

STATE OF MAINE
126TH 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 126th Maine Legislature

First Regular Session convened Wednesday, December 5, 2012
First Regular Session adjourned sine die Wednesday, July 10, 2013

Senate Legislative Days.....68
House Legislative Days.....67
Bills Considered.....1577

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JULY 2013

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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

126TH 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 126th 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. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 126th Legislature is October 9, 2013. 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
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FIRST REGULAR SESSION



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

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

July 2013

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Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 2 Resolve, Regarding Legislative Review of Portions of Chapter 252:
Rules Governing Certification of Seed Potatoes in the State of Maine, a
Major Substantive Rule of the Department of Agriculture, Conservation
and Forestry**

**RESOLVE 2
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine, a major substantive rule of the Department of Agriculture, Conservation and Forestry.

Enacted Law Summary

Resolve 2013, chapter 2 adopts portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine, a major substantive rule of the Department of Agriculture, Conservation and Forestry. The rules adopted pursuant to this resolve modify the setting of fees associated with the certification of seed potatoes in Maine. The fees established pursuant to the rules adopted under the resolve relate to the program's field and shipping point inspections. The rules adopted under the resolve also change the designation of the propagation of certified and foundation seed potatoes from a Nuclear and General Year System to a Field Year System.

Resolve 2013, chapter 2 was enacted as an emergency measure effective March 20, 2013.

LD 5 An Act To Make Changes to the Potato Marketing Improvement Fund

PUBLIC 403

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE JACKSON T	OTP-AM	H-198 S-330 HILL

This bill changes the governing authority of the Potato Marketing Improvement Fund from the Department of Agriculture, Conservation and Forestry to the Maine Potato Board. This bill requires the Maine Potato Board to establish the Potato Marketing Improvement Fund Committee to advise the board.

Committee Amendment "A" (H-198)

This amendment strikes and replaces the bill. The amendment, like the bill, changes the governing authority of the Potato Marketing Improvement Fund from the Department of Agriculture, Conservation and Forestry to the Maine Potato Board.

The bill requires the board to establish the Potato Marketing Improvement Fund Committee to advise the board. The amendment instead establishes the Potato Marketing Improvement Fund Committee in statute and changes the membership of the committee. The amendment authorizes the Finance Authority of Maine, at the discretion of the Commissioner of Agriculture, Conservation and Forestry, to make payments to the board from the fund to carry out the purposes of the fund.

The amendment also requires the authority to provide written annual reports to the commissioner and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters regarding the payments.

The amendment also adds an appropriations and allocations section.

Joint Standing Committee on Agriculture, Conservation and Forestry

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

This amendment removes the appropriations and allocations section.

Enacted Law Summary

Public Law 2013, chapter 403 changes the governing authority of the Potato Marketing Improvement Fund from the Department of Agriculture, Conservation and Forestry to the Maine Potato Board. It establishes the Potato Marketing Improvement Fund Committee in statute and changes the membership of the committee. Public Law 2013, chapter 403 authorizes the Finance Authority of Maine, at the discretion of the Commissioner of Agriculture, Conservation and Forestry, to make payments to the board from the fund to carry out the purposes of the fund. It also requires the authority to provide written annual reports to the commissioner and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters regarding the payments.

LD 33 Resolve, Regarding Pesticide Applications and Public Notification in Schools

**RESOLVE 63
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-308

This resolve provides for legislative review of portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control.

Committee Amendment "A" (H-308)

This amendment changes the title of the resolve. The amendment provides for legislative review of portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control.

The amendments to Chapter 27 prescribe standards intended to ensure that pests are managed in a manner that minimizes risks to students and staff, relying on widely accepted science of integrated pest management. The amendments to the rules require school staff and contractors to choose the lowest-risk strategies for managing pests.

The proposed rules also strengthen the role of the Integrated Pest Management coordinator in each school, establish training requirements for the coordinator, and reduce the burden of record-keeping while making records easier to access.

The amendment also adds a section to the resolve that requires that, by March 15, 2014, the Commissioner of Education and the director of the Board of Pesticides Control report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Agriculture, Conservation and Forestry on developing standards and guidelines for landscaping design for school grounds that will minimize or eliminate the need to use pesticides on school grounds for any newly constructed school facilities.

Enacted Law Summary

Resolve 2013, chapter 63 adopts amendments to portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a major substantive rule. Resolve 2013, chapter 63 adopts amendments to Chapter 27 that prescribe standards intended to ensure that pests are managed in a manner that minimizes risks to students and staff. The amendments to the rules require school staff and contractors to choose the lowest-risk strategies for managing pests. The amended rules also strengthen the role of the Integrated Pest Management coordinator in each school, establish training requirements for the coordinator, and reduce the burden of record keeping while making records easier to access.

Joint Standing Committee on Agriculture, Conservation and Forestry

Resolve 2013, chapter 63 also requires that, by March 15, 2014, the Commissioner of Education and the Director of the Board of Pesticides Control report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Agriculture, Conservation and Forestry on developing standards and guidelines for landscaping design for school grounds that will minimize or eliminate the need to use pesticides on school grounds for any newly constructed school facilities.

Resolve 2013, chapter 63 was enacted as an emergency measure effective June 22, 2013.

LD 59 An Act Relating to the Unlawful Cutting of Trees

PUBLIC 412

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY THOMAS	OTP-AM	S-175

This bill provides that a person who violates state law regarding the unlawful cutting of trees more than once must obtain bonding to the satisfaction of the Commissioner of Agriculture, Conservation and Forestry and seek approval from the Department of Agriculture, Conservation and Forestry before commencing any further tree harvesting. This bill creates a new Class D crime of knowingly engaging in the unlawful cutting of trees.

Committee Amendment "A" (S-175)

This amendment replaces the bill, which establishes criminal penalties for the unlawful cutting of trees in the Maine Revised Statutes, Title 17, section 2510. The amendment requires the Division of Forestry to establish a process that applies to a person that has committed 2 violations of unlawful cutting of trees. The process must include requiring written approval from the division prior to harvesting, requiring bonding in an amount not less than \$500,000 before harvesting and the division issuing a stop-work order if the requirements of prior approval and bonding are not met at the time harvesting is occurring. The Department of Agriculture, Conservation and Forestry is required to adopt major substantive rules to carry out the provisions of this legislation.

The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2013, chapter 412 requires the Division of Forestry to establish a process that applies to a person that has committed 2 violations of unlawful cutting of trees. The process must include requiring written approval from the division prior to harvesting, requiring bonding in an amount not less than \$500,000 before harvesting and the division issuing a stop-work order if the requirements of prior approval and bonding are not met at the time harvesting is occurring. Public Law 2013, chapter 412, requires the Department of Agriculture, Conservation and Forestry to adopt major substantive rules to carry out the provisions of this law.

LD 218 An Act To Promote Small-scale Poultry Farming

PUBLIC 323

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	OTP-AM	H-476 H-497 KUMIEGA

This bill proposes to create 2 categories of poultry producers that are exempt from inspection under the Maine Revised Statutes, Title 22, section 2512. The first category is for poultry producers that slaughter and process under 1,000 birds annually on the farm where the poultry are raised and that meet other sales and licensing requirements. The bill proposes to exempt these producers from the rules established by the Department of Agriculture,

Joint Standing Committee on Agriculture, Conservation and Forestry

Conservation and Forestry governing facilities and sanitary processes used by small poultry producers and establishes certain labeling requirements. The 2nd category is for poultry producers that slaughter and process more than 999 and fewer than 2,000 birds annually on the farm where the poultry are raised and that meet similar sales and licensing requirements. Under this bill, these producers would not be exempt from the rules governing facilities and sanitary processes used by small poultry producers.

Committee Amendment "A" (H-476)

This amendment strikes and replaces the bill. It creates a registration category for poultry producers that are exempt from inspection under the Maine Revised Statutes, Title 22, section 2512. The registration category is an alternative to licensing under Title 22, section 2514 and is available to custom slaughterers, custom processors and producers that process fewer than 1,000 birds annually. The amendment also allows a poultry producer that processes fewer than 20,000 birds annually to slaughter that producer's own poultry without an inspector being present during slaughtering as long as the producer meets certain criteria related to licensing, state food processing rules, sanitary standards, sales and labeling. The amendment also creates a small enterprise exemption that allows a business to slaughter, dress and cut up poultry without an inspector being present during processing if that business meets certain criteria related to licensing, state food processing rules, sanitary standards, sales and labeling.

House Amendment "A" To Committee Amendment "A" (H-497)

This amendment expresses the intent of the Legislature that the current meat and poultry inspection program be maintained while allowing for maximum flexibility.

Enacted Law Summary

Public Law 2013, chapter 323 creates a registration category for poultry producers who are exempt from inspection under the Maine Revised Statutes, Title 22, section 2512. The registration category is an alternative to licensing under Title 22, section 2514 and is available to custom slaughterers, custom processors and producers that process fewer than 1,000 birds annually. Public Law 2013, chapter 323 also allows a poultry producer that processes fewer than 20,000 birds annually to slaughter that producer's own poultry without an inspector being present during slaughtering as long as the producer meets certain criteria related to licensing, state food processing rules, sanitary standards, sales and labeling. It also creates a small enterprise exemption that allows a business to slaughter, dress and cut up poultry without an inspector being present during processing if that business meets certain criteria related to licensing, state food processing rules, sanitary standards, sales and labeling. Public Law 2013, chapter 323 expresses the intent of the Legislature that the current meat and poultry inspection program be maintained while allowing for maximum flexibility.

LD 259 An Act To Allow a Person To Rent a Slaughterhouse for the Slaughtering and Processing of Poultry

PUBLIC 252

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE MASON G	OTP-AM	H-407

This bill allows a licensed slaughterhouse to contract with certain poultry producers for the rental of the slaughterhouse for the purposes of slaughtering poultry. The bill requires the renting producer's poultry to be slaughtered by the owner or operator of the slaughterhouse. It prohibits the poultry slaughtered and processed under the rental contract from being sold or transported for interstate commerce. The bill also requires certain information to be printed on labels of the poultry products produced for the renting producer. It also authorizes the Commissioner of Agriculture, Conservation and Forestry to adopt rules governing fees charged by licensed slaughterhouses for the rental of their facilities.

Committee Amendment "A" (H-407)

This amendment strikes and replaces the bill and changes the title. It establishes a registration process for certain

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poultry slaughterers and processors. The amendment allows a licensed or registered slaughterhouse to contract with certain poultry producers for the rental of the slaughterhouse for the purposes of slaughtering poultry. The amendment requires the renting producer's poultry to be slaughtered and processed by that producer. It prohibits the poultry slaughtered and processed under the rental contract from being sold or transported for interstate commerce. The amendment also requires certain information to be printed on the labels of the poultry products produced by the producer renting a licensed or registered slaughterhouse.

Enacted Law Summary

Public Law 2013, chapter 252 establishes a registration process for certain poultry slaughterers and processors. It allows a licensed or registered slaughterhouse to contract with certain poultry producers for the rental of the slaughterhouse for the purposes of slaughtering poultry. Public Law 2013, chapter 252 requires the renting producer's poultry to be slaughtered and processed by that producer. It prohibits the poultry slaughtered and processed under the rental contract from being sold or transported for interstate commerce. The law also requires certain information to be printed on the labels of the poultry products produced by the producer renting a licensed or registered slaughterhouse.

LD 262 An Act To Restore to Jimmy J. Soucy the Right To Maintain Existing Structures on Property in Sinclair DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T AYOTTE	ONTP OTP	

This bill specifies the permissible uses of certain property in Sinclair and structures on that property acquired by Jimmy J. Soucy in 2009 from the State of Maine.

LD 269 An Act To Provide Increased Opportunities on the Allagash Wilderness Waterway DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM ONTP	S-85

Current rules of the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands limit to 12 the number of members in a group that may travel on the Allagash watercourse or camp at Allagash Wilderness Waterway campsites. This bill increases the permissible size of a group to 24, beginning with the 2014 camping season. It also requires larger groups to separate into self-contained groups of 24 or fewer. The bill also gives the division the authority to permit groups composed of more than 24 persons.

Committee Amendment "A" (S-85)

This amendment is the majority report. The amendment strikes and replaces the bill. Current rules of the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands limit to 12 the number of members in a group that may travel on the Allagash watercourse or camp at Allagash Wilderness Waterway campsites. This amendment proposes to retain that rule except for groups of up to 18 persons who limit their use of the watercourse to day use and who do not camp overnight. It also makes exceptions for school groups that notify the division at least 2 weeks in advance and travel on the watercourse and camp at waterway campsites under the direction of the waterway's superintendent or the superintendent's designee. The amendment also proposes to allow groups of up to 24 persons to access the waterway by snowmobile at locations that are currently allowed by rule. The majority report was not adopted.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 271 An Act To Facilitate the Processing of Livestock That Is Not for Resale

DIED BETWEEN HOUSES

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

This bill removes custom processors, which slaughter livestock or process meat exclusively for consumption by the owner of the livestock and members of the owner's household and the owner's nonpaying guests and employees, from the laws regulating meat processing, and removes the licensing requirement for custom slaughterhouses, which slaughter livestock for the exclusive use of another person and members of that person's household, nonpaying guests and employees. It also removes custom slaughterers and custom processors from a list of entities that are required to be licensed.

Committee Amendment "A" (S-272)

This amendment, which is the majority report of the committee, strikes and replaces the bill. The amendment authorizes the Commissioner of Agriculture, Conservation and Forestry to allow an animal that is a member of an amenable species, a term defined in the amendment, that is owned by a person to be slaughtered and processed at the home of another person that is registered to do so if that animal is not being offered for sale by the owner or by any other person. The amendment also adds registered establishments to slaughter establishments that may be periodically reviewed by inspectors to ensure that the laws and rules governing slaughter facilities are being followed. The majority report was not adopted.

Committee Amendment "B" (S-273)

This amendment, which is the minority report of the committee, strikes and replaces the bill. The amendment authorizes the Commissioner of Agriculture, Conservation and Forestry to allow an animal that is a member of an amenable species, a term defined in the amendment, that is owned by a person to be slaughtered and processed at the home of another person if that animal is not being offered for sale by the owner or by any other person. It differs from the majority report in that it does not require the person slaughtering and processing the animal to be registered as a custom slaughterer. The amendment also adds registered establishments to slaughter establishments that may be periodically reviewed by inspectors to ensure that the laws and rules governing slaughter facilities are being followed. The minority report was not adopted.

LD 282 An Act To Eliminate the Commercial Standard for Maine White-cedar Shingles

PUBLIC 13

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

This bill eliminates the commercial standard for Maine white-cedar shingles, a program that has no funding and that has not been used for at least 20 years.

Enacted Law Summary

Public Law 2013, chapter 13 eliminates the commercial standard for Maine white-cedar shingles, a program that has no funding and that has not been used for at least 20 years.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 283 An Act To Eliminate the Elm Tree Restoration Fund

PUBLIC 12

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

This bill eliminates the Elm Tree Restoration Fund, a program that has no funding and that has never been used.

Enacted Law Summary

Public Law 2013, chapter 12 eliminates the Elm Tree Restoration Fund, a program that has no funding and that has never been used.

LD 284 An Act To Amend the Duties of the Division of Forestry

PUBLIC 18

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

This bill requires the Department of Agriculture, Conservation and Forestry, Division of Forestry to conduct a landowner relations program and repeals a requirement that the division print copies of forestry and forestry-related laws biennially.

Enacted Law Summary

Public Law 2013, chapter 18 requires the Department of Agriculture, Conservation and Forestry, Division of Forestry to conduct a landowner relations program and repeals a requirement that the division print copies of forestry and forestry-related laws biennially.

LD 285 An Act To Electronically Issue Permits for Burning

PUBLIC 35

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

This bill directs the Director of the Division of Forestry in the Department of Agriculture, Conservation and Forestry to develop a system to electronically issue permits for burning in all areas of the State using a publicly accessible site on the Internet. Current law provides a pilot project for the issuance of such permits in certain parts of the State. The bill also specifies the procedure for the disbursement of the fee collected for a permit for burning that is issued electronically.

Committee Amendment "A" (S-14)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2013, chapter 35 directs the Director of the Division of Forestry in the Department of Agriculture, Conservation and Forestry to develop a system to electronically issue permits for burning in all areas of the State

Joint Standing Committee on Agriculture, Conservation and Forestry

using a publicly accessible site on the Internet. Current law provides a pilot project for the issuance of such permits in certain parts of the State. The bill also specifies the procedure for the disbursement of the fee collected for a permit for burning that is issued electronically.

LD 286 An Act To Reduce Reporting Responsibilities of the Department of PUBLIC 29
Agriculture, Conservation and Forestry

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

The purpose of this bill is to reduce redundancy in oversight reporting to the Legislature by repealing 2 reporting requirements of the Department of Agriculture, Conservation and Forestry, one regarding the Maine Agricultural Internship and Training Program and the other regarding the nutrient management program.

Enacted Law Summary

Public Law 2013, chapter 29 reduces redundancy in oversight reporting to the Legislature by repealing 2 reporting requirements of the Department of Agriculture, Conservation and Forestry, one regarding the Maine Agricultural Internship and Training Program and the other regarding the nutrient management program.

LD 287 An Act To Improve Funding of Agricultural Development Projects PUBLIC 64

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOYLE CRAY	OTP-AM	S-36

This bill amends the laws governing the Department of Agriculture, Conservation and Forestry's agricultural development fund to provide more flexibility with respect to grants and contracts and allow the department to directly fund agricultural development projects.

Committee Amendment "A" (S-36)

This amendment is the unanimous report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It requires that rules adopted regarding the implementation and use of the Department of Agriculture, Conservation and Forestry's agricultural development fund are major substantive rules in accordance with the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Enacted Law Summary

Public Law 2013, chapter 64 amends the laws governing the Department of Agriculture, Conservation and Forestry's agricultural development fund to provide more flexibility with respect to grants and contracts and to allow the department to directly fund agricultural development projects. Public Law 2013, chapter 64 requires that rules adopted regarding the implementation and use of the Department of Agriculture, Conservation and Forestry's agricultural development fund are major substantive rules in accordance with the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 288 An Act Concerning Brucellosis Vaccines for Cattle

PUBLIC 17

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

Current law refers to a federal brucellosis classification that will be revised in 2014. This bill removes reference to Class A and B and refers to 9 Code of Federal Regulations, Part 78 as the means for allowing brucellosis-free cattle to be brought into the State, to prevent the necessity of revision in the near future. The bill removes the requirements that the Department of Agriculture, Conservation and Forestry maintain inventory of and distribute brucellosis vaccine to accredited veterinarians and establish fees to cover associated costs.

Enacted Law Summary

Public Law 2013, chapter 17 amends current law that refers to a federal brucellosis classification that will be revised in 2014, by removing reference to Class A and B and refers to 9 Code of Federal Regulations, Part 78 as the means for allowing brucellosis-free cattle to be brought into the State, to prevent the necessity of revision in the near future.

Public Law 2013, chapter 17 removes the requirements that the Department of Agriculture, Conservation and Forestry maintain inventory of and distribute brucellosis vaccine to accredited veterinarians and establish fees to cover associated costs.

**LD 289 An Act To Eliminate the Requirement That the Department of
Agriculture, Conservation and Forestry Provide Technical Services for
Direct-marketing Agricultural Products**

PUBLIC 65

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY BOYLE	OTP-AM	H-40

This bill removes the provision in the laws regarding the agriculture direct-marketing assistance program that requires the Department of Agriculture, Conservation and Forestry to provide technical assistance for lease and contract negotiation.

