract year may be chosen. Lastly, it prohibits a project under this process from choosing the renewable energy credit multiplier incentive and those projects that are operational and have elected the renewable energy credit multiplier do not count towards the 50-megawatt cap on net generating capacity.

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**LD 1313 An Act To Amend the Laws Regarding Nuclear Power Generating Facilities**

**PUBLIC 165**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR BRAKEY	OTP-AM ONTP	H-182

This bill removes language stating that recent investments in nuclear power have caused severe financial strain on consumers. This bill also changes the requirement regarding a referendum for the siting of a nuclear power plant. Current law provides that prior to the construction of any nuclear power facility, a referendum must be held to vote on the acceptance or rejection of construction of such a facility. This bill limits when a referendum would be held to only those facilities with a capacity greater than 500 megawatts.

**Committee Amendment "A" (H-182)**

This amendment, which is the majority report, removes section 2 from the bill, which creates a threshold capacity of 500 megawatts for nuclear power plants for which a referendum is required as part of the siting process. The amendment maintains the current law, which requires a referendum for any nuclear power plant regardless of its generating capacity, but it leaves the provision in the bill that amends the findings section of the laws regarding nuclear power generating facilities.

**Enacted Law Summary**

Public Law 2015, chapter 165 amends the findings section of the laws regarding nuclear power generating facilities by striking language stating that recent investments in nuclear power have caused severe financial strain on consumers.

**LD 1314 An Act To Establish Primary Energy Goals for the State**

**Died Between Houses**

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

This bill changes the State's energy goals to establish that the primary objectives of the State's energy policy are to reduce electric rates and costs and to reduce air pollution.

**LD 1315 An Act To Amend Maine's Restructuring Laws**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L MASON		

This bill allows an investor-owned transmission and distribution utility to own generation assets if the Public Utilities Commission determines that ownership is beneficial to the utility's ratepayers.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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**LD 1323 An Act To Expand Rural Broadband**

**ONTP**

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

This bill allows municipalities and counties to create corporate entities with bonding authority to issue bonds for the purpose of funding construction or providing loans for the construction of broadband infrastructure to serve the municipality or county and ensure comprehensive broadband coverage within the municipality or county. The bill further clarifies that the expansion of broadband using optical fiber is an authorized expense under the state universal service fund administered by the Public Utilities Commission. Finally, this bill amends the State's goals for broadband policy by requiring that the ConnectME Authority define "broadband" to have at least the same speed as the current Federal Communications Commission standard and to create a standard providing that upload and download speeds are the same.

**LD 1329 An Act To Maximize the Benefits of Renewable Energy in Maine**

**Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR WOODSOME	ONTP OTP-AM	

This bill makes a number of changes to the findings, scenic impact provisions and other provisions of law governing wind energy and renewable energy development. It:

1. Modifies legislative findings regarding wind energy to expand the scope of the findings to include other renewable energy resources and to identify various potential impacts of wind energy development;
2. Reduces state goals for new wind energy development;
3. Requires grid-scale wind energy developers to file decommissioning plans and to provide a performance bond to guarantee the funding for decommissioning;
4. Requires that a community benefits package supplied by an expedited wind energy development to host communities be memorialized as a written agreement and creates a lien on the real estate of the development to secure the receipt by the host community of those benefits; and
5. Modifies the authority of the Public Utilities Commission to require transmission and distribution utilities to enter into long-term contracts for renewable energy capacity resources, and it provides that the Public Utilities Commission may require contracts only for firm capacity or energy.

**Committee Amendment "A" (H-347)**

This amendment is the minority report of the committee. This amendment replaces the bill. Like the bill, this amendment modifies the legislative findings of the Maine Wind Energy Act to expand the scope to include other renewable energy sources, not just wind. Like the bill, this amendment provides in the legislative findings of the Maine Wind Energy Act that conversion or replacement energy fuel sources for powering motor vehicles and for heating well-insulated residential and commercial buildings may enhance energy independence, reduce energy costs and reduce greenhouse gas emissions. This amendment removes the provision of the legislative findings of the

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Maine Wind Energy Act that addresses the need for modification of regulatory process for siting wind energy developments.

This amendment, like the bill, requires grid-scale wind energy developers to file decommissioning plans and to provide a performance bond to guarantee the funding for decommissioning. This amendment requires the Department of Environmental Protection to adopt routine technical rules related to the decommissioning of grid-scale wind energy development. The amendment also adds an appropriations and allocations section.

**LD 1339    An Act To Provide Relief to Maine Ratepayers**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU DUNPHY L		

This bill direct the Public Utilities Commission to reject all bids to provide standard offer service, suspend the renewable portfolio standard, and issue a new request for proposals, if the Commission does not receive a bid below 10 cents per kilowatt hour for a class of customers in a transmission and distribution utility’s service territory. If, following the new request for proposals, a bid is accepted by the Commission for less than 10 cents per kilowatt hour, the suspension of the renewable portfolio standards remains in effect for the duration of that standard offer period.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1355    An Act To Improve Residential Renewable Energy Use**

**ONTP**

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

This bill:

1. Allows a transmission and distribution utility to provide to residential or small commercial customers on-bill financing of customer costs of installing solar energy systems in accordance with rules adopted by the Public Utilities Commission; and
2. Directs the Efficiency Maine Trust to establish a program to provide technical and financial assistance to persons installing residential photovoltaic systems that can supply energy to operate heat pump systems in residences.

**LD 1362    An Act Concerning Membership on the Board of Directors of the  
Lewiston-Auburn Water Pollution Control Authority**

**P & S 8**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY	OTP-AM	S-112

This bill changes the charter of the Lewiston-Auburn Water Pollution Control Authority in order to allow the Auburn Sewerage District Trustees to appoint a trustee or resident of Auburn to replace the president of the Auburn Sewerage District Trustees on the board of directors of the authority should the president decline to serve or resign as a member of the board. In current law, the president appoints a successor, who must be a trustee.

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### Committee Amendment "A" (S-112)

This amendment provides that, if the president of the Auburn Sewerage District Trustees declines to serve or resigns as a member of the board of the Lewiston-Auburn Water Pollution Control Authority, the president must select, subject to confirmation by the Auburn Sewerage District Trustees, another trustee or resident of Auburn to serve the remainder of the term; the bill provides that the trustees select the president's replacement.

### Enacted Law Summary

Private and Special Law 2015, chapter 8 changes the charter of the Lewiston-Auburn Water Pollution Control Authority to provide that if the president of the Auburn Sewerage District Trustees declines to serve or resigns as a member of the board of the Lewiston-Auburn Water Pollution Control Authority, the president must select, subject to confirmation by the Auburn Sewerage District Trustees, another trustee or resident of Auburn to serve the remainder of the term.

### LD 1363 An Act To Secure the Maine Electrical Grid from Long-term Blackouts

Died Between  
Houses

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

This bill gives the Public Utilities Commission the authority to require transmission and distribution utilities to take necessary actions to ensure that their systems are protected from or able to negate effects of geomagnetic disturbances and electromagnetic pulses. This bill provides that any costs incurred by a transmission and distribution utility as a result of a directive by the commission are just and reasonable for rate-making purposes; however, the costs of a failure of a transmission and distribution system resulting from geomagnetic disturbances or electromagnetic pulses are the responsibility of the transmission and distribution utility and may not be borne by ratepayers.

The bill also directs the Public Utilities Commission, by July 1, 2016, to direct transmission and distribution utilities to undertake mitigation measures, including but not limited to the installation of additional geomagnetically induced current monitoring sites, neutral current blocking devices and supervisory control and data acquisition system protectors and the holding of sufficient spare transformers on site to more quickly replace damaged transformers. Identified measures were included in the Public Utilities Commission report dated January 20, 2014, entitled Report to the Legislature Pursuant to Resolves 2013, Chapter 45, Regarding Geomagnetic Disturbances (GMD) and Electromagnetic Pulse (EMP).