Committee Amendment "A" (H-40)

This amendment is the unanimous report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It removes from the laws regarding the direct-marketing of agricultural commodities references to the University of Maine System and the College of Agriculture as sources of assistance to which the Commissioner of Agriculture, Conservation and Forestry may refer farmers or groups of farmers seeking marketing assistance. It also updates the name of the College of Agriculture of the University of Maine System to the College of Natural Sciences, Forestry and Agriculture of the University of Maine throughout the Maine Revised Statutes.

Enacted Law Summary

Public Law 2013, chapter 65 removes the provision in the laws regarding the agriculture direct-marketing assistance program that requires the Department of Agriculture, Conservation and Forestry to provide technical assistance for lease and contract negotiation. It removes from the laws regarding the direct-marketing of agricultural commodities references to the University of Maine System and the College of Agriculture as sources of assistance to which the Commissioner of Agriculture, Conservation and Forestry may refer farmers or groups of farmers seeking marketing

Joint Standing Committee on Agriculture, Conservation and Forestry

assistance. Public Law 2013, chapter 65 also updates the name of the College of Agriculture of the University of Maine System to the College of Natural Sciences, Forestry and Agriculture of the University of Maine throughout the Maine Revised Statutes.

LD 290 An Act To Eliminate the Forest Certification Incentive Cost-share Fund PUBLIC 11

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

This bill eliminates the Forest Certification Incentive Cost-share Fund, a program that has no funding and that has never been used.

Enacted Law Summary

Public Law 2013, chapter 11 eliminates the Forest Certification Incentive Cost-share Fund, a program that has no funding and that has never been used.

LD 291 An Act To Transfer Responsibility for the Returnable Beverage Container Laws from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection ONTP

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

This bill proposes to transfer administration of the provisions regarding returnable beverage containers from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection. Although the committee voted unanimously "ought-not-to-pass" on the bill, it authorized the committee co-chairs to send a letter to the Commissioner of Agriculture, Conservation and Forestry and to the Commissioner of Environmental Protection requesting that the commissioners discuss the changes proposed in LD 291 to determine if the proposed transfer of responsibility for the bottle bill from one department to the other is merited or feasible. The committee requested a report from the commissioners on the results of their discussions by December 15, 2013.

LD 292 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Develop a Plan for the Protection of the Public Health from Mosquito-borne Diseases RESOLVE 13

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIFFORD SHERMAN	OTP-AM	H-54

This bill authorizes the Department of Agriculture, Conservation and Forestry to conduct appropriate mosquito-control activities in response to mosquito-borne disease public health threats. In addition, the bill authorizes municipalities to cooperate in controlling mosquitoes through the formation of mosquito-control districts. It establishes the Maine Mosquito Control Fund to provide funding for mosquito-control activities. Finally, the bill authorizes the Commissioner of Health and Human Services to declare a mosquito-borne disease public health threat.

Committee Amendment "A" (H-54)

Joint Standing Committee on Agriculture, Conservation and Forestry

This amendment is the unanimous report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It replaces the bill with a resolve that directs the Department of Agriculture, Conservation and Forestry, in cooperation with appropriate personnel from the Department of Health and Human Services, to develop a plan for the protection of the public health from mosquito-borne diseases. The resolve also requires that the department report on its plan to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2013, and authorizes the committee to report out a bill on the plan to the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2013, chapter 13 directs the Department of Agriculture, Conservation and Forestry, in cooperation with appropriate personnel from the Department of Health and Human Services, to develop a plan for the protection of the public health from mosquito-borne diseases. The resolve also requires that the department report on its plan to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2013 and authorizes the committee to report out a bill on the plan to the Second Regular Session of the 126th Legislature.

**LD 312 An Act To Release a Restriction on Former State Land in
Passadumkeag Currently Owned by Dale Ross**

P & S 12

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER CAIN	OTP-AM ONTP	H-101

This bill rescinds the statutory restriction of only agricultural or forestry purposes on former state land in Passadumkeag currently owned by Dale Ross and directs the Department of Agriculture, Conservation and Forestry to issue a deed to Dale Ross releasing the restriction on that land.

Committee Amendment "A" (H-101)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It amends the bill by requiring that Dale Ross, the owner of the property that is subject to the deed restriction, and the Department of Agriculture, Conservation and Forestry 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. The amendment 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 amendment also requires that Dale Ross pay all legal costs associated with the release of the deed restriction and the hold harmless agreement. The amendment also requires, pursuant to the Constitution of Maine, an affirmative vote of 2/3 of the members of the Legislature.

Enacted Law Summary

Private and Special Law 2013, chapter 12 rescinds the statutory restriction of only agricultural or forestry purposes on former state land in Passadumkeag currently owned by Dale Ross and directs the Department of Agriculture, Conservation and Forestry to issue a deed to Dale Ross releasing the restriction on that land. It requires that Dale Ross, the owner of the property that is subject to the deed restriction, and the Department of Agriculture, Conservation and Forestry 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. Private and Special Law 2013, chapter 12 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 Dale Ross pay all legal costs associated with the release of the deed restriction and the hold harmless agreement.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 368 An Act To Ensure the Continuation of Dairy Farming

CARRIED OVER

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

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

This bill proposes to provide financial and technical assistance to dairy farms in the State to adapt new techniques and utilize new technology to offset the high cost of farming overhead including the cost of feed and fuel.

Committee Amendment "A" (S-170)

This amendment replaces the concept draft. It simplifies the process of calculating dairy stabilization tier program payments by eliminating additions to the statistical uniform blend price when determining the base price for comparison with the so-called tier safety net levels. The amendment also eliminates the distribution of 1/2 of 1% of the casino slot machine income to the Maine Milk Pool that is scheduled to begin July 1, 2013 and increases the net slot machine income distribution to the Dairy Improvement Fund from 1/2 of 1% to 1% on that date. The amendment also adds an emergency preamble and emergency clause.

The amendment, which was not adopted, also adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145 as amended by H-B (H-580) and H-C (H-582).

LD 377 An Act To Provide Funding to Soil and Water Conservation Districts

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK SAVIELLO	OTP-AM	H-21 S-336 HILL

This bill includes an ongoing General Fund appropriation of \$200,000 in fiscal years 2013-14 and 2014-15 to the Department of Agriculture, Conservation and Forestry for soil and water conservation districts.

Committee Amendment "A" (H-21)

This amendment incorporates a fiscal note.

Senate Amendment "A" To Committee Amendment "A" (S-336)

This amendment reduces the ongoing funding for soil and water conservation districts from \$200,000 to \$50,000 for fiscal years 2013-14 and 2014-15.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 421 An Act To Prohibit the Unauthorized Harvesting of Wild Mushrooms and Fiddleheads

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

The purpose of this bill is to protect woodland owners by requiring anyone harvesting wild mushrooms or fiddleheads commercially to have written permission or a bill of sale from the landowner before harvesting or transporting. The permission requirements and enforcement provisions of this bill are the same as currently exist in Maine law for commercial harvesting of Christmas trees and boughs for wreaths. The bill also authorizes the Department of Health and Human Services to decline to certify or revoke the certification under the Maine Wild Mushroom Harvesting Certification Program of any person found in violation of the prohibition.

Committee Amendment "A" (H-351)

This amendment is the minority report. It removes fiddleheads from the title of the bill. The amendment deletes from the bill prohibitions against commercially harvesting fiddleheads without written permission or a bill of sale from the landowner. The amendment also deletes from the bill the definition of "fiddlehead." The minority amendment was not adopted.

LD 457 An Act To Eliminate Certain Data Collection Requirements of the Forest Health and Monitoring Program of the Division of Forestry

PUBLIC 37

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

This bill eliminates a requirement that the Department of Agriculture, Conservation and Forestry, Division of Forestry monitor the implementation of recommendations it makes regarding forest insects and diseases to individuals and municipalities as part of the forest health and monitoring program.

Enacted Law Summary

Public Law of 2013, chapter 37 eliminates a requirement that the Department of Agriculture, Conservation and Forestry, Division of Forestry monitor the implementation of recommendations it makes regarding forest insects and diseases to individuals and municipalities as part of the forest health and monitoring program.

LD 475 An Act To Increase Food Sovereignty in Local Communities

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

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

Joint Standing Committee on Agriculture, Conservation and Forestry

This bill proposes to enact measures designed to:

1. Preserve the ability of local communities to produce, process, sell, purchase and consume local foods;
2. Ensure the preservation of family farms; and
3. Enhance the economic, environmental and social wealth of local communities by supporting family farms and sustainable agricultural practices and promoting the unimpeded ability of individuals, families and other entities to process or prepare foods for home consumption.

Committee Amendment "A" (H-155)

This amendment is the minority report of the committee. It replaces the concept draft. The amendment establishes the Maine Food Sovereignty Act of 2013 to encourage food self-sufficiency. The amendment states that the purposes of the Act are to preserve the ability of local communities to produce, process, sell and purchase locally produced foods, to ensure the preservation of family farms, to reduce hunger and increase food security and to enhance the economic, environmental and social wealth of rural communities. The amendment authorizes local governments to regulate food systems by local ordinance. The minority report was not adopted.

LD 476 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Develop a Policy To Reduce Food Waste in All State-funded Institutions ONTP

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

This resolve requires the Commissioner of Agriculture, Conservation and Forestry and the Commissioner of Environmental Protection to develop a comprehensive policy to reduce food waste in all state-funded buildings and institutions and to submit a report detailing the policy, together with any recommendations, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 4, 2013. The committee may submit legislation to the Second Regular Session of the 126th Legislature to implement recommendations contained in the report.

LD 484 An Act To Revise the Animal Welfare Laws PUBLIC 115

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIFFORD BOYLE	OTP-AM ONTP	H-107

This bill makes several changes to the animal welfare laws. The bill includes small animals under the laws relating to animal shelters and animal control officers and provides guidelines for the disposition of small animals. The bill permits applicants for licenses as animal shelters and boarding kennels to receive conditional licenses to be able to begin operations pending completion of the full licensing process. The bill provides standards to permit the humane trapping of animals by animal control officers and clarifies that humane trapping of domestic animals for population control or animal control is excluded from the crime of cruelty to animals. The bill provides that laws relating to abandoned dogs apply to all abandoned animals excluding animals that are part of a population control program. The bill also adds dog licensing agents as license issuers and resolves a conflict regarding the distribution of licensing fees.

Committee Amendment "A" (H-107)

This amendment is the majority report of the committee. The amendment changes the definition of "population

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control effort" by removing the provision of returning feral cats to the wild. The amendment also adds a fiscal note.

Enacted Law Summary

Public Law 2013, chapter 115 makes several changes to the animal welfare laws. It includes small animals under the laws relating to animal shelters and animal control officers and provides guidelines for the disposition of small animals. Public Law 2013, chapter 115 permits applicants for licenses as animal shelters and boarding kennels to receive conditional licenses to be able to begin operations pending completion of the full licensing process. It provides standards to permit the humane trapping of animals by animal control officers and clarifies that humane trapping of domestic animals for population control or animal control is excluded from the crime of cruelty to animals. Public Law 2013, chapter 113 provides that laws relating to abandoned dogs apply to all abandoned animals excluding animals that are part of a population control program. It also adds dog licensing agents as license issuers and resolves a conflict regarding the distribution of licensing fees. Public Law 2013, chapter 115 changes the definition of "population control effort" by removing the provision of returning feral cats to the wild.

LD 493 An Act To Provide Economic Development in Aroostook County through Expanded Sale and Lease of State-owned Land

DIED BETWEEN HOUSES

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to increase economic development in Aroostook County by permitting expanded leasing or sale of state-owned property.

Committee Amendment "A" (S-86)

This amendment is the majority report. It replaces the bill with a resolve and changes the title. The resolve requires the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry to convey to Roosevelt Conference Center, doing business as Eagle Lake Sporting Camps, a 10-acre parcel of land in Township 16, Range 6. The resolve requires the director to sell the land at fair market value and to retain or withhold any rights to subdivide. The director is also required by the resolve to convey to Eagle Lake Sporting Camps a right-of-way along the service road to the Square Lake Road for appraised fair market value. The resolve also stipulates that the State must retain a right of first refusal to reacquire the parcel and right-of-way from the owner if the use of the parcel for a year-round sporting camp or Class A restaurant and lodge is discontinued or appropriate licenses are not maintained. The majority report was not adopted.

Committee Amendment "B" (S-88)

This amendment is the minority report. It replaces the bill with a resolve and changes the title. The resolve requires the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry to convey to Roosevelt Conference Center, doing business as Eagle Lake Sporting Camps, a 10-acre parcel of land in Township 16, Range 6. The resolve requires the director to sell the land at fair market value and to retain or withhold any rights to subdivide. The director is also required by the resolve to convey to Eagle Lake Sporting Camps an easement along the service road to the Square Lake Road for appraised fair market value. The resolve also stipulates that the State must retain a right of first refusal to reacquire the parcel and easement from the owner if the use of the parcel for a year-round sporting camp or Class A restaurant and lodge is discontinued or appropriate licenses are not maintained. The minority report was not adopted.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 500 An Act To Permit Tribal Members To Have Access to Wood Fiber for Fuel, Shelter and Traditional Woodcraft Production

CARRIED OVER

Sponsor(s)

BEAR

Committee Report

Amendments Adopted

This bill allows any member of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or the Aroostook Band of Micmacs to enter and collect or harvest wood or wood fiber from any public or publicly controlled or managed property in the State for the purpose of using the wood or wood fiber for fuel, personal shelter construction or traditional woodcraft production.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, H-B (H-580) and H-C (H-582).

LD 505 Resolve, Directing the Commissioner of Agriculture, Conservation and Forestry To Conduct an Internal Review of the Snowmobile Trail Fund

**RESOLVE 48
EMERGENCY**

Sponsor(s)

SAVIELLO
LONG

Committee Report

OTP-AM

Amendments Adopted

S-102

This resolve directs the Commissioner of Agriculture, Conservation and Forestry to conduct a review of aspects of expenditures from the Snowmobile Trail Fund that relate to the justification of certain expenditures from that fund, equity in the use of those funds in allocations to municipalities and local snowmobile clubs, equity in the cost sharing of funds between the Snowmobile Trail Fund and the ATV Recreational Management Fund with respect to state-owned rail trails, the elimination of state-administered snowmobile trail grooming projects and the implementation of regular reporting requirements and written policies to ensure equity in the use of funds in the Snowmobile Trail Fund.

In conducting this review, the commissioner is directed to consult with representatives of statewide snowmobiling organizations, municipalities and local snowmobile clubs and other appropriate stakeholder groups and to submit a report by December 4, 2013 to the Joint Standing Committee on Agriculture, Conservation and Forestry. Following its review of the commissioner's report, the committee may submit a bill to the Second Regular Session of the 126th Legislature to implement any mandatory reporting requirements or to authorize the adoption by the commissioner of any rules necessary to implement the commissioner's recommendations.

Committee Amendment "A" (S-102)

This amendment changes the duties of the Commissioner of Agriculture, Conservation and Forestry regarding the internal review of the Snowmobile Trail Fund required by the resolve. The amendment requires that the review include a written explanation of reasons funds are carried forward from one fiscal year to the next. It requires the development of a quarterly reporting system detailing the revenue to and expenditures from the fund, and a recommendation that reports be submitted quarterly to interested parties. The amendment requires the commissioner to develop an annual report on the finances and operations of the fund for submission to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters. It also requires development of a written policy for distributing funds from the Snowmobile Trail Fund. The amendment requires the department to develop an educational program for grantees and to develop a plan to eliminate state-administered trail-grooming projects.

Enacted Law Summary

Joint Standing Committee on Agriculture, Conservation and Forestry

Resolve 2013, chapter 48 directs the Commissioner of Agriculture, Conservation and Forestry to conduct a review of aspects of expenditures from the Snowmobile Trail Fund. Resolve 2013, chapter 48 requires that the review include a written explanation of reasons funds are carried forward from one fiscal year to the next. It requires the development of a quarterly reporting system detailing the revenue to and expenditures from the fund, and a recommendation that reports be submitted quarterly to interested parties. Resolve 2013, chapter 48 requires the commissioner to develop an annual report on the finances and operations of the fund for submission to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters. It also requires development of a written policy for distributing funds from the Snowmobile Trail Fund. The resolve also requires the department to develop an educational program for grantees and to develop a plan to eliminate state-administered trail-grooming projects.

Resolve 2013, chapter 48 was finally passed as an emergency measure effective June 11, 2013.

LD 524 An Act To Change the Quorum Requirement for Meetings of the Land for Maine's Future Board PUBLIC 92

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW SAVIELLO	OTP-AM	H-59

This bill increases the membership of the Land for Maine's Future Board from 9 members to 11 members.

Committee Amendment "A" (H-59)

This amendment strikes and replaces the bill and changes the title. The amendment reduces the quorum requirement to transact business by the Land for Maine's Future Board from 7 to 5 members.

Enacted Law Summary

Public Law 2013, chapter 92 reduces the quorum requirement to transact business by the Land for Maine's Future Board from 7 to 5 members.

**LD 525 An Act To Promote Industrial Hemp DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL PLUMMER	OTP-AM ONTP	H-406

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 and also repeals the provision that licensure is contingent upon action by the Federal Government.

Committee Amendment "A" (H-406)

This amendment is the majority report. It requires that any hemp seeds acquired for cultivation of hemp in the State come from an approved Canadian producer of hemp seeds. The amendment allows the Commissioner of Agriculture, Conservation and Forestry to issue licenses for hemp seed distribution to holders of seed labeling licenses. The amendment 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 amendment requires that application fees

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and license fees are established by major substantive rules. The amendment adds an appropriations and allocations section to the bill.

**LD 622 An Act To Amend the Laws Concerning Reciprocal Disciplinary
 Actions in Harness Racing and Pulling Events**

**PUBLIC 155
EMERGENCY**

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

This bill requires the Department of Agriculture, Conservation and Forestry to obtain current listings from other jurisdictions of people who have been suspended or barred from agricultural pulling competitions and requires the department to suspend or bar from pulling competitions any person in those listings until the department receives notification from the jurisdiction that suspended or barred the person that the person is no longer suspended or barred. This bill also amends the reciprocal disciplinary action provision in harness racing for people in the harness racing industry who have been refused a license or have had their licenses suspended or revoked in another jurisdiction by clarifying certain language in that provision.

Enacted Law Summary

Public Law 2013, chapter 155 requires the Department of Agriculture, Conservation and Forestry to obtain current listings from other jurisdictions of people who have been suspended or barred from agricultural pulling competitions and requires the department to suspend or bar from pulling competitions any person in those listings until the department receives notification from the jurisdiction that suspended or barred the person that the person is no longer suspended or barred. Public Law 2013, chapter 155 also amends the reciprocal disciplinary action provision in harness racing for people in the harness racing industry who have been refused a license or have had their licenses suspended or revoked in another jurisdiction by clarifying certain language in that provision.

Public Law 2013, chapter 155 was enacted as an emergency measure effective May 29, 2013.

**LD 630 An Act To Reserve Ten Percent of Campsites at State Parks for Maine
 Residents**

ONTP

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

This bill requires the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry to amend the current statewide reservation system for overnight camping at state parks with overnight camping facilities to set aside 10% of campsites for use by Maine residents. These reservations must be accepted on a first-come, first-served basis and may be made up to 4 months in advance of each camping season. The bill also includes a definition of "resident."

**LD 639 An Act To Require Payment Quotes in Service Contracts for the
 Harvesting and Hauling of Wood**

PUBLIC 154

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

This bill proposes that contractors hired to harvest or haul wood be notified by the contracting party of the price per ton to be paid for the wood harvested or hauled under a service contract prior to the contractor's providing the

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services.

Committee Amendment "A" (S-50)

This amendment is the unanimous report of the Joint Standing Committee on Agriculture, Conservation and Forestry. The amendment removes a requirement that the contracting party provide a per species price when notifying a contractor of the price to be paid under a service contract for harvesting or hauling wood. It also specifies that price notification must be in writing and that price notification may be communicated by mail or private courier or electronically.

Enacted Law Summary

Public Law 2013, chapter 154 proposes that contractors hired to harvest or haul wood be notified by the contracting party of the price per ton to be paid for the wood harvested or hauled under a service contract prior to the contractor's providing the services. It also specifies that price notification must be in writing and that price notification may be communicated by mail or private courier or electronically.

LD 657 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Review, Clarify and Update Its Rules Pertaining to the Maple Syrup Industry

RESOLVE 30

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK SHERMAN	OTP-AM	H-106

This resolve directs the Department of Agriculture, Conservation and Forestry to review, clarify and update its rules relating to the licensing of maple syrup processors.

Committee Amendment "A" (H-106)

This amendment requires the Commissioner of Agriculture, Conservation and Forestry to report on the results of the Department of Agriculture, Conservation and Forestry's review of rules relating to the licensing of maple syrup processors to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2013.

Enacted Law Summary

Resolve 2013, chapter 30 directs the Department of Agriculture, Conservation and Forestry to review, clarify and update its rules relating to the licensing of maple syrup processors. It also requires the Commissioner of Agriculture, Conservation and Forestry to report on the results of the Department of Agriculture, Conservation and Forestry's review of rules relating to the licensing of maple syrup processors to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2013.

LD 658 An Act To Change the Grade Standards of the Maine Maple Syrup Industry

PUBLIC 117

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

This bill replaces the existing maple syrup grading system for the State with a new grading system that has been proposed by the International Maple Syrup Institute. It proposes a uniform grade of maple syrup: Grade A for maple syrup sold at retail. The bill takes effect only upon adoption of the new grading system by the United States Department of Agriculture and the Canadian federal government and notice of those actions being provided by the Commissioner of Agriculture, Conservation and Forestry to the Secretary of State, the Secretary of the Senate, the

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Clerk of the House of Representatives and the Revisor of Statutes.

Enacted Law Summary

Public Law 2013, chapter 117 replaces the existing maple syrup grading system for the State with a new grading system that has been proposed by the International Maple Syrup Institute. It proposes a uniform grade of maple syrup: Grade A for maple syrup sold at retail. Public Law 2013, chapter 117 takes effect only upon adoption of the new grading system by the United States Department of Agriculture and the Canadian federal government and notice of those actions being provided by the Commissioner of Agriculture, Conservation and Forestry to the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

LD 707 An Act To Refund the Sales Tax Paid on Fuel Used in Commercial CARRIED OVER
Agricultural Production

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING GIFFORD	OTP-AM	

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

This bill proposes to limit hauling costs of milk by a milk transportation company for a dairy farmer to the mileage between the dairy farm and the nearest milk plant still operating in the State, regardless of the final disposition of the milk.

Committee Amendment "A" (S-168)

This amendment requires the refund of sales tax on purchases of fuel for use in commercial agricultural production and permits the issuance of a certificate permitting the purchases of such fuel without paying sales tax if the purchaser obtains a certificate verifying eligibility from the State Tax Assessor. The amendment provides an application date of October 1, 2013.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145 as amended by H-B (H-580) and H-C (H-582).

LD 714 An Act To Clarify the Laws Governing the Rule-making Authority of PUBLIC 196
the Maine Forest Service

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE	OTP-AM ONTP	H-171

This bill amends the rule-making authority of the Maine Forest Service when dealing with introduced forest insects or diseases. Under current law, the agency has the authority to destroy or order the destruction of trees infested with a plant pathogen or insect that is the subject of a quarantine. This bill provides that the agency may develop rules to destroy or order the destruction or other mitigation of nearby trees that are likely to become infested in order to control the spread of the outbreak.

Committee Amendment "A" (H-171)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry.

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Under current law, the Maine Forest Service has the authority to destroy or order the destruction of trees infested with a plant pathogen or insect that is the subject of a quarantine. The amendment clarifies the provisions of the bill that provide that the Maine Forest Service may adopt rules to destroy or order the destruction or other mitigation of nearby trees that are likely to become infested in order to control the spread of the outbreak. The amendment provides that the Maine Forest Service may exercise its authority under current law to establish a quarantine on the transportation of trees or parts of trees notwithstanding any other provision of law. The amendment also requires the Director of the Maine Forest Service to submit a report on the rules adopted to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2013.

Enacted Law Summary

Public Law 2013, chapter 196 amends the laws governing the rule-making authority of the Maine Forest Service. Under current law, the Maine Forest Service has the authority to destroy or order the destruction of trees infested with a plant pathogen or insect that is the subject of a quarantine. Public Law 2013, chapter 196 clarifies the provisions of the bill that provide that the Maine Forest Service may adopt rules to destroy or order the destruction or other mitigation of nearby trees that are likely to become infested in order to control the spread of the outbreak. It provides that the Maine Forest Service may exercise its authority under current law to establish a quarantine on the transportation of trees or parts of trees notwithstanding any other provision of law. Public Law 2013, chapter 196 also requires the Director of the Maine Forest Service to submit a report on the rules adopted to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2013.

LD 718 An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food and Seed Stock

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL	OTP-AM	H-393
CAIN	OTP-AM	H-444 TIMBERLAKE
	OTP-AM	

This bill requires disclosure of genetic engineering at the point of retail sale of food and seed stock and provides that food or seed stock for which the disclosure is not made is considered to be misbranded and subject to the sanctions for misbranding. The bill provides that food or seed stock may not be labeled as "natural" if it has been genetically engineered. The bill exempts 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. The bill also provides that the disclosure requirements do not apply to restaurants, alcoholic beverages or medical food. The disclosure provisions are administered by the Department of Agriculture, Conservation and Forestry.

Committee Amendment "A" (H-393)

This amendment is the majority report. The amendment adds a purpose section to the proposed new chapter on genetically engineered products in the Maine Revised Statutes, Title 22. It also changes the conditions governing the effective date and the repeal date of the bill. The amendment establishes a process for the Commissioner of Agriculture, Conservation and Forestry to report to the Secretary of State, the Revisor of Statutes and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters when 4 other northeastern states have adopted mandatory labeling legislation. The amendment provides that the section of the bill that enacts Title 22, chapter 565 takes effect 30 days after the date of the commissioner's certification. The amendment also removes all references to seed stock.

Committee Amendment "C" (H-395)

This amendment is one of 2 minority reports. It differs from the majority report by requiring substantially similar

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legislation to have been enacted in 5 contiguous states including Maine before it takes effect. The amendment adds a purpose section to the new chapter on genetically engineered products. It also changes the conditions governing the contingent effective date and the contingent repeal date of the bill. The amendment establishes a process for the Commissioner of Agriculture, Conservation and Forestry to report to the Secretary of State, the Revisor of Statutes and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters when 5 contiguous states including Maine have adopted substantially similar legislation. The amendment provides that the section of the bill that enacts Title 22, chapter 565 takes effect 30 days after the date of the commissioner's certification. The amendment also proposes to exempt from the labeling requirements of the bill food products derived from any highly refined ingredients, where the effect of the purification process is to remove DNA or novel protein.

Committee Amendment "B" (H-394)

This amendment, which is one of 2 minority reports, changes the bill into a resolve. It directs the Commissioner of Agriculture, Conservation and Forestry to petition the United States Secretary of Agriculture and the United States Commissioner of Food and Drugs to develop a nationwide system to more fully evaluate, monitor and provide for necessary labeling to reinforce consumer confidence in the safety of the nation's food system.

House Amendment "B" To Committee Amendment "A" (H-444)

This amendment defines "food" to mean food intended for human consumption and changes the contingent effective date to provide that the Act takes effect when legislation requiring mandatory labeling of genetically engineered food has been adopted by 5 contiguous states including Maine.

LD 745 An Act To Promote Sustainable Food Policies

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MCCABE	ONTP OTP-AM	S-136 S-298 JACKSON T

This bill includes ongoing General Fund appropriations of \$1,000,000 beginning in fiscal year 2013-14 to the Department of Agriculture, Conservation and Forestry for grants to municipalities to support sustainable food practices. It also includes ongoing General Fund appropriations of \$100,000 beginning in fiscal year 2013-14 to the department to establish and administer a pilot project to support sustainable food practices.

Committee Amendment "A" (S-136)

This amendment is the minority report. The amendment replaces the bill with a resolve. It proposes to establish an 11-member Commission on Statewide Food Sustainability to study issues related to food sustainability and food insecurity in the State. The amendment requires that by December 4, 2013, the commission report its findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry.

Senate Amendment "A" To Committee Amendment "A" (S-298)

This amendment strikes the minority report and replaces it with language that:

1. Establishes the Maine Farm-to-Plate Commission to collaborate with and advise the Commissioner of Agriculture, Conservation and Forestry on critical issues of agricultural regulation, food safety and local and regional food-related issues;
2. Directs the commission to develop a strategic plan for agricultural economic development;
3. Directs the commission to use the information gathered in the course of developing and upgrading the strategic

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plan to identify methods and the funding necessary to strengthen links among producers, processors and markets; and

4. Requires the commission to investigate the feasibility, logistics and propriety of instituting in the State food sovereignty under which local governments may regulate local food systems by local ordinance and directs the commission to submit a report of its findings to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 1, 2014.

LD 749 An Act To Prohibit the Taking or Possession of a Natural Resource ONTP
That Is on the Land of Another

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

This bill makes the taking, removing or possessing of a natural resource from the property of another without written permission from the owner a civil violation and makes it a Class E crime if the value of the resource taken exceeds \$100 or if the offense is repeated.

LD 789 Resolve, To Establish the Task Force on Milk Tier Pricing RESOLVE 67

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK JACKSON T	OTP-AM	H-281

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

This bill proposes to adjust the price levels determined pursuant to the laws governing dairy stabilization for the various tiers of milk production in order to account for recent dramatic increases in feed and fuel costs.

Committee Amendment "A" (H-281)

This amendment replaces the bill, which was a concept draft, with a resolve. It proposes to establish the 11-member Task Force on Milk Tier Pricing to study the current dairy stabilization tier program to determine if any modifications are necessary to ensure its effectiveness. The amendment requires the task force to report its findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 4, 2013. The committee is authorized to report out a bill based on the task force's recommendations.

Enacted Law Summary

Resolve 2013, chapter 67 establishes an 11-member Task Force on Milk Tier Pricing to study the current dairy stabilization tier program to determine if any modifications are necessary to ensure its effectiveness. It requires the task force to report its findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 4, 2013. Resolve 2013, chapter 67 authorizes the committee to report out a bill based on the task force's recommendations.

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LD 836 An Act Regarding the Use of Mobile Poultry Processing Units

PUBLIC 304

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

This bill defines "mobile poultry processing unit" and adds mobile poultry processing unit operators to persons required to be licensed by the State to buy, sell, prepare, process, pack, store, transport or otherwise handle meat, meat food products or poultry products in the State. It also permits a poultry producer to sell product exempt from inspection to locally owned restaurants and grocery stores.

Enacted Law Summary

Public Law 2013, chapter 304 defines "mobile poultry processing unit" and adds mobile poultry processing unit operators to persons required to be licensed by the State to buy, sell, prepare, process, pack, store, transport or otherwise handle meat, meat food products or poultry products in the State. It also permits a poultry producer to sell product exempt from inspection to locally owned restaurants and grocery stores.

**LD 837 An Act To Clarify the Laws Establishing the Department of
Agriculture, Conservation and Forestry**

PUBLIC 405

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	OTP-AM ONTP	H-339 H-354 DILL

This bill:

1. Establishes the Potato Marketing Improvement Fund Committee to advise the Maine Potato Board on the development of programs and activities that improve the economic viability of the potato industry and, together with the board and subject to approval of the commissioner, to administer the Potato Marketing Improvement Fund;
2. Transfers responsibility for maintaining the Aroostook County office from the Department of Agriculture, Conservation and Forestry to the Maine Potato Board;
3. Expands the mission statement of the Department of Agriculture, Conservation and Forestry to more accurately reflect the mission of the department;
4. Amends the principles that guide the department in the performance of its duties;
5. Refines the scope of the 2 deputy commissioners' oversight and specifies the qualifications of the Commissioner of Agriculture, Conservation and Forestry;
6. Authorizes the Finance Authority of Maine to make payments from the Potato Marketing Improvement Fund directly to the Maine Potato Board; and
7. Clarifies the intent of the Legislature regarding the incorporation of statutory language and removes contingent repeal language.

Committee Amendment "A" (H-339)

This amendment is the majority report. It strikes and replaces the bill.

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Part A:

1. Expands the mission statement of the Department of Agriculture, Conservation and Forestry to more accurately reflect the mission of the department;
2. Amends the principles that guide the department in the performance of its duties;
3. Eliminates one of 2 deputy commissioner positions and creates the position of natural resource marketing and economic development specialist within the office of the Commissioner of Agriculture, Conservation and Forestry;
4. Specifies the qualifications of the Commissioner of Agriculture, Conservation and Forestry;
5. Reorganizes the department's divisions and units into 4 bureaus;
6. Establishes the position of the director of the Land for Maine's Future program within the Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning;
7. Clarifies the intent of the Legislature regarding the incorporation of statutory language and removes contingent repeal language; and
8. Requires the commissioner to provide written reports to the Joint Standing Committee on Agriculture, Conservation and Forestry on both November 1, 2013 and February 1, 2014.

Part B:

1. Corrects a conflict created when Public Law 2011, chapter 682 amended and chapter 655 repealed the Maine Revised Statutes, Title 12, section 685-C, subsection 1, paragraph B by repealing paragraph B and enacting a new paragraph B-1 based on chapter 682;
2. Corrects a conflict created when Public Law 2011, chapter 655 amended and chapter 682 repealed Title 12, section 685-C, subsection 1, paragraph C by repealing that paragraph;
3. Changes references in Title 23, section 3360-A, subsection 5-I, paragraph A to the Maine Land Use Regulation Commission by referring to it as "the former commission" and adds references to the new Maine Land Use Planning Commission to implement the intent of Public Law 2011, chapter 682, section 38; and
4. Corrects a conflict created when Public Law 2011, chapter 653 amended and chapter 682 repealed Title 38, section 488, subsection 9 by repealing that subsection.

Part C makes the following changes:

1. Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department, the Department of Agriculture, Conservation and Forestry. Pursuant to Part W of that public law, the Bureau of Geology and Natural Areas within the former Department of Conservation is renamed the Division of Geology and Natural Areas. In Public Law 2011, chapter 655, Part KK, section 14, the bureau is renamed the Bureau of Geology, Natural Areas and Coastal Resources. This Part corrects that conflict by combining the action of both public laws and renaming the agency the Division of Geology, Natural Areas and Coastal Resources;
2. A reference to the Maine Land Use Regulation Commission is corrected to reflect the changed name of that agency pursuant to Public Law 2011, chapter 682; and

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3. This Part also updates references to the former departments and makes corrections in punctuation and usage.

Part D makes the following changes:

1. Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department, the Department of Agriculture, Conservation and Forestry. This Part makes changes to reflect that reorganization in sections where various technical corrections were required, as follows:

- A. Language is added to allow the law to apply to actions taken by both the former Department of Conservation and the new department;
- B. Obsolete language and references to past dates are removed and technical changes are made;
- C. Reference to one of the departments where both appear is eliminated and a technical change is made;
- D. The word "former" is added to a reference to a past publication of the Department of Conservation;
- E. Reference to one of the commissioners where both appear is eliminated and a technical change is made; and
- F. The reorganization of a bureau within the Department of Conservation to a division within the new department is implemented and what had been the Off-road Recreational Vehicle Division within that bureau is designated as the Off-road Recreational Vehicle Office.

Part E adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-354)

This amendment expresses the Legislature's intent that curtailments imposed upon the Department of Agriculture, Conservation and Forestry be imposed proportionally among the major units within the department having substantive jurisdiction over distinct policy areas.

Enacted Law Summary

Public Law 2013, chapter 405 amends the laws governing the merger of the Department of Agriculture, Food and Rural Resources with the Department of Conservation, which was initiated by the 125th Legislature with the merging of the offices of the commissioners of the two departments. Part A of Public Law 2013, chapter 405:

- 1. Expands the mission statement of the Department of Agriculture, Conservation and Forestry to more accurately reflect the current mission of the merged department;
- 2. Amends the principles that guide the department in the performance of its duties;
- 3. Eliminates one of 2 deputy commissioner positions and creates the position of natural resource marketing and economic development specialist within the office of the Commissioner of Agriculture, Conservation and Forestry;
- 4. Specifies the qualifications of the Commissioner of Agriculture, Conservation and Forestry;
- 5. Reorganizes the department's divisions and units into 4 bureaus;
- 6. Establishes the position of the director of the Land for Maine's Future program within the Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning;

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7. Clarifies the intent of the Legislature regarding the incorporation of statutory language and removes contingent repeal language; and
8. Requires the commissioner to provide written reports to the Joint Standing Committee on Agriculture, Conservation and Forestry on both November 1, 2013 and February 1, 2014.

Part B of Public Law 2013, chapter 405:

1. Corrects a conflict created when Public Law 2011, chapter 682 amended and chapter 655 repealed the Maine Revised Statutes, Title 12, section 685-C, subsection 1, paragraph B by repealing paragraph B and enacting a new paragraph B-1 based on chapter 682;
2. Corrects a conflict created when Public Law 2011, chapter 655 amended and chapter 682 repealed Title 12, section 685-C, subsection 1, paragraph C by repealing that paragraph;
3. Changes references in Title 23, section 3360-A, subsection 5-I, paragraph A to the Maine Land Use Regulation Commission by referring to it as the former commission and adds references to the new Maine Land Use Planning Commission to implement the intent of Public Law 2011, chapter 682, section 38; and
4. Corrects a conflict created when Public Law 2011, chapter 653 amended and chapter 682 repealed Title 38, section 488, subsection 9 by repealing that subsection.

Part C of Public Law 2013, chapter 405 makes the following changes:

1. Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department, the Department of Agriculture, Conservation and Forestry. Pursuant to Part W of that public law, the Bureau of Geology and Natural Areas within the former Department of Conservation is renamed the Division of Geology and Natural Areas. In Public Law 2011, chapter 655, Part KK, section 14, the bureau is renamed the Bureau of Geology, Natural Areas and Coastal Resources. This Part corrects that conflict by combining the action of both public laws and renaming the agency the Division of Geology, Natural Areas and Coastal Resources;
2. Corrects a reference to the Maine Land Use Regulation Commission to reflect the changed name of that agency pursuant to Public Law 2011, chapter 682; and
3. Updates references to the former departments and makes corrections in punctuation and usage.