### Committee Amendment "A" (S-215)

This amendment is a minority report of the committee. It removes the directive to the Public Utilities Commission to order transmission and distribution utilities to undertake actions to ensure their systems are protected from or able to negate effects of electromagnetic pulses and limits the directive to severe geomagnetic disturbances only. The amendment specifies that any action directed by the commission must be cost-effective and at a minimum consistent with the Federal Energy Regulatory Commission's reliability standards. It removes language that prohibits a transmission and distribution utility from collecting from ratepayers costs to address the failure of the system due to geomagnetic disturbances or electromagnetic pulses.

The amendment changes the specific mitigation measures the bill requires the Public Utilities Commission to direct transmission and distribution utilities to undertake to protect their systems from geomagnetic disturbances and electromagnetic pulses and instead requires that the commission order transmission and distribution utilities to

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install and operate equipment to protect and monitor their 345-kilovolt transformers and other critical equipment against severe geomagnetic disturbances. This amendment requires the work to protect the 345-kilovolt transformers be completed no later than December 31, 2020, but the time frame for that work is to be determined from a collaboration between the commission and transmission and distribution utilities.

**Committee Amendment "B" (S-216)**

This amendment is a minority report of the committee. It removes the directive to the Public Utilities Commission to order transmission and distribution utilities to undertake actions to ensure their systems are protected from or able to negate effects of electromagnetic pulses and limits the directive to severe geomagnetic disturbances only. It also requires the commission to direct transmission and distribution utilities to monitor their 345-kilovolt transformers to ensure they are protected from severe geomagnetic disturbances. This amendment specifies that any action directed by the commission must be cost-effective and consistent with the Federal Energy Regulatory Commission's reliability standards. It removes language that specifies that all costs incurred by transmission and distribution utilities as a result of the requirements imposed under the Maine Revised Statutes, Title 35-A, section 3144 are just and reasonable for rate-making purposes. It also removes language that prohibits a transmission and distribution utility from collecting from ratepayers costs to address the failure of the system due to geomagnetic disturbances or electromagnetic pulses.

This amendment removes section 2 of the bill, which requires the commission by July 1, 2016 to direct transmission and distribution utilities to undertake specific mitigation measures to protect against geomagnetic disturbances and electromagnetic pulses.

**LD 1382 An Act To Assist Low-income Electricity Consumers**

**CARRIED OVER**

Sponsor(s)  
JOHNSON

Committee Report

Amendments Adopted

This bill amends the statutes regarding electric industry restructuring and Public Law 2013, chapter 369 to allocate Maine Yankee settlement funds to assist low-income electricity ratepayers in accordance with the Maine Revised Statutes, Title 35-A, section 3214, subsection 2 by directing that transmission and distribution utilities are to pay to the Public Utilities Commission all funds received and that certain remaining funds be used for investments in measures that reduce residential heating costs for low-income electricity customers.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1397 An Act To Establish the Affordable Heating from Maine's Forests Fund**

**Accepted Majority (ONTP) Report**

Sponsor(s)  
TIMBERLAKE  
EDGECOMB P

Committee Report  
ONTP  
OTP-AM

Amendments Adopted

This bill establishes the Affordable Heating from Maine's Forests Fund, administered by the Efficiency Maine Trust. The fund receives revenue from the sale of timber and other things of value from Maine's public reserved lands. In 2015 a minimum of \$1,000,000 must be transferred from the Public Reserved Lands Management Fund to the Affordable Heating from Maine's Forests Fund. Subsequent transfers are based on revenue accrued over the 2012 revenue amounts of the Public Reserved Lands Management Fund, subject to some limitations. The Efficiency Maine Trust is required to use the funding for measures that reduce residential heating costs and must prioritize rural and low-income residences.