Part D of Public Law 2013, chapter 405 makes the following changes:

1. Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department, the Department of Agriculture, Conservation and Forestry. This Part makes changes to reflect that reorganization in sections where various technical corrections were required, as follows:
 - A. Language is added to allow the law to apply to actions taken by both the former Department of Conservation and the new department;
 - B. Obsolete language and references to past dates are removed and technical changes are made;
 - C. Eliminates reference to one of the departments where both appear and makes a technical change;
 - D. Adds the word "former" to a reference to a past publication of the Department of Conservation;

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E. Eliminates a reference to one of the commissioners where both appear and makes a technical change; and

F. Implements the reorganization of a bureau within the Department of Conservation to a division within the new department and designates what had been the Off-road Recreational Vehicle Division within that bureau as the Off-road Recreational Vehicle Office.

Part E of Public Law 2013, chapter 405 states that it is the intent of the Legislature that curtailment of allotments imposed on the Department of Agriculture, Conservation and Forestry be imposed proportionally among the major units within the department with jurisdiction over distinct policy areas.

LD 838 Resolve, To Establish a Working Group To Study Issues Relating to Liability of Apiary Owners and Operators

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This resolve directs the Commissioner of Agriculture, Conservation and Forestry to establish a working group to review the liability issues relating to apiary owners and operators. The resolve directs the commissioner to submit a written report of findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than February 1, 2014. The resolve gives the Joint Standing Committee on Agriculture, Conservation and Forestry authority to submit a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the report.

LD 903 An Act To Enhance the Development and Implementation of Integrated Pest Management Programs

PUBLIC 290

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY JACKSON T	OTP-AM	H-291

This bill increases the annual registration fee for pesticides from \$150 to \$165 effective January 1, 2014. The bill requires that the additional funds raised from the increase in the registration fees for pesticides are to be deposited in an account of the University of Maine Cooperative Extension and may be used only for integrated pest management programs established and administered by the University of Maine Cooperative Extension with advice from the Integrated Pest Management Council. It also requires that 10% of the fee increase be used for competitive grants for integrated pest management projects by the faculty and staff at the University of Maine.

Committee Amendment "A" (H-291)

This amendment replaces the bill. The amendment increases the annual registration fee for pesticides from \$150 to \$160 effective January 1, 2014. The amendment requires that the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control award an annual grant of not less than \$135,000 each April 1st to the University of Maine Cooperative Extension for development and implementation of integrated pest management programs. The amendment also requires that the Board of Pesticides Control monitor the funds to ensure adequate funding for this grant and other grants for integrated pest management programs upon advice from the Integrated Pest Management Council. The amendment also requires the board to report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by February 15th of each year.

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Enacted Law Summary

Public Law 2013, chapter 290 increases the annual registration fee for pesticides from \$150 to \$160 effective January 1, 2014. It requires that the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control award an annual grant of not less than \$135,000 each April 1st to the University of Maine Cooperative Extension for development and implementation of integrated pest management programs. Public Law 2013, chapter 290 also requires that the Board of Pesticides Control monitor the funds to ensure adequate funding for this grant and other grants for integrated pest management programs upon advice from the Integrated Pest Management Council. It also requires the board to report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by February 15th of each year.

LD 961 An Act To Ensure Safe School Grounds

DIED BETWEEN HOUSES

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

This bill restricts the use of pesticides on school grounds. It allows their use only in situations that pose a health threat to a student or staff member, when the presence of animals or insects have been identified as a public health nuisance, on athletic fields if there is a 14-day waiting period after application of the pesticides or on agricultural fields in accordance with the manufacturer's instructions. It 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.

Committee Amendment "A" (H-285)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry.

The amendment amends the bill to allow the use of pesticides on school grounds in areas where bare ground of 25 square feet or greater exists as the result of pest problems. The amendment also amends the bill by replacing section 2, which directed the Commissioner of Education to adopt rules, with a provision that requires the Commissioner of Education to collaborate with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control in developing school ground construction standards and guidelines and requires a report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Agriculture, Conservation and Forestry by March 15, 2014. The amendment also adds a mandate preamble and an appropriations and allocations section. The minority report was not adopted.

LD 987 An Act To Amend the Procedures Used To Identify and Select Appointees to the Maine Land Use Planning Commission and To Make Other Technical Changes to the Agriculture, Conservation and Forestry Laws

PUBLIC 256

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN GIFFORD	OTP-AM OTP-AM	S-158

This bill:

1. Requires that certain information in annual reports to the Legislature be compiled from data from the previous fiscal year rather than from the previous calendar year, consistent with the State's budgeting process;

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2. Clarifies that the Department of Agriculture, Conservation and Forestry, Division of Forestry regulates water crossings by land management roads in those portions of unorganized and deorganized areas of the State zoned by the Maine Land Use Planning Commission as protection districts and management districts;
3. Makes references to boards of county commissioners consistent in provisions regarding the Maine Land Use Planning Commission;
4. Clarifies that appointments made by the boards of county commissioners will be reviewed according to the same process as applies to gubernatorial appointments and changes language regarding appointments made by the county commissioners and Governor to comport with language in the Constitution of Maine;
5. Adds unallocated language indicating that the terms of the members of the Maine Land Use Planning Commission appointed after January 2013 must be staggered; and
6. Makes corrections by updating the name of the Department of Agriculture, Conservation and Forestry to the enabling legislation of the Wells National Estuarine Research Reserve Management Authority and replacing the director of the former State Planning Office with the Director of the Maine Coastal Program as an ex officio nonvoting member of the board of directors.

Committee Amendment "A" (S-158)

This amendment is the majority report. It changes the process by which a board of county commissioners seeks and selects appointees to the Maine Land Use Planning Commission. The amendment provides that a person may not simultaneously serve as a county commissioner and a member of the Maine Land Use Planning Commission. The amendment clarifies that a vacancy in a seat on the Maine Land Use Planning Commission is filled by the same authority that appointed the member who vacated the seat. It also updates the filing of financial information for the Wells National Estuarine Research Reserve Management Authority.

Committee Amendment "B" (S-159)

This amendment is the minority report. It changes the process by which a board of county commissioners seeks and selects appointees to the Maine Land Use Planning Commission. The amendment also clarifies that a vacancy in a seat on the Maine Land Use Planning Commission is filled by the same authority that appointed the member who vacated the seat. It also updates the filing of financial information for the Wells National Estuarine Research Reserve Management Authority.

Enacted Law Summary

Public Law 2013, chapter 256 makes several changes to the statutes governing the Land Use Planning Commission.

1. It requires that certain information in annual reports to the Legislature be compiled from data from the previous fiscal year rather than from the previous calendar year, consistent with the State's budgeting process;
2. It clarifies that the Department of Agriculture, Conservation and Forestry, Division of Forestry regulates water crossings by land management roads in those portions of unorganized and deorganized areas of the State zoned by the Maine Land Use Planning Commission as protection districts and management districts;
3. It clarifies that appointments made by the boards of county commissioners will be reviewed according to the same process as applies to gubernatorial appointments and changes language regarding appointments made by the county commissioners and Governor to comport with language in the Constitution of Maine;
4. It makes corrections by updating the name of the Department of Agriculture, Conservation and Forestry to the enabling legislation of the Wells National Estuarine Research Reserve Management Authority and replacing the director of the former State Planning Office with the Director of the Maine Coastal Program as an ex officio

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nonvoting member of the board of directors.

5. It changes the process by which a board of county commissioners seeks and selects appointees to the Maine Land Use Planning Commission.

6. It provides that a person may not simultaneously serve as a county commissioner and a member of the Maine Land Use Planning Commission.

7. It clarifies that a vacancy in a seat on the Maine Land Use Planning Commission is filled by the same authority that appointed the member who vacated the seat.

8. Public Law 2013, chapter 256 also updates the filing of financial information for the Wells National Estuarine Research Reserve Management Authority.

LD 1009 An Act Concerning Fertilizer and Lime Products

**PUBLIC 204
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SHERMAN	OTP-AM	H-170 H-218 DILL

This bill adds the definitions of "biosolids," "packaged biosolids" and "unpackaged biosolids" to the Maine Commercial Fertilizer Law. The bill also amends the definition of "commercial fertilizer" to mean a substance containing one or more recognized fertilizer materials bearing a guaranteed analysis on the product label of a packaged product. The bill also exempts unpackaged biosolids and packaged biosolids derived primarily from residuals regulated by the Department of Environmental Protection from being registered before being offered for sale and from the tonnage report.

Committee Amendment "A" (H-170)

This amendment changes the bill to remove references to estimates and averages from the labeling requirements for packaged and unpackaged biosolids and unpackaged industrial byproducts derived primarily from residuals regulated by the Department of Environmental Protection and exempted from being registered as commercial fertilizers before being offered for sale and from the tonnage report. The amendment also requires that, if a fertilizer material percentage statement appears on a label or accompanying delivery documentation, that product must be registered as a fertilizer.

House Amendment "A" To Committee Amendment "A" (H-218)

This amendment clarifies that a product with a fertilizer percentage statement that appears on a label or accompanying delivery documentation must be registered as a fertilizer with the exception of those products for which delivery documentation is required by Department of Environmental Protection rule.

Enacted Law Summary

Public Law 2013, chapter 204 adds the definitions of "biosolids," "packaged biosolids" and "unpackaged biosolids" to the Maine Commercial Fertilizer Law. It also amends the definition of "commercial fertilizer" to mean a substance containing one or more recognized fertilizer materials bearing a guaranteed analysis on the product label of a packaged product. Public Law 2013, chapter 204 also exempts unpackaged biosolids and packaged biosolids derived primarily from residuals regulated by the Department of Environmental Protection from being registered before being offered for sale and from the tonnage report. It also requires that, if a fertilizer material percentage statement appears on a label or accompanying delivery documentation, that product must be registered as a fertilizer. Public Law 2013, chapter 204 clarifies that a product with a fertilizer percentage statement that appears on a label or accompanying delivery documentation must be registered as a fertilizer with the exception of those

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products for which delivery documentation is required by Department of Environmental Protection rule.

Public Law 2013, chapter 204 was enacted as an emergency measure effective June 5, 2013.

LD 1051 An Act To Clarify the Authority and Responsibility of Forest Rangers

PUBLIC 130

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

This bill incorporates into the Maine Revised Statutes, Title 12, chapter 807 the authority of forest rangers contained in Title 36, chapter 701 to make inspections, conduct investigations, make arrests and otherwise enforce that chapter, which relates to blueberries and blueberry taxes. It also clarifies the powers and duties of forest rangers regarding wildfires and agricultural and park fires, consistent with the current practice of forest rangers.

Enacted Law Summary

Public Law 2013, chapter 130 incorporates into the Maine Revised Statutes, Title 12, chapter 807 the authority of forest rangers contained in Title 36, chapter 701 to make inspections, conduct investigations, make arrests and otherwise enforce that chapter, which relates to blueberries and blueberry taxes. It also clarifies the powers and duties of forest rangers regarding wildfires and agricultural and park fires, consistent with the current practice of forest rangers.

LD 1170 Resolve, Regarding the Transfer of State Property To Assist the Save the Depot Project in Greenville

ONTP

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

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

This resolve would, in accordance with the Constitution of Maine, Article IX, Section 23, require the State to convey title to an appropriate parcel of land in Greenville to the Save the Depot project for use as the future site of the historic Greenville Junction Railroad Depot.

LD 1239 An Act To Clarify, Streamline and Promote Fair Animal Welfare Laws

CARRIED OVER

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

This bill repeals the definition of "intermittent agent" in the animal welfare laws. It changes the definitions of "kennel," "boarding kennel" and "breeding kennel" to create 3 new kennel license designations: personal kennel license, commercial boarding or training kennel license and commercial breeder kennel license. It also defines serious bodily injury. The bill also makes the changes to the animal welfare laws necessary to reflect the changes made in the defined terms. It removes the provision of law that requires a person to obtain a vendor's license to sell a dog or cat.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, H-B

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(H-580) and H-C (H-582).

LD 1282 An Act To Help Small Farmers in Selling Raw Milk and Homemade Food Products

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO KESCHL	OTP-AM ONTP	S-195 H-427 DILL

This bill exempts from state licensing and inspection requirements homestead food operations and raw milk producers who sell small quantities of certain food products or raw milk products made or produced at the person's residence or farm if the food products or raw milk products are sold directly from the person's home or farm or farm stand or at a farmers' market within the State.

Committee Amendment "A" (S-195)

This amendment is the majority report. It changes the title by removing a reference to homemade food products. It strikes from the bill the exemptions from licensing and inspection for homestead food operations. The amendment changes the wording of the signage and labeling requirements for milk producers selling raw milk or raw milk products without a license pursuant to the provisions of the bill. It requires milk producers selling raw milk or raw milk products that are exempt from licensing and inspection by the State to have samples of their raw milk and water supply tested by an accredited laboratory. The amendment also requires the Commissioner of Agriculture, Conservation and Forestry to adopt rules governing the testing of raw milk and water supply samples of the milk producers who operate under the exemptions in the bill.

The amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-427)

This amendment corrects internal cross-references.

LD 1283 An Act To Amend the Laws Governing Animal Trespass

PUBLIC 348

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-237

This bill amends the animal trespass law in the following ways:

1. It makes a 3rd or subsequent violation a Class E crime;
2. It makes the fine for a 2nd violation \$1,000;
3. It makes the fine for a 3rd or subsequent violation \$2,500;
4. It requires a repeat violator to pay the reasonable court costs and attorney's fees for the Department of Agriculture, Conservation and Forestry, municipality or law enforcement agency; and
5. It authorizes forfeiture of an animal of a repeat violator if the court finds that the repeat violation jeopardizes the public health, safety or welfare.

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Committee Amendment "A" (S-237)

The amendment strikes and replaces the bill. The amendment removes the penalty of a Class E crime for a 3rd or subsequent violation of the animal trespass statute. The amendment maintains animal trespass as a civil violation but increases the fines for repeated violations. The amendment also clarifies the existing statutory restitution provision and maintains the new forfeiture provision proposed in the bill.

Enacted Law Summary

Public Law 2013, chapter 348 maintains animal trespass as a civil violation but increases the fines for repeated violations. Public Law 2013, chapter 348 also clarifies the existing statutory restitution provision and creates a new forfeiture provision.

LD 1285 An Act To Allow Law Enforcement Agencies Access to Animal Licensing Information ONTP

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

This bill requires the Commissioner of Agriculture, Conservation and Forestry to create a statewide electronic database of dog licenses by January 1, 2014. The bill also requires that the database be accessible to all law enforcement agencies in the State for use in animal control. It also establishes the Animal Licensing Database Fund as a nonlapsing account within the Department of Agriculture, Conservation and Forestry. The bill authorizes the commissioner to establish by rule fees to fund and maintain the electronic database of dog licenses and requires that rules adopted to establish these fees are major substantive rules.

LD 1286 An Act To Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter DIED BETWEEN HOUSES

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

This bill prohibits the slaughter of horses for human consumption and:

1. Bans the possession, sale, purchase, transportation and import into or export out of this State of a horse if the person knows or should know that the horse is meant to be slaughtered for human consumption;
2. Bans the possession, sale, purchase, transportation, import into or export out of this State of horseflesh if the person knows or should know that the horseflesh is for human consumption;
3. Bans the construction or operation of a facility that the person knows or should know is used or will be used for the slaughter of horses for human consumption; and
4. Repeals current law that allows horsemeat to be sold in this State as long as it is plainly and conspicuously labeled as such.

Committee Amendment "A" (H-376)

This amendment is the minority report. It amends the title and strikes and replaces the bill. The amendment prohibits the slaughter of horses for sale or barter for human consumption. It also prohibits the sale or barter of any

Joint Standing Committee on Agriculture, Conservation and Forestry

product made in whole or in part from the flesh of a horse if a person knows or should reasonably have known that the flesh or the product made of the flesh was from a horse. The amendment also bans the transport of horses for the purposes of slaughter for human consumption and bans the construction or operation of horse slaughtering facilities. Violations of these prohibitions are civil violations for which a fine of not less than \$500 and not more than \$1,000 may be adjudged for each violation.

LD 1287 An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers **CARRIED OVER**

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

This bill facilitates direct sales between Maine farmers and consumers. It allows persons preparing food in their own homes to sell directly to consumers or to offer homemade food at certain events without being licensed as food establishments.

Committee Amendment "A" (H-326)

This amendment, which is the majority report of the committee, amends the definition of "farm food product" to exclude fluid milk and food requiring temperature control for safety. It also requires all farm food products and homemade food to contain labels containing specific information, including information about the food's producer and the food's ingredients, and a declaration that the food is sold for personal use and is exempt from licensing and inspection by the State. The amendment also states that an agricultural producer or home kitchen producer does not constitute an approved source of food for retail or wholesale use.

Committee Amendment "B" (H-327)

This amendment, which is the minority report, excludes fluid milk from the definition of "farm food product." It also requires all farm food products and homemade food to contain labels containing specific information, including information about the food's producer and the food product's ingredients, and a declaration that the food is sold for personal use and is exempt from licensing and inspection by the State.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145 as amended by H-B (H-580) and H-C (H-582).

LD 1307 An Act To Establish the Livestock Damage Compensation Fund **ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill proposes to establish the Livestock Damage Compensation Fund as a nonlapsing fund within the Department of Agriculture, Conservation and Forestry. The fund would compensate eligible farmers for damage done to livestock by coyotes and other wildlife. The bill requires the Commissioner of Agriculture, Conservation and Forestry to establish rules governing the Livestock Damage Compensation Fund no later than December 1, 2013.

Committee Amendment "A" (S-169)

Joint Standing Committee on Agriculture, Conservation and Forestry

This amendment is the minority report. It provides that rules adopted by the Commissioner of Agriculture, Conservation and Forestry governing the use of the Livestock Damage Compensation Fund established in the bill are major substantive rules. The minority report was not adopted.

LD 1391 Resolve, To Provide a Pesticide Spraying Notification Process

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This resolve directs the Department of Agriculture, Conservation and Forestry to establish a publicly accessible website that allows a person to place that person's name on a registry of those who wish to be notified of pesticides application by aircraft or air-carrier equipment in a given county. A person may register for notifications of pesticides application in more than one county. The publicly accessible website must allow a person who is going to apply pesticides by aircraft or air-carrier equipment to enter information about the application date, time and location and the types of pesticides to be applied and other information as determined by the department into the publicly accessible website at least one week before the application. The publicly accessible website must then generate e-mail messages to those listed on the appropriate county registry notifying them of the application of pesticides.

Committee Amendment "A" (S-101)

This amendment is the minority report. It clarifies that air-carrier equipment used in outdoor pesticides applications does not include air-assisted application equipment in which the airstream is directed to specific targeted specimens. The minority report was not adopted.

LD 1521 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Create a Pilot Program To Support the State's Small Food Processors

CARRIED OVER

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

This resolve directs the Department of Agriculture, Conservation and Forestry to develop a pilot program to assist small food processors similar to the Maine Farms for the Future program.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, H-B (H-580) and H-C (H-582).

LD 1527 Resolve, Authorizing the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands To Convey Certain Lands and Enter into Certain Leases with the Federal Government

RESOLVE 56

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL JACKSON T	OTP-AM	H-258

Joint Standing Committee on Agriculture, Conservation and Forestry

This resolve allows the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry to lease rights and lands within the Coburn Mountain public reserved lands in Upper Enchanted Township, Somerset County to the United States Government or the United States Customs and Border Protection to maintain, operate, expand, modernize and improve existing public safety communications facilities.

The resolve allows the director to sell 2 parcels of land in Dover-Foxcroft, Piscataquis County to an abutter, Dead River Company, to resolve a boundary issue.

The resolve allows the director to sell a parcel of land in Dover-Foxcroft, Piscataquis County to an abutter, McKusick Petroleum Company, to resolve a boundary issue.