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**Committee Amendment "A" (H-455)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

**LD 1398 An Act To Reduce Electric Rates for Maine Businesses**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON DUNPHY L		

This bill increases the amount of Regional Greenhouse Gas Initiative Trust Fund revenue that is to be returned to business ratepayers. Currently 15 percent of the funds are returned to businesses, and this bill increases it to 55 percent. The bill adds loans and technical assistance to the required uses of the allocated funds, which also include measures, investments and arrangements that reduce electricity consumption or reduce greenhouse gas emissions and lower energy costs at commercial or industrial facilities. It changes the percent allocated for those measures from 50 percent to 10 percent and adds the fiscal years of 2016-17, 2017-18 and 2018-19 for funds to be allocated.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1399 An Act To Improve Natural Gas Price Competitiveness for Maine's Manufacturers**

**ONTP**

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

This bill authorizes the Public Utilities Commission to order one or more gas utilities or transmission and distribution utilities to enter into a backstop agreement under which a designated replacement shipper agrees to enter into a service agreement with an interstate natural gas pipeline for the long-term interstate natural gas pipeline capacity of an eligible customer.

**LD 1400 An Act To Focus Energy Laws on Energy Cost**

**Died Between Houses**

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

This bill directs the Public Utilities Commission to select a distributed generation aggregator to gather individual owners of distributed generation assets together to maximize the supply benefits of distributed generation and compensate owners of distributed generation assets for the energy supply benefits they provide ratepayers, including benefits related to energy supply, energy capacity and renewable energy credits. Effective January 1, 2016, the bill repeals the renewable portfolio standard, which requires competitive electricity providers to demonstrate to the Public Utilities Commission that a certain percentage of their portfolio of supply sources for retail electricity sales comes from renewable resources, new renewable capacity resources and efficient resources. The bill repeals the provision governing net energy billing, which is a billing and metering practice under which a customer is billed on the basis of net energy over the billing period taking into account accumulated unused kilowatt-hour credits from the previous billing period. The bill changes the long-term contracting authority of the Public Utilities Commission

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and specifies that it is the policy of the State with respect to long-term contracts to reduce electricity rates and costs for the State's residential and business customers and reduce pollution.

**Committee Amendment "A" (S-217)**

This amendment is the minority report of the committee. This amendment changes the date of repeal of the renewable portfolio standard from January 1, 2016 to January 1, 2017. This amendment removes portions of the bill that direct the Public Utilities Commission to select a distributed generation aggregator. Lastly, this amendment authorizes the Public Utilities Commission to contract for energy efficiency capacity resources, either through a competitive solicitation or through a contract with the Efficiency Maine Trust.

**LD 1444 An Act To Correct an Inconsistency in the So-called Dig Safe Law**

**PUBLIC 213**

Sponsor(s)

Committee Report

Amendments Adopted

This bill aims to correct an inconsistency in the so-called Dig Safe Law. It requires that an excavation must commence within 30 days after notification by an excavator to the underground facility damage prevention system and requires that if work is not completed within 60 calendar days of notification, an excavator must again notify the system in accordance with the Maine Revised Statutes, Title 23, section 3360-A.

This bill is reported out by the Joint Standing Committee on Energy, Utilities and Technology pursuant to Public Law 2013, chapter 557, section 3. The law directed the Public Utilities Commission to review Public Utilities Commission Rule Chapter 895: Underground Facility Damage Prevention Requirements. The commission submitted a report to the committee and made recommendations based on this review and after receiving stakeholder input.

**Enacted Law Summary**

Public Law 2015, chapter 213 corrects an inconsistency in the so-called Dig Safe Law. It requires that an excavation must commence within 30 days after notification by an excavator to the underground facility damage prevention system and requires that if work is not completed within 60 calendar days of notification, an excavator must again notify the system in accordance with the Maine Revised Statutes, Title 23, section 3360-A.