The resolve allows the director to sell parcels of land in Adamstown Township, Oxford County to the West Richardson Pond Public Lot Association.

Committee Amendment "A" (H-258)

This amendment requires the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry to obtain at least 2 appraisals to establish the fair market value of the 10 camp lots on West Richardson Pond that may be conveyed to the West Richardson Pond Public Lot Association pursuant to the resolve. The amendment also directs the director to ensure continued public access to West Richardson Pond by retaining state ownership of a specific lot in the Richardson Pond cottage lot subdivision.

Enacted Law Summary

Resolve 2013, chapter 56 allows the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry to lease rights and lands within the Coburn Mountain public reserved lands in Upper Enchanted Township, Somerset County to the United States Government or the United States Customs and Border Protection to maintain, operate, expand, modernize and improve existing public safety communications facilities. It also allows the director to sell 2 parcels of land in Dover-Foxcroft, Piscataquis County to an abutter, Dead River Company, to resolve a boundary issue. Resolve 2013, chapter 56 also allows the director to sell a parcel of land in Dover-Foxcroft, Piscataquis County to an abutter, McKusick Petroleum Company, to resolve a boundary issue. It also allows the director to sell parcels of land in Adamstown Township, Oxford County to the West Richardson Pond Public Lot Association. Resolve 2013, chapter 56 requires the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry to obtain at least 2 appraisals to establish the fair market value of the 10 camp lots on West Richardson Pond that may be conveyed to the West Richardson Pond Public Lot Association pursuant to the resolve. It also directs the director to ensure continued public access to West Richardson Pond by retaining state ownership of a specific lot in the Richardson Pond cottage lot subdivision.

LD 1531 An Act To Maintain Access to Safe Medical Marijuana

**PUBLIC 371
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM ONTP	S-271

This bill prohibits the use of pesticides in the cultivation of medical marijuana unless the pesticide is authorized by the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control. The bill directs the board to establish, for authorized use in the cultivation of medical marijuana, a list of minimum risk pesticides that are exempt from federal regulation under the Federal Insecticide, Fungicide and Rodenticide Act, Section 25(b).

Committee Amendment "A" (S-271)

This amendment, which is the majority report, strikes and replaces the bill but retains the emergency provisions. It

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 1569 Resolve, Regarding Legislative Review of Portions of Chapter 51: Notice
of Aerial Pesticide Application, a Late-filed Major Substantive Rule of
the Department of Agriculture, Conservation and Forestry**

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

This resolve provides for legislative review of portions of Chapter 51: Notice of Aerial Pesticide Application, a major substantive rule of the Department of Agriculture, Conservation and Forestry that was filed outside the legislative rule acceptance period.

This resolve was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, H-B (H-580) and H-C (H-582).

Joint Standing Committee on Agriculture, Conservation and Forestry

SUBJECT INDEX

Agricultural Events

Enacted

LD 622 An Act To Amend the Laws Concerning Reciprocal Disciplinary Actions in Harness Racing and Pulling Events PUBLIC 155 EMERGENCY

Agriculture

Enacted

LD 5 An Act To Make Changes to the Potato Marketing Improvement Fund PUBLIC 403

Agriculture - Policy

Enacted

LD 2 Resolve, Regarding Legislative Review of Portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry RESOLVE 2 EMERGENCY

LD 286 An Act To Reduce Reporting Responsibilities of the Department of Agriculture, Conservation and Forestry PUBLIC 29

LD 287 An Act To Improve Funding of Agricultural Development Projects PUBLIC 64

LD 289 An Act To Eliminate the Requirement That the Department of Agriculture, Conservation and Forestry Provide Technical Services for Direct-marketing Agricultural Products PUBLIC 65

LD 290 An Act To Eliminate the Forest Certification Incentive Cost-share Fund PUBLIC 11

LD 292 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Develop a Plan for the Protection of the Public Health from Mosquito-borne Diseases RESOLVE 13

Not Enacted

LD 707 An Act To Refund the Sales Tax Paid on Fuel Used in Commercial Agricultural Production CARRIED OVER

Animal Control, Health and Welfare

Enacted

LD 288 An Act Concerning Brucellosis Vaccines for Cattle PUBLIC 17

LD 484 An Act To Revise the Animal Welfare Laws PUBLIC 115

LD 1283 An Act To Amend the Laws Governing Animal Trespass PUBLIC 348

Not Enacted

LD 1239 An Act To Clarify, Streamline and Promote Fair Animal Welfare Laws CARRIED OVER

LD 1285 An Act To Allow Law Enforcement Agencies Access to Animal Licensing Information ONTP

Animal Control, Health and Welfare

Not Enacted

LD 1307	An Act To Establish the Livestock Damage Compensation Fund	MAJORITY (ONTP) REPORT
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Bottle Bill

Not Enacted

LD 291	An Act To Transfer Responsibility for the Returnable Beverage Container Laws from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection	ONTP
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Bureau of Parks and Lands

Not Enacted

LD 500	An Act To Permit Tribal Members To Have Access to Wood Fiber for Fuel, Shelter and Traditional Woodcraft Production	CARRIED OVER
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Dairy

Enacted

LD 789	Resolve, To Establish the Task Force on Milk Tier Pricing	RESOLVE 67
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Not Enacted

LD 368	An Act To Ensure the Continuation of Dairy Farming	CARRIED OVER
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Department of Agriculture, Conservation and Forestry - Policy

Enacted

LD 837	An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry	PUBLIC 405
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Not Enacted

LD 749	An Act To Prohibit the Taking or Possession of a Natural Resource That Is on the Land of Another	ONTP
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Department of Agriculture, Conservation and Forestry -- Policy

Enacted

LD 505	Resolve, Directing the Commissioner of Agriculture, Conservation and Forestry To Conduct an Internal Review of the Snowmobile Trail Fund	RESOLVE 48 EMERGENCY
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Department of Agriculture, Conservation and Forestry - Regulation

Enacted

LD 218	An Act To Promote Small-scale Poultry Farming	PUBLIC 323
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LD 259	An Act To Allow a Person To Rent a Slaughterhouse for the Slaughtering and Processing of Poultry	PUBLIC 252
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LD 657	Resolve, Directing the Department of Agriculture, Conservation and Forestry To Review, Clarify and Update Its Rules Pertaining to the Maple Syrup Industry	RESOLVE 30
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LD 836	An Act Regarding the Use of Mobile Poultry Processing Units	PUBLIC 304
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Not Enacted

LD 271	An Act To Facilitate the Processing of Livestock That Is Not for Resale	DIED BETWEEN HOUSES
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Department of Agriculture, Conservation and Forestry - Regulation

Not Enacted

LD 1282	An Act To Help Small Farmers in Selling Raw Milk and Homemade Food Products	VETO SUSTAINED
LD 1286	An Act To Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter	DIED BETWEEN HOUSES

Division of Parks and Lands

Not Enacted

LD 269	An Act To Provide Increased Opportunities on the Allagash Wilderness Waterway	DIED BETWEEN HOUSES
LD 630	An Act To Reserve Ten Percent of Campsites at State Parks for Maine Residents	ONTP

Food Policy

Not Enacted

LD 475	An Act To Increase Food Sovereignty in Local Communities	MAJORITY (ONTP) REPORT
LD 476	Resolve, Directing the Department of Agriculture, Conservation and Forestry To Develop a Policy To Reduce Food Waste in All State-funded Institutions	ONTP
LD 718	An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food and Seed Stock	HELD BY GOVERNOR
LD 745	An Act To Promote Sustainable Food Policies	VETO SUSTAINED
LD 1521	Resolve, Directing the Department of Agriculture, Conservation and Forestry To Create a Pilot Program To Support the State's Small Food Processors	CARRIED OVER

Land Preservation and Public Access

Enacted

LD 524	An Act To Change the Quorum Requirement for Meetings of the Land for Maine's Future Board	PUBLIC 92
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Land transactions

Enacted

LD 312	An Act To Release a Restriction on Former State Land in Passadumkeag Currently Owned by Dale Ross	P & S 12
LD 1527	Resolve, Authorizing the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands To Convey Certain Lands and Enter into Certain Leases with the Federal Government	RESOLVE 56

Not Enacted

LD 493	An Act To Provide Economic Development in Aroostook County through Expanded Sale and Lease of State-owned Land	DIED BETWEEN HOUSES
LD 1170	Resolve, Regarding the Transfer of State Property To Assist the Save the Depot Project in Greenville	ONTP

Maine Forest Service

Enacted

LD 59	An Act Relating to the Unlawful Cutting of Trees	PUBLIC 412
LD 284	An Act To Amend the Duties of the Division of Forestry	PUBLIC 18
LD 285	An Act To Electronically Issue Permits for Burning	PUBLIC 35
LD 457	An Act To Eliminate Certain Data Collection Requirements of the Forest Health and Monitoring Program of the Division of Forestry	PUBLIC 37
LD 714	An Act To Clarify the Laws Governing the Rule-making Authority of the Maine Forest Service	PUBLIC 196
LD 1051	An Act To Clarify the Authority and Responsibility of Forest Rangers	PUBLIC 130

Maine Land Use Planning Commission

Enacted

LD 987	An Act To Amend the Procedures Used To Identify and Select Appointees to the Maine Land Use Planning Commission and To Make Other Technical Changes to the Agriculture, Conservation and Forestry Laws	PUBLIC 256
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Not Enacted

LD 262	An Act To Restore to Jimmy J. Soucy the Right To Maintain Existing Structures on Property in Sinclair	DIED BETWEEN HOUSES
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Miscellaneous

Enacted

LD 283	An Act To Eliminate the Elm Tree Restoration Fund	PUBLIC 12
LD 639	An Act To Require Payment Quotes in Service Contracts for the Harvesting and Hauling of Wood	PUBLIC 154

Not Enacted

LD 421	An Act To Prohibit the Unauthorized Harvesting of Wild Mushrooms and Fiddleheads	MAJORITY (ONTP) REPORT
LD 838	Resolve, To Establish a Working Group To Study Issues Relating to Liability of Apiary Owners and Operators	MAJORITY (ONTP) REPORT

Pesticides

Enacted

LD 33	Resolve, Regarding Pesticide Applications and Public Notification in Schools	RESOLVE 63 EMERGENCY
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Pesticides and Pest Management

Enacted

LD 903	An Act To Enhance the Development and Implementation of Integrated Pest Management Programs	PUBLIC 290
LD 1531	An Act To Maintain Access to Safe Medical Marijuana	PUBLIC 371 EMERGENCY

Not Enacted

LD 961	An Act To Ensure Safe School Grounds	DIED BETWEEN HOUSES
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Pesticides and Pest Management

Not Enacted

LD 1391	Resolve, To Provide a Pesticide Spraying Notification Process	MAJORITY (ONTP) REPORT
LD 1567	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 Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry	CARRIED OVER
LD 1568	Resolve, Regarding Legislative Review of Portions of Chapter 20: Special Provisions, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry	CARRIED OVER
LD 1569	Resolve, Regarding Legislative Review of Portions of Chapter 51: Notice of Aerial Pesticide Application, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry	CARRIED OVER

Regulated Products

Enacted

LD 282	An Act To Eliminate the Commercial Standard for Maine White-cedar Shingles	PUBLIC 13
LD 658	An Act To Change the Grade Standards of the Maine Maple Syrup Industry	PUBLIC 117
LD 1009	An Act Concerning Fertilizer and Lime Products	PUBLIC 204 EMERGENCY

Not Enacted

LD 525	An Act To Promote Industrial Hemp	DIED ON ADJOURNMENT
LD 1287	An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers	CARRIED OVER

Soil and Water Conservation Districts

Not Enacted

LD 377	An Act To Provide Funding to Soil and Water Conservation Districts	HELD BY GOVERNOR
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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2013

MEMBERS:

SEN. DAWN HILL, CHAIR
SEN. EMILY ANN CAIN
SEN. PATRICK S. A. FLOOD

REP. MARGARET R. ROTUNDO, CHAIR
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REP. DENNIS L. KESCHL

STAFF:

MAUREEN S. DAWSON, PRINCIPAL ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
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Joint Standing Committee on Appropriations and Financial Affairs

LD 16 An Act To Authorize a General Fund Bond Issue To Invest in CARRIED OVER
Transportation Infrastructure

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

The funds provided by this bond issue, in the amount of \$100,000,000, will be used to make improvements to state and local highways, roads and bridges, rail lines, public transportation and pedestrian trails.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 39 An Act To Expand the Number of Qualified Educators CARRIED OVER

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

This bill changes the law regarding the restoration of retired teachers to service by removing the provision that a retired teacher may be paid only 75% of the posted salary for the position and replaces the provision that a retired teacher may be restored to service for only up to 5 years with a provision that allows the retired teacher to be restored to service through one-year contracts.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 137 An Act To Amend the Laws Governing Retirement under the Maine CARRIED OVER
Public Employees Retirement System

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

Under current law governing the Maine Public Employees Retirement System, the retirement benefit for a teacher or a state employee with creditable service of 25 years who had fewer than 10 years of creditable service on July 1, 1993 is reduced by 6% for each year that the member's age precedes 62 years of age. This bill provides that, for such a member who is 55 years of age or older on July 1, 2013 and who retires no earlier than July 1, 2013 and no later than June 30, 2014, the reduction amount is reduced to 2% for each year that the member's age precedes 62 years of age.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

Joint Standing Committee on Appropriations and Financial Affairs

**LD 138 An Act To Amend the Laws Governing the Issuance of Bonds That
Have Been Ratified by the Citizens of the State**

CARRIED OVER

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

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

This bill proposes to amend the laws governing the issuance of General Fund bonds that have been ratified at referendum by the citizens of the State. Under this bill, once the issuance of bonds is ratified at referendum, the bonds must be issued by the Treasurer of State unless the Treasurer of State determines, based on information available to the Treasurer of State, that:

1. The issuance of the bonds will adversely affect the credit rating of the State;
2. A delay in the issuance of the bonds will likely result in a more financially advantageous interest rate; or
3. Alternative funding sources are available to implement, within a comparable time frame, the projects and the purposes for which the bonds were authorized and ratified, and use of the alternative funding sources is fiscally preferable.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 186 An Act To Amend the Laws Governing Disability Retirement
Determinations by the Maine Public Employees Retirement System**

CARRIED OVER

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

Under current law, when making determinations on applications for disability retirement, the Maine Public Employees Retirement System is required to consider the applicant's disability application, medical records and the analysis of a medical board that is designated by, and advisory to, the Maine Public Employees Retirement System. This bill provides instead that the retirement system may consider, but is not required to consider, the medical board's analysis.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 221 An Act To Authorize a General Fund Bond Issue To Provide Funds for
a Public-private Partnership for a New Science Facility at the Maine
Maritime Academy**

CARRIED OVER

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

Joint Standing Committee on Appropriations and Financial Affairs

The funds provided by this bond issue, in the amount of \$4,500,000, will be used for a public-private partnership for a building project for a new science facility at the Maine Maritime Academy to be matched by other funds.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 228 An Act To Authorize a General Fund Bond Issue To Reduce Energy Costs by Weatherizing and Upgrading the Energy Efficiency of Maine Homes and Businesses and To Create Jobs by Providing for a Trained Workforce for Maine's Energy Future CARRIED OVER

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

The purpose of this bill is to provide funds, through a General Fund bond issue, to reduce energy costs and to create jobs. The funds provided by this bond issue, in the amount of \$55,000,000, will be used to support weatherization and other energy efficiency improvements for Maine homes, businesses and public buildings to save money, reduce dependence on increasingly scarce heating fuels, support health and comfort and protect the environment. Funds are also provided to expand the workforce for weatherization and energy efficiency services and other parts of a new green economy.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 232 An Act To Increase the Base for the Cost-of-living Increase for Retired State Employees and Teachers CARRIED OVER

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

This bill increases the base for the calculation of cost-of-living increases for retired teachers and state employees under the Maine Public Employees Retirement System from \$20,000 to \$30,000 beginning in 2014 and makes a grammatical correction.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 245 An Act To Authorize a General Fund Bond Issue for Maintenance of State Armories CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$5,000,000, will be used to provide funds to repair and maintain armory property and facilities to remain in compliance with state and federal requirements.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as

Joint Standing Committee on Appropriations and Financial Affairs

amended by H-B (H-580) and H-C (H-582).

LD 250 An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013

**PUBLIC 1
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL ROTUNDO	OTP-AM	S-1 S-3 HILL

This bill is the Governor's proposed fiscal year 2012-13 Emergency Supplemental Budget.

Committee Amendment "A" (S-1)

This amendment is the unanimous report of the Committee in response to the Governor's proposed bill.

Senate Amendment "A" To Committee Amendment "A" (S-3)

This amendment strikes Part J and replaces it to provide that user fees from the use of state parks, historic sites and the Allagash Wilderness Waterway accrue to the General Fund after payment of any existing lease for Crescent Beach State Park. This amendment also directs the Commissioner of Agriculture, Conservation and Forestry to execute a lease for Crescent Beach State Park no later than April 24, 2013 and to report the terms and conditions of the lease, which may not exceed 5 years, to the Joint Standing Committee on Agriculture, Conservation and Forestry.

Enacted Law Summary

Public Law 2013, chapter 1 does the following.

PART A makes supplemental appropriations and allocations of funds for fiscal year 2012-13.

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

PART C relates to the funding of K-12 education.

PART D authorizes the Department of Administrative and Financial Services to have more than one Deputy Commissioner. It also establishes the Director, Legislative Affairs and Communications position as a major policy-influencing position.

PART E does the following: 1) Limits the transfer to the reserve for retirement benefits at the close of fiscal year 2012-13; 2) Revises the distribution of available balances in the unappropriated surplus of the General Fund after all required deductions and adjustments; and 3) Repeals the provisions that would have authorized a transfer of up from the unappropriated surplus and the transfer of excess revenue from the Oxford Casino at the end of fiscal year 2012-13 to the Department of Health and Human Services to pay hospital settlements.

PART F transfers \$14,096,679 from the K-12 Essential Programs and Services, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund in fiscal year 2012-13.

PART G repeals the provision of law that directs the process for the renewal of contracts for the State's

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wholesale liquor activities.

PART H authorizes the State Controller to recognize a receivable of up to \$7,000,000 of estate tax revenue during fiscal year 2012-13.

PART I transfers \$40,000,000 from the Maine Budget Stabilization Fund and \$17,083,994 from the Reserve for General Fund Operating Capital to the General Fund unappropriated surplus in fiscal year 2012-13

PART J specifies that user fees from the use of state parks, historic sites and the Allagash Wilderness Waterway accrue to the General Fund after payments of any existing lease for Crescent Beach State Park and requires the Department of Agriculture, Conservation and Forestry to execute a lease for Crescent Beach State Park by a specified date and report the terms of the lease to the Joint Standing Committee on Agriculture, Conservation and Forestry. This Part is amended by Senate Amendment "A" to Committee Amendment "A" (S-3).

PART K transfers unexpended funds from the Harness Racing Commission program, operating account, Other Special Revenue Funds account in the Department of Agriculture, Conservation and Forestry to the unappropriated surplus of the General Fund.

PART L lapses \$1,600,000 from the Department of Corrections - Capital Improvements, General Fund account to General Fund unappropriated surplus.

PART M transfers \$1,000,000 in unexpended funds from the Tourism Marketing Promotion Fund, Other Special Revenue Funds account within the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

PART N transfers funds from the Uncontrolled Sites Fund to the unappropriated surplus of the General Fund.

PART O lapses \$2,000,000 from the General Purpose Aid for Local Schools, General Fund account within the Department of Education to General Fund unappropriated surplus.

PART P directs the Department of Health and Human Services to amend the rules of reimbursement for inpatient substance abuse services.

PART Q transfers the first \$1,000,000 of unexpended Personal Services appropriations that would otherwise lapse to the Salary Plan program in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund.

PART R amends the requirement that the Commissioner of Education and the Commissioner of Labor identify General Fund savings to pay the cost of certain positions by removing the requirement that the funds come from savings from General Fund programs.

PART S changes the title of the Director, PK-20, Adult Education and Federal Programs Team to Chief Academic Officer.

PART T authorizes any unexpended balance in the Emergency Services Communication Bureau program, General Fund account at the close of fiscal year 2012-13 to be carried forward to be used for the purposes for which the funds were originally appropriated.

PART U authorizes the transfer by financial order of any available appropriation balance, including Personal

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Services appropriation balances, within the Department of Health and Human Services to fully fund MaineCare cycle payments in fiscal year 2012-13 and gives similar authority for the psychiatric centers to transfer funds to fund an electronic medical records system.

PART V requires that any remaining balance in the Consent Decree program, General Fund account within the Department of Health and Human Services be carried forward for use in the next fiscal year.

PART W gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of the bill over which it has subject matter jurisdiction.

PART X increases the amount of the transfer that Dirigo Health is required to make to the Department of Health and Human Services in fiscal year 2012-13.

PART Y authorizes one-time transfers from various Inland Fisheries and Wildlife Carrying Balances - General Fund accounts to fund position reclassifications.

PART Z authorizes the Judicial Department to transfer, in fiscal year 2012-13 only, all remaining Personal Services balances to the All Other line category in the Judicial Department, Courts - Supreme, Superior and District program, General Fund account.

PART AA transfers \$3,000,000 from available Other Special Revenue Funds balances in the Department of Professional and Financial Regulation to the General Fund unappropriated surplus.

PART BB changes the funding source for 2 Workers' Compensation Board positions related to the enforcement of laws prohibiting the misclassification of workers.

PART CC authorizes the Governor to access any funds available to pay amounts owed by the Maine Commission on Indigent Legal Services up to \$2,000,000 for fiscal year 2012-13.

PART DD transfers the responsibilities associated with the State Government Evaluation Act as it pertains to the Maine Public Employees Retirement System from the joint standing committee of the Legislature having jurisdiction over labor matters to the joint standing committee of the Legislature having jurisdiction over retirement matters.

PART EE requires the Department of Health and Human Services to apply for federal grants that might be available to assist with the implementation of the federal Patient Protection and Affordable Care Act and to assist with implementing required interfaces with information technology systems.

PART FF lapses available balances from the Law and Legislative Reference Library, the Legislature and the Office of Program Evaluation and Government Accountability to the General Fund unappropriated surplus.

PART GG directs the Department of Health and Human Services to reduce by 5% the reimbursement rates under the MaineCare program for licensed clinical professional counselors and licensed marriage and family therapists.

Public Law 2013, chapter 1 was enacted as an emergency measure effective March 6, 2013.

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LD 273 An Act Authorizing a General Fund Bond Issue To Fund the Dredging of Casco Bay and the Expansion of the Portland Fish Exchange CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$6,500,000, will be used for dredging Portland Harbor in Casco Bay and for improvements to the Portland Fish Exchange building.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 294 An Act To Authorize a General Fund Bond Issue To Construct a Facility To Assist Maine Agriculture in Control of Animal and Plant Diagnostics CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$8,000,000, will be used to provide funds to assist Maine agriculture and to protect Maine farms through the creation of an animal and plant disease and insect control facility administered by the University of Maine Cooperative Extension Service.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 295 An Act To Authorize a General Fund Bond Issue To Provide Weatherization Rebates for Veterans and Persons Eligible for Social Security CARRIED OVER

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

This bill directs the Efficiency Maine Trust to establish a weatherization rebate program for persons who receive social security retirement benefits or are veterans or dependents of veterans if a \$75,000,000 general obligation bond to fund the program is approved by referendum.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 359 An Act To Authorize a General Fund Bond Issue To Implement the Riverfront Island Master Plan CARRIED OVER

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

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The funds provided by this bond issue, in the amount of \$20,000,000, will be used to implement the Riverfront Island Master Plan along the Androscoggin River in Lewiston and Auburn.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 360 An Act To Authorize a General Fund Bond Issue To Improve Rail Lines CARRIED OVER
 in Western Maine**

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

The funds provided by this bond issue, in the amount of \$18,000,000, will be used to improve rail lines in western Maine, particularly the rail line from Portland to Lewiston.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 378 An Act To Authorize a General Fund Bond Issue To Complete CARRIED OVER
 Renovation of a Pier at the Gulf of Maine Research Institute**

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

The funds provided by this bond issue, in the amount of \$1,000,000, will be used to complete renovation of a pier at the Gulf of Maine Research Institute.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 513 An Act To Authorize a General Fund Bond Issue To Invest in CARRIED OVER
 Transportation, Broadband Infrastructure, Downtown Revitalization,
 Land for Maine's Future Board and Training Facilities for
 Tourism-related Training in Labor Market Areas with
 Higher-than-average Unemployment**

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

The funds provided by this bond issue, in the amount of \$85,000,000, will be used to provide funds over 5 years for the State's transportation biennial capital work plan, the Communities for Maine's Future Program, the ConnectME Authority, the Land for Maine's Future Board, the University of Maine System and the Maine Community College System for tourism-related training, targeted to particular projects in labor markets that have an unemployment rate higher than the statewide average.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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LD 636 An Act To Authorize a General Fund Bond Issue To Support Public Higher Educational Facilities CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$100,000,000, will be used to provide funds to renovate, make health and safety repairs and ensure compliance with the federal Americans with Disabilities Act of 1990, as amended, to the University of Maine System, the Maine Community College System and the Maine Maritime Academy.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 713 An Act To Return Local Revenue Sharing to Full Funding CARRIED OVER

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

This bill establishes a plan to return the state-municipal revenue-sharing program to full funding over a 3-year period and replace the arbitrary fixed-dollar reductions used to reduce funding for local governments and balance the General Fund budget. This plan is intended to replace fixed-dollar reductions to this program and provide some long-term certainty in this revenue source for local governments.

The phased-in return to full 5% funding of the state-municipal revenue sharing starts with a transfer to the Local Government Fund of 3.5% of the revenue-sharing tax revenue collected during fiscal year 2013-14 and increases to 4% of revenue collected in fiscal year 2014-15 and finally to 5% of the revenue collected in fiscal year 2015-16 and thereafter. A portion of the transfers to the Local Government Fund are transferred each month to the Disproportionate Tax Burden Fund according to a scheduled phased-in increase to the percentage share. The Disproportionate Tax Burden Fund's share of total state-municipal revenue-sharing program distribution is unchanged from the current law.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 781 An Act To Authorize a General Fund Bond Issue To Fund the Construction of a New State Archives Facility CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to provide funds for the construction of a new Maine State Archives facility to provide up-to-date storage space.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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**LD 782 An Act To Authorize a General Fund Bond Issue To Support Science,
Technology, Engineering and Mathematics Education To Enhance
Economic Development**

CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to expand necessary capital improvements in the critical disciplines of science, technology, engineering and mathematics at the University of Maine System.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 790 An Act To Repeal the Bonding Authority of the Maine Governmental
Facilities Authority**

CARRIED OVER

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

This bill removes the Maine Governmental Facilities Authority's ability to issue bonds or negotiable securities beginning October 1, 2013.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 874 An Act To Authorize a General Fund Bond Issue To Reduce the Cost of
Shipping for Maine Businesses, Attract Tourists and Facilitate the
Development of Commuter Rail Transportation**

CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$27,500,000, will be used to provide funds for railroad reconstruction and expansion to assist Maine's businesses by facilitating the shipment of goods and enhancing the ability of those businesses to compete. It requires that the Department of Transportation consult with the business and economic development sectors to develop a list of priorities in regard to railroad construction and reconstruction projects, focusing on projects important to tourism and projects with greatest potential for increased commuter and passenger rail service and taking into consideration the extent to which the proposed projects reduce the consumption of oil.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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LD 904 An Act To Clarify When Bonds May Be Issued

CARRIED OVER

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

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

This bill proposes to amend the laws governing the issuance of General Fund bonds that have been ratified at referendum by the citizens of the State. Under this bill, once the issuance of bonds is ratified at referendum, the issuance of the bonds must be approved by the Governor unless the Governor determines, based on information available to the Governor, that:

1. The debt service on the bonds would be greater than the amount budgeted; or
2. The project or projects for which the bonds were authorized are not going forward and the funding to be provided by the bonds is not required.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 925 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>
LIBBY N CLEVELAND		

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 that contribute to economic, environmental and community development and revitalization along the State's rivers, promote economic activity, protect the environment and enhance the quality of life for Maine people.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 940 An Act To Reestablish State-municipal Revenue-sharing as a Compact
between the State and Municipal Governments**

CARRIED OVER

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

Beginning July 1, 2015, this bill restructures 2 funds that are the depositories of state-municipal revenue-sharing resources prior to distribution to municipalities as irrevocable trusts and renames the funds.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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LD 942 An Act To Authorize a General Fund Bond Issue To Invest in Deficient State Highways, Bridges and Aviation, Marine, Rail and Transit Facilities CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$120,000,000, will be used for improvements to highways and bridges and rail, aviation, pedestrian and bicycle and marine facilities and to replace transit buses. Highway and bridge investments will be in high-priority roads that are rated in poor or unacceptable condition. Funding is also provided to repair state aid minor collector highways in partnership with municipalities under the Secondary Road Program Fund. Bond funds will match federal, local and private funds providing a total match of at least \$173,000,000.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1010 An Act To Authorize a General Fund Bond Issue To Ensure Clean Water CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to provide funds for the Maine Clean Water Fund to assist municipalities in achieving clean water by addressing various water quality issues and mandates, including, but not limited to, separate and combined sewer and storm water overflow and sewage treatment.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1011 An Act To Authorize a General Fund Bond Issue To Upgrade Facilities and Purchase Classroom Equipment for Maine's Seven Community Colleges CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$15,000,000, will be used to provide funds to renovate and provide for new facilities and to fund a backlog of projects at the 7 Maine community colleges, of which \$13,800,000 is for renovation and new facilities and \$1,200,000 is for funding a backlog of projects.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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LD 1043 An Act To Authorize a General Fund Bond Issue and To Assist in the Creation of Jobs through Regional Economic Development

CARRIED OVER

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

Part A provides funds in the amount of \$10,000,000 to be used to provide funds for state, regional and local financial intermediaries to make flexible loans to and investments in small businesses and real estate projects to create jobs.

Part B amends the laws regarding the Regional Economic Development Revolving Loan Program of the Finance Authority of Maine to include revitalization of downtowns and building stronger communities and a sustainable economy as purposes of the program. It clarifies that a corporation under the program may use revenue from commitment fees and interest to cover its operating costs, including loan fund management, increases the dollar amount of the maximum loan available to a borrower and adjusts other financing terms. It also adds businesses engaged in commercial and mixed-use real estate and community facilities and businesses engaged in serving tourists to the list of businesses that are eligible for financial assistance under the program. Part B takes effect only if the General Fund bond issue proposed in Part A is approved by the voters of the State.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1052 An Act To Authorize a General Fund Bond Issue To Improve Intermodal Infrastructure

CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to provide funds to reconfigure, repair, maintain and improve the intermodal infrastructure in the State, including but not limited to rail, truck, marine and air transit modes.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1090 An Act To Authorize a General Fund Bond Issue To Expand Nursing Programs at Maine's Seven Community Colleges

CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$15,000,000, will be used to provide funds to expand nursing programs at the 7 Maine community colleges.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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LD 1125 An Act To Authorize a General Fund Bond Issue To Expand Public Water Infrastructure to Areas with Contaminated Well Water CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$2,000,000, will be used to establish a grant program to expand public water infrastructure to areas that experience well-water contamination.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1142 An Act Regarding Correctional Officers' Retirement CARRIED OVER

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

This bill provides that, for purposes of determining retirement benefits under the Maine Public Employees Retirement System, state and county corrections employees are entitled to receive service credit for any period during which the employee was employed but unable to work due to a work-related injury compensable under the Maine Workers' Compensation Act of 1992.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1163 An Act To Authorize a General Fund Bond Issue To Fund Main Street and Downtown Economic Development Projects CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to provide funds for main street and downtown economic development projects, with \$12,000,000 to be awarded to municipalities that are not automatic recipients of federal Community Development Block Grant funds and \$8,000,000 to be awarded through open competitive grants for all municipalities.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1175 An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers CARRIED OVER

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

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This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1395 An Act Regarding the Cost-of-living Adjustment for Certain State Retirees When the Cost of Living Declines CARRIED OVER

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

This bill provides that the public employee pension adjustment for changes in the Consumer Price Index does not include downward adjustments to achieve cost-neutrality attributable to a decrease in the Consumer Price Index for years prior to a retiree's retirement.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1418 An Act To Authorize a Matching General Fund Bond Issue for Improvements to the Seven Community College Campuses CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$10,000,000, will be used to provide matching funds for the 7 Maine community colleges in order to improve facilities, enhance education grant-issuing foundations and expand academic bridge programs after the Maine community colleges raise \$2,500,000 in private or in-kind donations.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1440 An Act To Amend the Retirement Laws Pertaining to Participating Local Districts PUBLIC 391

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM	H-568

This bill amends specific defined benefit plan provisions that apply to members of the Participating Local District Consolidated Retirement Plan administered by the Maine Public Employees Retirement System as a result of recommendations of the Participating Local District Advisory Committee, a committee established by statute that represents both the labor and management interests of participating local districts.

1. Allows the Board of Trustees of the Maine Public Employees Retirement System to establish by rule the rate at which plan members contribute.
2. Reduces the cost-of-living adjustment cap from 4% to 3%.
3. Increases from 6 to 12 months the length of time that a retiree must be retired in order to receive a cost-of-living increase.

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- 4. Raises the normal retirement age from 60 to 65 years of age for new hires.
- 5. Increases the early retirement reduction from 2 1/4% to 6% for new hires.

Committee Amendment "A" (H-568)

This amendment directs the Maine Public Employees Retirement System to review the statutory provisions governing the Participating Local District Retirement Program and the Participating Local District Consolidated Retirement Plan and report to the Joint Standing Committee on Appropriations and Financial Affairs no later than January 15, 2014. This amendment also provides that the committee may submit a bill to the Second Regular Session of the 126th Legislature upon receipt and review of the report.

Enacted Law Summary

Public Law 2013, chapter 391 amends specific defined benefit plan provisions that apply to members of the Participating Local District Consolidated Retirement Plan administered by the Maine Public Employees Retirement System as a result of recommendations of the Participating Local District Advisory Committee, a committee established by statute that represents both the labor and management interests of participating local districts.

- 1. It allows the Board of Trustees of the Maine Public Employees Retirement System to establish by rule the rate at which plan members contribute.
- 2. It reduces the cost-of-living adjustment cap from 4% to 3%.
- 3. It increases from 6 to 12 months the length of time that a retiree must be retired in order to receive a cost-of-living increase.
- 4. It raises the normal retirement age from 60 to 65 years of age for new hires.
- 5. It increases the early retirement reduction from 2 1/4% to 6% for new hires.

In addition, the law directs the Maine Public Employees Retirement System to review the statutory provisions governing the Participating Local District Retirement Program and the Participating Local District Consolidated Retirement Plan and report to the Joint Standing Committee on Appropriations and Financial Affairs no later than January 15, 2014.

LD 1455 An Act To Authorize a General Fund Bond Issue To Ensure Clean Water and Safe Communities

CARRIED OVER

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

This bill authorizes a bond issue in the amount of \$50,000,000 in order to make cost-effective investments in natural and built infrastructure to reduce threats to the State's water resources and provide a host of benefits for communities across Maine, including ensuring an abundant and high-quality drinking water supply, allowing communities to more effectively prepare for storms and flood events, conserving habitat for recreational fisheries, waterfowl and aquatic and wildlife species and strengthening the State's long-term economic base and competitive advantage. The bill establishes the Water Resources Commission and the Fund To Ensure Clean Water and Safe Communities. The commission is charged with assessing the State's water resource infrastructure needs and with allocating funds for resource conservation and development projects.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as

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amended by H-B (H-580) and H-C (H-582).

LD 1461 An Act To Require the State To Divest Itself of Assets Invested in the Fossil Fuel Industry

CARRIED OVER

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

This bill requires the State to divest itself of assets invested in the fossil fuel industry.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1473 An Act To Create a Public Option Pension System

CARRIED OVER

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

This bill establishes the Maine Secure Choice Retirement Savings Trust within the Department of Labor and does the following.

1. It requires eligible employers to offer a payroll deduction retirement savings arrangement so that eligible employees can contribute a portion of their salary or wages to a retirement savings program account in the Maine Secure Choice Retirement Savings Program, also created by the bill.
2. It requires an eligible employee to participate in the Maine Secure Choice Retirement Savings Program, unless the employee specifically opts out of the program. The Bureau of Labor Standards is required to provide forms to employers for employees to opt out of the program.
3. The bill creates the 7-member Maine Secure Choice Retirement Savings Investment Board to administer the trust.
4. It specifies risk management and investment policies that the board must follow in administering the program.
5. The bill requires a specific percentage of the annual salary or wages of an eligible employee participating in the program to be deposited in the trust, which is divided into a program fund and an administrative fund. It authorizes the board to establish a gain and loss revenue account within the program fund.
6. The bill, contingent upon sufficient interest and funding by vendors, requires the board to establish a retirement investment clearinghouse on the Internet and a vendor registration process through which information about employer-sponsored retirement plans and payroll deduction individual retirement accounts and annuities offered by private sector providers is available for consideration by eligible employers.
7. It requires the Bureau of Labor Standards to assess a penalty on an eligible employer that fails to make the program available to eligible employees.
8. It provides that the State has no liability for the payment of benefits under the program.
9. The bill directs the board to conduct a market analysis to determine whether the necessary conditions needed to implement the provisions of the trust can be achieved. The analysis may be conducted only when sufficient funding

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Medicare Savings Program members.

2. It makes a correction in an appropriations and allocations section.
3. It corrects language regarding the calculation of net reduction in funding for purposes of adjustments to the property tax levy limit.
4. It makes a technical correction to make consistent the language regarding the counting of benefits as income when determining eligibility for general assistance.
5. It reduces funding for the Maine Apprenticeship Program to offset an inadvertent overfunding.
6. It continues until August 1, 2013 all limited-period positions throughout State Government that are scheduled to expire during June of 2013.

Enacted Law Summary

Public Law 2013, chapter 368 does the following.

PART A makes appropriations and allocations of funds for the 2014-2015 biennium. Portions of this Part were amended by House Amendment "P" to Committee Amendment "A" (H-499).

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

PART C relates to the funding of K-12 education.

PART D authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2013-14 and 2014-15 for the acquisition of motor vehicles for the Central Fleet Management Division.

PART E limits funding for merit increases to fiscal year 2013-14 only. It also does the following in relation to longevity payments: 1) eliminates payments to individuals not eligible on June 30, 2013; 2) maintains the longevity payment level for those eligible on June 30, 2013 at the rate in effect on June 30, 2013; and 3) extends the limitation on longevity payments to the legislative branch and the judicial branch.