# *Joint Standing Committee on Energy, Utilities and Technology*

## SUBJECT INDEX

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#### Enacted

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#### Not Enacted

LD 237            An Act To Address Recommendations from the Report by the Office of Program Evaluation and Government Accountability Regarding the Public Utilities Commission            Veto Sustained

LD 1221           An Act To Enhance Energy Cost Reduction and Facilitate Heating Alternatives in furtherance of the Omnibus Energy Act            Died Between Houses

### *Cable Television*

#### Not Enacted

LD 398            An Act To Allow Consumers of Cable Television To Purchase Channels Individually            Majority (ONTP) Report

### *Dig Safe*

#### Enacted

LD 200            Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission            RESOLVE 9 EMERGENCY

LD 1444           An Act To Correct an Inconsistency in the So-called Dig Safe Law            PUBLIC 213

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LD 1256           An Act To Improve the Safety and Survival of 9-1-1 Callers and First Responders            PUBLIC 230

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LD 342            An Act To Reduce the E-9-1-1 Surcharge            ONTP

## *Efficiency Maine Trust*

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LD 796 An Act To Allow a Municipality To Choose Its Power Provider ONTP  
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LD 945 An Act To Manage Electricity Rates To Lower Consumer Electricity Bills and Increase Utilities' Cash Flow through 3rd-party Management of Smart Meters ONTP  
LD 1107 An Act To Improve the Laws Governing the Purchasing of Power ONTP  
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LD 1310 An Act To Amend the Community-based Renewable Energy Program PUBLIC 232  
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### *Energy Conservation*

#### Not Enacted

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### *Energy Efficiency*

#### Not Enacted

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LD 1398	An Act To Reduce Electric Rates for Maine Businesses	CARRIED OVER

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LD 1382 An Act To Assist Low-income Electricity Consumers CARRIED OVER

**Natural Gas**

**Not Enacted**

LD 1399 An Act To Improve Natural Gas Price Competitiveness for Maine's Manufacturers ONTP

**Solar Energy**

**Enacted**

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LD 466 An Act To Increase Competition and Ensure a Robust Information and Telecommunications Market CARRIED OVER

LD 879 An Act To Ensure High-quality Telecommunications Services for Maine Consumers and Businesses CARRIED OVER

LD 882 An Act To Ensure That Telephone Utility Reorganizations Advance the Economic Development and Information Access Goals of the State Majority (ONTP) Report

LD 883 An Act To Create the Cellular Telephone Labeling Act Majority (ONTP) Report

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LD 826	An Act To Promote Maine's Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investments in High-speed Internet	CARRIED OVER
LD 1167	An Act To Modernize Maine's Broadband Standards	ONTP
LD 1323	An Act To Expand Rural Broadband	ONTP

### **Water/Sewer - Charters**

#### **Enacted**

LD 216	An Act To Amend the Charter of the Hampden Water District	P & S 2 EMERGENCY
LD 650	An Act To Amend the Brunswick Sewer District Charter	P & S 5
LD 1223	An Act To Revise the Charter of the Kennebunk Sewer District	P & S 9 EMERGENCY
LD 1231	An Act To Create the Southwest Harbor Water and Sewer District	P & S 11
LD 1362	An Act Concerning Membership on the Board of Directors of the Lewiston-Auburn Water Pollution Control Authority	P & S 8

#### **Not Enacted**

LD 326	An Act To Transfer Ownership of the Monhegan Water Company	ONTP
LD 1075	An Act To Amend the Charter of the Canton Water District	CARRIED OVER
LD 1309	An Act To Create the Central Maine Water District	Died On Adjournment

### **Water/Sewer - General**

#### **Enacted**

LD 192	An Act To Clarify the Law Governing the Collection of Unpaid Sanitary District Charges	PUBLIC 174
LD 880	An Act To Permit Rate-adjustment Mechanisms for Water Utilities	PUBLIC 115

#### **Not Enacted**

LD 430	An Act To Assist Municipalities To Obtain Payment of Overdue Sewer Bills	ONTP
LD 660	An Act To Protect Homeowners from Damage in the Event of a Failure of Public Water Systems	Veto Sustained
LD 827	An Act To Amend the Fluoridation Laws To Provide for Customer Choice	ONTP

**Wind Energy**

**Not Enacted**

LD 1329

An Act To Maximize the Benefits of Renewable Energy in Maine

Died Between  
Houses