PART F directs the Director of the Governor's Office of Policy and Management to analyze the structure and functions of government to identify \$11,250,000 in savings to be achieved administratively in fiscal year 2013-14 and \$22,500,000 in savings in fiscal year 2014-15. It also directs the Department of Administrative and Financial Services, Bureau of the Budget and the Executive Department, Governor's Office of Policy and Management to undertake a review of positions within executive branch departments and agencies and identify up to 100 positions to be eliminated.

PART G changes the process for adjustments to the property tax levy limit under the so-called LD 1 spending limitation system. This Part was amended by House Amendment "P" to Committee Amendment "A" (H-499).

PART H amends the statutory provisions pertaining to the active and retired state employee health insurance plan and the state contribution to the health insurance premiums for retired teachers; and reduces funding as a result of the specified changes and new actuarial projections of the cost of retiree health insurance.

PART I continues the voluntary employee incentive program through the 2014-2015 biennium.

PART J adjusts revenue sharing for the 2014-2015 biennium by extending the annual transfers back to the General Fund from the Local Government Fund to target total revenue sharing transfers to specified amounts.

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PART K changes the reimbursement under the Business Equipment Tax Reimbursement (BETR) program and establishes a task force to review options for transitioning business equipment from the BETR program to the Business Equipment Tax Exemption (BETE) program.

PART L provides for Maine residents with a specified Maine adjusted gross income a refundable property tax fairness credit against state income taxes and terminates the Circuitbreaker Program and municipal property tax assistance programs.

PART M increases the tax on sales of prepared food, lodging and liquor sold in bars and restaurants and similar licensed establishments to 8% and the general sales tax to 5.5% from October 1, 2013 to June 30, 2015 and specifies the percentage transferred to the Tourism Marketing Promotion Fund during this period.

PART N provides that the sales tax applies to the sale of products transferred electronically in this State if the product would be subject to the sales tax if sold in a nondigital physical form.

PART O changes in the statutes related to payments to municipalities for adjustments to state valuation for sudden and severe disruption of municipal valuation. This Part is further amended by Public Law 2013, chapter 385 (LD 1570).

PART P repeals the sales tax exemption for certain publications.

PART Q suspends the inflation adjustment for income tax brackets for tax years beginning in 2014 and 2015 and provides that the inflation adjustment calculation for tax years beginning after 2015 must be based on the Chained Consumer Price Index instead of the Consumer Price Index.

PART R repeals the requirement that the state budget document contain the prioritized public improvements budget estimate.

PART S establishes the Tax Expenditure Review Task Force to evaluate tax expenditures and recommend the repeal or reduction of tax expenditures to achieve a specified savings.

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

PART U 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.

PART V transfers the powers and duties of the liquor enforcement division within the Department of Public Safety to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations.

PART W recognizes an increase in the attrition rate for the 2014-2015 biennium for judicial branch and executive branch departments and agencies.

PART X creates an unclassified communications position within the Department of Agriculture, Conservation and Forestry.

PART Y changes the accounting structure to separate the milk pool program and the dairy stabilization support program.

PART Z transfers \$4,000,000 from the General Fund unappropriated surplus to the Maine Budget Stabilization Fund no later than June 30, 2015.

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PART AA requires the Commissioner of Administrative and Financial Services to convene a task force of Legislators and interested parties to review options for imposing a temporary assessment on larger nonprofit organizations.

PART BB requires the State Court Administrator to adjust upward the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges by a specified percentage on July 1, 2013 and July 1, 2014 instead of the percentage change in the Consumer Price Index.

PART CC increases the fee paid to nonsalaried medical examiners and nonsalaried medicolegal death investigators for an inspection and view.

PART DD adds the Chief Medical Examiner account within the Department of the Attorney General to the list of accounts exempt from lapsing unexpended General Fund Personal Services appropriations to the Salary Plan program.

PART EE increases the assessments imposed on persons convicted of crimes that accrue to the Victims' Compensation Fund.

PART FF 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.

PART GG allows the Department of Corrections to carry unexpended Personal Services balances to the Capital Expenditures line category in the following year.

PART HH authorizes the Commissioner of Corrections to use up to \$250,000 to conduct an independent feasibility study of the need for correctional construction projects in the Town of Windham.

PART II makes the Deputy Chief of Staff within the Department of Education subject to appointment by the commissioner.

PART JJ authorizes the Department of Education to purchase portable computer devices for students and educators.

PART KK provides that the Commissioner of Education is required to employ at least one consultant whose responsibility includes, but is not limited to, covering the area of truancy, dropouts and alternative education.

PART LL lapses funds from accounts within the legislative branch to the unappropriated surplus of the General Fund.

PART MM suspends both primary and general election distributions to gubernatorial candidates during the 2014 election cycle and makes changes to the transfers to the Maine Clean Election Fund for the legislative elections.

PART NN requires the Department of Health and Human Services to continue to review the rate methodology for reimbursement under the Section 21 and Section 29 waivers and report on its recommended reimbursement levels.

PART OO amends the food supplement and Temporary Assistance for Needy Families programs for legal aliens to limit eligibility to those noncitizens who are unemployed but who have obtained proper work documentation and makes changes to the general assistance program. This Part was amended by House Amendment "P" to Committee Amendment "A" (H-499).

PART PP requires the Department of Health and Human Services to pursue an appropriate setting to provide

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intravenous sedation dental services in the Portland area.

PART QQ updates the base year for the hospital tax to 2012 and keeps it at that level.

PART RR allows Commissioner of Agriculture, Conservation and Forestry to expend up to a specified percentage of the funds available from the Agriculture Fair Support Fund for administration.

PART SS requires the Department of Health and Human Services to amend the so-called Section 21 and Section 29 MaineCare waivers to permit reimbursement for the use of appropriate technology as a means to reduce cost and to incorporate the recommendations of the adult developmental services working group into the planning process.

PART TT does the following: 1) updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes; 2) amends the allowable standard deduction to not conform with the larger federal married joint standard deduction; 3) enacts a limitation on the itemized deductions for income tax years beginning on or after January 1, 2013; 4) enacts new addition and subtraction modifications for individual and corporate income taxes to decouple Maine bonus depreciation deductions from the federal bonus depreciation deductions; 5) enacts a new credit section extending the Maine capital investment credit for taxable years beginning in 2013; and 6) enacts an annual inflation adjustment to the itemized deduction limitation amount.

PART UU gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of this Act.

PART VV requires the Commissioner of Health and Human Services to standardize room and board rates for adult mental health residential.

PART WW establishes a working group convened by the Commissioner of Administrative and Financial Services to review mandates imposed by the State on municipalities.

PART XX 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 each year of the biennium.

PART YY transfers funds from the Carrying Balances - Inland Fisheries and Wildlife, General Fund account to the Administrative Services - Inland Fisheries and Wildlife, General Fund account to fund security improvements and renovations at the Gray headquarters facility.

PART ZZ delays until the 2016-2017 biennium the increase to Department of Inland Fisheries and Wildlife appropriations by 18% over the requested amount (also known as "The Fiscal Stability Program").

PART AAA amends language pertaining to watercraft revenue distribution between the Department of Inland Fisheries and Wildlife and the Department of Marine Resources.

PART BBB establishes a working group to be convened by the Director of the Division for the Blind and Visually Impaired within the Department of Labor to review the Department of Labor's business enterprise program.

PART CCC creates an Assistant to the Commissioner for Communications position within the Department of Marine Resources as a major policy-influencing position in the unclassified service, subject to appointment by the Commissioner of Marine Resources and eliminates the Special Assistant to the Commissioner position.

PART DDD renames 2 programs and establishes 2 programs in the Department of Marine Resources.

PART EEE requires that the funding for the Department of Public Safety, Bureau of State Police be provided 35%

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from the Highway Fund and 65% from the General Fund beginning in fiscal year 2013-14.

PART FFF authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2013-14 and 2014-15 for the acquisition of motor vehicles for the Department of Public Safety, Bureau of State Police.

PART GGG provides the transition provisions applicable to the transfer of 4 positions and the responsibility of those positions from the Department of Administrative and Financial Services to the Public Utilities Commission.

PART HHH authorizes members of the State Board of Education to be reimbursed for expenses.

PART III requires the State Controller to transfer \$250,000 in fiscal year 2013-14 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 JJJ allocates part of the University of Maine cooperative extension pesticide education funds for fiscal years 2013-14 and 2014-15 for applied research and extension on spotted wing drosophila with input from the small fruit industry and to integrated pest management with input from the University of Maine Wild Blueberry Advisory Committee.

PART KKK provides for an interfund advance from Other Special Revenue Funds to the General Fund unappropriated surplus required for one day at the end of fiscal year 2013-14.

PART LLL requires the State Controller to transfer \$1,050,000 from the General Fund unappropriated surplus to the Leased Space Reserve Fund, Other Special Revenue Funds account within the Department of Administrative and Financial Services no later than June 30, 2014.

PART MMM adds the Medicaid Waiver for Brain Injury Residential/Community Services program and the Medicaid Waiver for Other Related Conditions program to the list of programs whose funds do not lapse at the end of the fiscal year.

PART NNN authorizes new Maine Governmental Facilities Authority borrowing in fiscal year 2013-14 and fiscal year 2014-15 to provide funding for repairs to state facilities, including appropriations for the additional debt service costs, and authorizes financing agreements for heating system changes of up to a specified amount.

PART OOO requires that the balance in the Department of Public Safety, Criminal Justice Academy program, General Fund account at the close of fiscal year 2013-14 may not lapse and must be carried forward for its original purpose.

PART PPP directs the Department of Health and Human Services to amend its rules to pay a distinct psychiatric unit discharge rate for certain patients and to provide a specified reimbursement rate for inpatient substance abuse services.

PART QQQ requires the State Controller to transfer \$2,500,000 from the Competitive Skills Scholarship Fund in the Department of Labor to the General Fund unappropriated surplus no later than June 30, 2014.

PART RRR establishes the rates of compensation for indigent legal services for fiscal years 2013-14 and 2014-15 and revises the rule-making authority of the commission to provide that rules concerning future changes to rates of compensation for assigned counsel and contract counsel are major substantive rules.

PART SSS 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

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account.

PART TTT renames several programs within the Department of Health and Human Services.

PART UUU increases the limit for the special housing allowance for TANF families beginning October 1, 2013.

PART VVV extends authority to transfer balances in certain MaineCare General Fund accounts by financial order through June 30, 2015 and adds the Medicaid Waiver for Brain Injury Residential/Community Services program and the Medicaid Waiver for other Related Conditions program to the list of MaineCare programs between which transfers may be made.

PART WWW does the following: 1) authorizes the transfer by financial order of any available appropriations to MaineCare in order to fully fund weekly cycle payments; 2) prohibits transfers from the IV-E Foster Care/Adoption Assistance and State-funded Foster Care/Adoption Assistance programs except transfers between the 2 programs; and 3) authorizes the 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 XXX authorizes the Department of Corrections to transfer All Other funds by financial order between accounts within the same fund for the purposes of paying food, heating and utility expenses.

PART YYY 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 between July 1st and December 1st of each fiscal year. Any transfers resulting in a mission change or facility closure must have legislative review.

PART ZZZ segregates funding for vocational and industry programs and transfers the ending balances of the current industries enterprise account and portions of Other Special Revenue Funds accounts to a new industries enterprise account and specifies transfers of unexpended funds in existing facility industry accounts.

PART AAAA moves the budgetary and administrative responsibility for the displaced homemakers program from the Department of Labor to the University of Maine System.

PART BBBB amends the amount of funds available to the State authorized to be transferred by the Governor by financial order to the Maine Commission on Indigent Legal Services in the fiscal year ending June 30, 2013.

PART CCCC changes the name of the Bureau of Child and Family Services to the Office of Child and Family Services within the Department of Health and Human Services.

PART DDDD requires the State Controller to transfer the remaining balance from the Maine Community Policing Institute Surcharge Fund, Other Special Revenue Funds account within the Board of Trustees of the University of Maine System to the unappropriated surplus of the General Fund by the close of fiscal year 2013-14.

PART EEEE expands the use of the endowment to the Lewiston-Auburn College in the University of Maine System originally seeded to provide fellowships to student teachers to include student teachers in secondary schools and early childhood studies and allows the endowment to be used for internships or scholarships.

PART FFFF transfers funds from the Bureau of Revenue Services Fund program, Internal Service Fund in the Department of Administrative and Financial Services to the General Fund unappropriated surplus in fiscal year 2014-15.

PART GGGG requires the State Controller to transfer \$100,000 from the Elderly Tax Deferral Program, Other

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Special Revenue Funds account to the General Fund unappropriated surplus no later than June 30, 2015.

PART HHHH requires the State Controller to transfer \$200,000 from the Bureau of Revenue Services Fund, Internal Service Fund account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus by June 30, 2013.

PART IIII requires the State Controller to transfer \$185,000 from the Elderly Tax Deferral Program, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus by June 30, 2013.

PART JJJJ allows the members of the Maine Charter School Commission to receive per diem at the legislative rate in addition to being reimbursed for expenses.

PART KKKK authorizes the Department of Administrative and Financial Services to enter into financing arrangements for various information technology projects for amounts not to exceed \$7,500,000 in principal costs and not to exceed 7 years in duration.

PART LLLL removes the requirement that expenditures from the Nonreserved Public Lands Management Fund and the Public Reserved Lands Management Fund in the Department of Agriculture, Conservation and Forestry; the Whitewater Rafting Fund in the Department of Inland Fisheries and Wildlife; and the Marine Fisheries Research and Development Fund in the Department of Marine Resources be subject to legislative approval in the same manner as General Fund appropriations.

PART MMMM requires the Department of Health and Human Services to develop recommendations to achieve payment parity between hospital-compensated and non-hospital-compensated physicians.

PART NNNN requires the State Controller to transfer \$300,000 in fiscal year 2013-14 and \$500,000 in fiscal year 2014-15 from the Dirigo Health Enterprise Fund to the unappropriated surplus of the General Fund.

PART OOOO extends the service provider tax to group residential services for people with brain injuries.

PART PPPP transfers \$1,200,000 in fiscal year 2013-14 and \$500,000 in fiscal year 2014-15 from the Revenue Services - Bureau of program, Other Special Revenue Funds account to the General Fund unappropriated surplus.

PART QQQQ 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 RRRR increases the amount transferred from the K-12 Essential Programs and Services, Other Special Revenue Funds account to the unappropriated surplus of the General Fund by fiscal year 2012-13 and requires transfers in each year of the biennium.

PART SSSS repeals the Clean Fuel Vehicle Fund and transfers cash balances to the General Fund unappropriated surplus and requires the Finance Authority of Maine to pay \$37,033 from contributions and interest earned in the Clean Fuel Vehicle Fund to the State as undedicated General Fund revenue.

PART TTTT authorizes the State Budget Officer to calculate and transfer the savings to General Fund accounts for a decrease in rates from the risk management division within the Department of Administrative and Financial Services.

PART UUUU authorizes the State Budget Officer to calculate and transfer the savings to General Fund accounts achieved by converting state office buildings in the Augusta area to natural gas heat.

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PART VVVV extends the exemption for aircraft and aircraft parts from the sales and use tax until June 30, 2021 and requires the joint standing committee of the Legislature having jurisdiction over taxation matters review the tax exemption.

PART WWWW requires the Department of Health and Human Services to restore MaineCare reimbursement rates for services provided by licensed clinical professional counselors and licensed marriage and family therapists to levels in place prior to March 1, 2013.

PART XXXX repeals the premium tax on malt liquor, wine, low-alcohol spirits products, fortified wines and hard cider and increases the excise tax on these items by the amount of the premium and requires that at least 31% of the excise tax collected to be appropriated to the Department of Health and Human Services for substance abuse prevention and treatment.

PART YYYY requires that legal notices appearing in a newspaper also appear on any publicly accessible website that the newspaper maintain and prohibits a newspaper from charging an executive branch agency a rate for publishing legal notices that is greater than the rate the newspaper charges the Legislature

PART ZZZZ requires the State Controller to transfer \$100,000 from the Criminal History Record Check Fund program, Other Special Revenue Funds account in the Department of Education to the General Fund unappropriated surplus.

PART AAAAA makes changes to statutes regarding reimbursement under the MaineCare program for opioid drugs for the treatment of pain.

PART BBBBB authorizes the State Budget Officer to transfer up to \$500,000 by financial order from the Department of Corrections - Capital Improvements, General Fund account to the State Board of Corrections in fiscal year 2012-13.

PART CCCCC specifies reporting requirement for the expanded "Bring College to ME Program" under the Maine Community College System and the development of criteria for a scholarship program for adults with prior education credits under the University of Maine System and establishes the "Foreign-trained Worker Pilot Project" within the Department of Education. This Part was originally contained in LD 90 as amended by the Joint Select Committee on Maine's Workforce and Economic Future.

PART DDDDD amends the laws governing the Education Coordinating Committee and directs the committee to study issues related to the delivery of programs and courses to adults needing assistance in meeting the requirements for postsecondary education admittance. This Part was originally contained in LD 90 as amended by the Joint Select Committee on Maine's Workforce and Economic Future.

PART EEEEE requires the Chancellor of the University of Maine System and the President of the Maine Community College System and the Board of Trustees of the Maine Community College System, to develop the policies and procedures to establish a process for students enrolled in community colleges in this State to successfully transfer their credits into the University of Maine System in order to complete their baccalaureate degrees. It also requires them to study the feasibility of developing a common course numbering system and provide a plan and implementation schedule. This Part was originally contained in LD 90 as amended by the Joint Select Committee on Maine's Workforce and Economic Future.

PART FFFFF establishes Maine industry partnerships as a cooperative initiative within the Office of the Governor and creates the Industry Partnership Assistance Collaborative in the Office of the Governor administered by the Commissioner of Labor. This Part was originally contained in LD 90 as amended by the Joint Select Committee on Maine's Workforce and Economic Future.

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PART GGGGG establishes the Task Force on Adult Learners and requires it to develop a multisector statewide strategic plan to increase postsecondary degree completion rates among such nontraditional students. This Part was originally contained in LD 90 as amended by the Joint Select Committee on Maine's Workforce and Economic Future.

PART HHHHH requires the director of the office within the Department of Education concerned with adult education and family literacy to convene the Working Group on Adult Workforce Readiness to develop a statewide plan to address the work readiness needs of unemployed adults, incumbent workers and employers. This Part was originally contained in LD 90 as amended by the Joint Select Committee on Maine's Workforce and Economic Future.

PART IIIII requires Jobs for Maine's Graduates to provide capacity, curriculum and professional development to assist up to 30 high schools, depending on available funding. This Part was originally contained in LD 90 as amended by the Joint Select Committee on Maine's Workforce and Economic Future.

PART JJJJ establishes the Maine Incumbent Worker Training Program as a pilot project within the Maine Community College System. This Part was originally contained in LD 90 as amended by the Joint Select Committee on Maine's Workforce and Economic Future.

PART KKKKK expands InternHelpME.com, a statewide internship-matching program established by the Maine State Chamber of Commerce. This Part was originally contained in LD 90 as amended by the Joint Select Committee on Maine's Workforce and Economic Future.

PART LLLLL makes additional supplemental appropriations and allocations for the fiscal year ending June 30, 2013.

PART MMMMM provides for an additional \$3,000,000 to be transferred from the General Fund for distribution to the milk producers in fiscal year 2012-113.

PART NNNNN reduces funding for the Maine Apprenticeship Program. This Part is a result of House Amendment "P" to Committee Amendment "A" (H-499). The funding reduction offset an inadvertent overfunding as a result of incorporating LD 90 into the Biennial Budget.

PART OOOOO continues until August 1, 2013 all limited period positions throughout State Government that are scheduled to expire during June 2013. This Part is a result of House Amendment "P" to Committee Amendment "A" (H-499).

Public Law 2013, chapter 368 was enacted as an emergency measure effective June 26, 2013.

LD 1514 An Act To Reform the Maine Public Employees Retirement System

CARRIED OVER

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

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

This bill as emergency legislation proposes to amend the retirement provisions for state employees and teachers participating in the Maine Public Employees Retirement System in the following ways.

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This bill is based on Legislative Document 1546, except that it specifies that the application fees are capped at \$5,000 for a bid for spirits trade marketing and \$20,000 for a bid for spirits administration and warehousing and distribution and it eliminates those provisions of Legislative Document 1546 that propose to expand coverage under the MaineCare program.

Part A repeals current law that allows for transfer of the State's wholesale liquor business through July 1, 2014. Part A directs the Commissioner of Administrative and Financial Services to develop a request for proposals through the competitive bid process to award 2 contracts, one for the operation of the State's wholesale liquor business encompassing spirits administration and warehousing and distribution and one for spirits trade marketing. Part A also increases the discount rate at which agency liquor stores purchase spirits for retail sale from the current minimum of 9% of list price to 12% as of July 1, 2014. Part A allows the waiver of a licensing requirement in the event that a retailer with more than 5 agency liquor stores in this State is purchased or control is transferred to another company not in this State as long as the purchasing or controlling company has held a license to sell beer and wine in another state for at least one year.

Part B authorizes the bond bank, with the written approval of the Governor, to issue liquor operation revenue bonds in an amount up to \$188,500,000. Part B establishes 2 funds, the Health Care Liability Retirement Fund and the Liquor Operation Revenue Fund. The Health Care Liability Retirement Fund is funded with the revenue from the sale of the bonds and used to pay debts owed by the State for services provided by health care providers prior to December 1, 2012; anything in excess of the amount owed is transferred to the Liquor Operation Revenue Fund. The Liquor Operation Revenue Fund is funded by revenue from the management of wholesale liquor activities; such revenue will be used to pay the principal and interest of the liquor operation revenue bonds as those amounts become due.

During fiscal years 2014-15, 2015-16 and 2016-17, any excess revenue up to a set amount is transferred to the General Fund to offset the amounts included in budgeted General Fund revenue from liquor sales and operations and to offset additional General Fund costs for liquor enforcement activities; after those transfers in those fiscal years and for the rest of the bond repayment period, excess revenue over the set amount, up to \$7,000,000 per year, is transferred to the Department of Health and Human Services and the Department of Environmental Protection for revolving loan funds for drinking water systems and wastewater treatment, and, if the amount transferred for those loans is limited for federal matching funds purposes, any remainder is transferred to the Department of Transportation for construction of highways and bridges. Any excess funds retained by the Maine Municipal Bond Bank during the bond repayment period must be transferred to the Maine Budget Stabilization Fund immediately upon retirement of the bonds. Following the retirement of the bonds, excess revenue is also transferred to the Maine Budget Stabilization Fund.

Part C removes the administration of the sale of fortified wine by the State, beginning July 1, 2014.

Committee Amendment "A" (S-269)

This amendment does the following: 1) changes the amount of the liquor operation revenue bonds that may be issued to \$183,500,000 from \$188,500,000; 2) changes the distributions from the Liquor Operation Revenue Fund to the General Fund from \$8,714,884 to \$9,714,884 in fiscal year 2014-15, from \$8,889,000 to \$9,639,000 in fiscal year 2015-16 and from \$9,067,000 to \$9,817,000 in fiscal year 2016-17; 3) specifies that the fund must be used for the costs of administering the fund, bonds and ancillary obligations; and 4) replaces the appropriations and allocations Part with a new appropriations and allocations Part to implement the provisions of the bill.

Enacted Law Summary

Public Law 2013, chapter 269 does the following.

1. It repeals current law that allows for transfer of the State's wholesale liquor business through July 1, 2014.

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2. It directs the Commissioner of Administrative and Financial Services to develop a request for proposals through the competitive bid process to award two contracts, one for the operation of the State's wholesale liquor business encompassing spirits administration and warehousing and distribution and one for spirits trade marketing.
3. It increases the discount rate at which agency liquor stores purchase spirits for retail sale from the current minimum of 9% of list price to 12% as of July 1, 2014.
4. It allows the waiver of a licensing requirement in the event that a retailer with more than five agency liquor stores in this State is purchased or control is transferred to another company not in this State as long as the purchasing or controlling company has held a license to sell beer and wine in another state for at least one year.
4. It authorizes the bond bank, with the written approval of the Governor, to issue liquor operation revenue bonds in an amount up to \$183,500,000.
5. It establishes two funds, the Health Care Liability Retirement Fund which is funded with the revenue from the sale of the bonds and used to pay debts owed by the State for services provided by health care providers prior to December 1, 2012 and the Liquor Operation Revenue Fund which is funded by revenue from the management of wholesale liquor activities and used to pay the costs of administering the fund, the bonds and the ancillary obligation and the principal and interest of the liquor operation revenue bonds as those amounts become due.
6. It specifies that during fiscal years 2014-15, 2015-16 and 2016-17, any excess revenue up to a set amount is transferred to the General Fund to offset the amounts included in budgeted General Fund revenue from liquor sales and operations and to offset additional General Fund costs for liquor enforcement activities.
7. It specifies that after the transfers noted above in fiscal years 2014-15 through 2016-17 and for the rest of the bond repayment period, excess revenue over the set amount, up to \$7,000,000 per year, is transferred to the Department of Health and Human Services and the Department of Environmental Protection for revolving loan funds for drinking water systems and wastewater treatment, and, if the amount transferred for those loans is limited for federal matching funds purposes, any remainder is transferred to the Department of Transportation for construction of highways and bridges.
8. It specifies that excess funds retained by the Maine Municipal Bond Bank during the bond repayment period and excess revenue following the retirement of the bonds must be transferred to the Maine Budget Stabilization Fund.
9. It removes the administration of the sale of fortified wine by the State, beginning July 1, 2014.

Public Law 2013, chapter 269 was enacted as an emergency measure effective June 14, 2013.

LD 1563 An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013

**PUBLIC 248
EMERGENCY**

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

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This bill was acted upon without reference to committee.

This bill is the Governor's proposal to make appropriations and allocations for the fiscal year ending June 30, 2013 and authorize limited-period positions not yet continued in a biennial budget to be occupied through June 30, 2013.

Enacted Law Summary

Public Law 2013, chapter 248 makes appropriations to support MaineCare costs and provide funding in the Medical Care - Payments to Providers program to make cycle payment in fiscal year 2012-13 and authorize limited-period positions not yet continued in a biennial budget to be occupied through June 30, 2013.

Public Law 2013, chapter 248 was enacted as an emergency measure effective June 14, 2013.

Public Law 2013, chapter 248 was repealed by Public Law 2013, chapter 377 (LD 1571) in order to avoid a double appropriation resulting from the enactment of the unified biennial budget (LD 1509, Public Law 2013, chapter 386).

LD 1571 An Act To Prevent the Double Funding of Certain MaineCare Costs

**PUBLIC 377
EMERGENCY**

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

This bill was acted upon without reference to committee.

This bill is the Governor's proposal to repeal Public Law 2013, chapter 248, which contains appropriations and allocations that are duplicated in Public Law 2013, chapter 368, the unified budget bill.

Enacted Law Summary

Public Law 2013, chapter 377 repeals Public Law 2013, chapter 248, which contains appropriations and allocations that are duplicated in Public Law 2013, chapter 368, the biennial budget bill.

Public Law 2013, chapter 377 was enacted as an emergency measure effective June 28, 2013.

LD 1572 An Act To Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-575 ROTUNDO H-581 ROTUNDO

This bill was reported by the Appropriations and Financial Affairs Committee pursuant to Joint Order, H.P. 1140.

This bill corrects minor technical errors and inconsistencies in Public Law 2013, chapter 368, the so-called unified budget bill, including:

1. Correcting a technical conflict created when 2 sections of the public law amended the same section of law;
2. Clarifying that the temporary increase in the sales tax to 5.5% applies to the services currently subject to the 5% sales tax;

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3. Correcting a numbering error created when 2 different provisions of law were enacted with the same title and section number by reallocating the provision establishing the Maine capital investment credit for 2013;
4. Resolving a conflict created when 2 sections amended the provision of law that provides for an annual adjustment for inflation of the income tax rate brackets in different ways, one by delaying the annual adjustment of the income tax rate brackets and the other by providing for an annual adjustment of the itemized deduction limitation amount. Both provisions are maintained;
5. Correcting an initiative to reflect that the MaineCare reimbursement is limited to behavioral health services; and
6. Deappropriating funds to offset an appropriation in an initiative in the committee amendment that should have been eliminated when statutory changes were made in the enacted version of the unified budget bill.

House Amendment "A" (H-575)

This amendment specifies that the temporary sales tax increase applies to products transferred electronically, as intended in Public Law 2013, chapter 368, the unified budget bill.

House Amendment "B" (H-581)

This amendment removes the emergency preamble and emergency clause.

**LD 1576 An Act To Fund Agreements with Certain State Employee Unions and
 Ensure Equitable Treatment for Other State Employees**

**PUBLIC 425
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU		S-370 HILL

This bill was acted upon without reference to committee.

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.

The bill provides for the adjustment of certain salary schedules in fiscal year 2013-14 and in fiscal year 2014-15. The bill provides for similar and equitable treatment of confidential employees, probationary employees and other employees excluded from collective bargaining.

The bill authorizes the Governor to adjust confidential employee salaries as required to achieve parity with comparable positions in the legislative and judicial branches and further authorizes the Governor to grant similar and equitable treatment of employees whose salaries are subject to the Governor's adjustment or approval.

The bill authorizes use of the Salary Plan program to fund the collective bargaining agreements and other cost items and provides that positions supported from other funds must be funded whenever possible from those other sources.

The bill provides for reimbursement to the Department of Administrative and Financial Services for costs incurred

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in the process of collective bargaining and contract administration and related costs.

The bill provides that employees of the legislative and judicial branches are subject to the same merit pay freeze in fiscal year 2014-15 as executive branch employees and deappropriates funds related to the elimination of those merit pay increases.

Senate Amendment "A" (S-370)

This amendment removes the deappropriation section.

Enacted Law Summary

Public Law 2013, chapter 425 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.

This law 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.

This law provides for the adjustment of certain salary schedules in fiscal year 2013-14 and in fiscal year 2014-15. The bill provides for similar and equitable treatment of confidential employees, probationary employees and other employees excluded from collective bargaining.

This law authorizes the Governor to adjust confidential employee salaries as required to achieve parity with comparable positions in the legislative and judicial branches and further authorizes the Governor to grant similar and equitable treatment of employees whose salaries are subject to the Governor's adjustment or approval.

This law authorizes use of the Salary Plan program to fund the collective bargaining agreements and other cost items and provides that positions supported from other funds must be funded whenever possible from those other sources.

This law provides for reimbursement to the Department of Administrative and Financial Services for costs incurred in the process of collective bargaining and contract administration and related costs.

This law provides that employees of the legislative and judicial branches are subject to the same merit pay freeze in fiscal year 2014-15 as executive branch employees. However, it does not deappropriate the funds related to the elimination of those merit pay increases.

Public Law 2013, chapter 425 was enacted as an emergency measure effective July 16, 2013.

LD 1577 An Act To Fund the Agreement with Certain Judicial Department Employees

**PUBLIC 426
EMERGENCY**

Sponsor(s)

BERRY
CAIN

Committee Report

Amendments Adopted

This bill was acted upon without reference to committee.

This bill authorizes funding of the collective bargaining agreement reached by the Judicial Department and the 4 bargaining units representing Judicial Department employees.

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Enacted Law Summary

Public Law 2013, chapter 426 authorizes funding of the collective bargaining agreement reached by the Judicial Department and the 4 bargaining units representing Judicial Department employees.

Public Law 2013, chapter 426 was enacted as an emergency measure effective July 16, 2013.

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SUBJECT INDEX

Budget Bills

Enacted

LD 250	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013	PUBLIC 1 EMERGENCY
LD 1509	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, 2014 and June 30, 2015	PUBLIC 368 EMERGENCY
LD 1563	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013	PUBLIC 248 EMERGENCY
LD 1571	An Act To Prevent the Double Funding of Certain MaineCare Costs	PUBLIC 377 EMERGENCY

Not Enacted

LD 1572	An Act To Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill	HELD BY GOVERNOR
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Fiscal Policy

Not Enacted

LD 138	An Act To Amend the Laws Governing the Issuance of Bonds That Have Been Ratified by the Citizens of the State	CARRIED OVER
LD 790	An Act To Repeal the Bonding Authority of the Maine Governmental Facilities Authority	CARRIED OVER
LD 904	An Act To Clarify When Bonds May Be Issued	CARRIED OVER
LD 1385	An Act To Amend the Reporting Requirements of the Workers' Compensation Management Fund	CARRIED OVER
LD 1461	An Act To Require the State To Divest Itself of Assets Invested in the Fossil Fuel Industry	CARRIED OVER

General Obligation Bond Bills

Not Enacted

LD 16	An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure	CARRIED OVER
LD 221	An Act To Authorize a General Fund Bond Issue To Provide Funds for a Public-private Partnership for a New Science Facility at the Maine Maritime Academy	CARRIED OVER
LD 228	An Act To Authorize a General Fund Bond Issue To Reduce Energy Costs by Weatherizing and Upgrading the Energy Efficiency of Maine Homes and Businesses and To Create Jobs by Providing for a Trained Workforce for Maine's Energy Future	CARRIED OVER

General Obligation Bond Bills

Not Enacted

LD 245	An Act To Authorize a General Fund Bond Issue for Maintenance of State Armories	CARRIED OVER
LD 273	An Act Authorizing a General Fund Bond Issue To Fund the Dredging of Casco Bay and the Expansion of the Portland Fish Exchange	CARRIED OVER
LD 294	An Act To Authorize a General Fund Bond Issue To Construct a Facility To Assist Maine Agriculture in Control of Animal and Plant Diagnostics	CARRIED OVER
LD 295	An Act To Authorize a General Fund Bond Issue To Provide Weatherization Rebates for Veterans and Persons Eligible for Social Security	CARRIED OVER
LD 359	An Act To Authorize a General Fund Bond Issue To Implement the Riverfront Island Master Plan	CARRIED OVER
LD 360	An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine	CARRIED OVER
LD 378	An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Pier at the Gulf of Maine Research Institute	CARRIED OVER
LD 513	An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future Board and Training Facilities for Tourism-related Training in Labor Market Areas with Higher-than-average Unemployment	CARRIED OVER
LD 636	An Act To Authorize a General Fund Bond Issue To Support Public Higher Educational Facilities	CARRIED OVER
LD 781	An Act To Authorize a General Fund Bond Issue To Fund the Construction of a New State Archives Facility	CARRIED OVER
LD 782	An Act To Authorize a General Fund Bond Issue To Support Science, Technology, Engineering and Mathematics Education To Enhance Economic Development	CARRIED OVER
LD 874	An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Shipping for Maine Businesses, Attract Tourists and Facilitate the Development of Commuter Rail Transportation	CARRIED OVER
LD 925	An Act To Authorize a General Fund Bond Issue for Riverfront Community Development	CARRIED OVER
LD 942	An Act To Authorize a General Fund Bond Issue To Invest in Deficient State Highways, Bridges and Aviation, Marine, Rail and Transit Facilities	CARRIED OVER
LD 1010	An Act To Authorize a General Fund Bond Issue To Ensure Clean Water	CARRIED OVER
LD 1011	An Act To Authorize a General Fund Bond Issue To Upgrade Facilities and Purchase Classroom Equipment for Maine's Seven Community Colleges	CARRIED OVER
LD 1043	An Act To Authorize a General Fund Bond Issue and To Assist in the Creation of Jobs through Regional Economic Development	CARRIED OVER
LD 1052	An Act To Authorize a General Fund Bond Issue To Improve Intermodal Infrastructure	CARRIED OVER
LD 1090	An Act To Authorize a General Fund Bond Issue To Expand Nursing Programs at Maine's Seven Community Colleges	CARRIED OVER
LD 1095	An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities	CARRIED OVER
LD 1101	An Act To Authorize a General Fund Bond Issue To Support Waterfront Development	CARRIED OVER
LD 1105	An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Downtowns through Innovative Business Development and the Creative Economy	CARRIED OVER
LD 1125	An Act To Authorize a General Fund Bond Issue To Expand Public Water Infrastructure to Areas with Contaminated Well Water	CARRIED OVER

General Obligation Bond Bills

Not Enacted

LD 1163	An Act To Authorize a General Fund Bond Issue To Fund Main Street and Downtown Economic Development Projects	CARRIED OVER
LD 1180	An Act To Authorize a General Fund Bond Issue for the Maine Community Reinvestment and Job Creation Fund	CARRIED OVER
LD 1223	An Act To Authorize a General Fund Bond Issue To Support the Maine Technology Institute's Action Plan Implementation	CARRIED OVER
LD 1418	An Act To Authorize a Matching General Fund Bond Issue for Improvements to the Seven Community College Campuses	CARRIED OVER
LD 1455	An Act To Authorize a General Fund Bond Issue To Ensure Clean Water and Safe Communities	CARRIED OVER
LD 1492	An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Economy and Communities	CARRIED OVER

Miscellaneous Funding and Other Requests

Enacted

LD 1555	An Act To Strengthen Maine's Hospitals and To Provide for a New Spirits Contract	PUBLIC 269 EMERGENCY
LD 1576	An Act To Fund Agreements with Certain State Employee Unions and Ensure Equitable Treatment for Other State Employees	PUBLIC 425 EMERGENCY
LD 1577	An Act To Fund the Agreement with Certain Judicial Department Employees	PUBLIC 426 EMERGENCY

State Employee and Teacher Retirement

Enacted

LD 1440	An Act To Amend the Retirement Laws Pertaining to Participating Local Districts	PUBLIC 391
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Not Enacted

LD 39	An Act To Expand the Number of Qualified Educators	CARRIED OVER
LD 137	An Act To Amend the Laws Governing Retirement under the Maine Public Employees Retirement System	CARRIED OVER
LD 186	An Act To Amend the Laws Governing Disability Retirement Determinations by the Maine Public Employees Retirement System	CARRIED OVER
LD 232	An Act To Increase the Base for the Cost-of-living Increase for Retired State Employees and Teachers	CARRIED OVER
LD 1142	An Act Regarding Correctional Officers' Retirement	CARRIED OVER
LD 1175	An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers	CARRIED OVER
LD 1395	An Act Regarding the Cost-of-living Adjustment for Certain State Retirees When the Cost of Living Declines	CARRIED OVER
LD 1473	An Act To Create a Public Option Pension System	CARRIED OVER
LD 1514	An Act To Reform the Maine Public Employees Retirement System	CARRIED OVER

Tax Reform - Revenue Sharing

Not Enacted

LD 713	An Act To Return Local Revenue Sharing to Full Funding	CARRIED OVER
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Tax Reform - Revenue Sharing

Not Enacted

**LD 940 An Act To Reestablish State-municipal Revenue-sharing as a Compact
between the State and Municipal Governments**

CARRIED OVER

STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

July 2013

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Joint Standing Committee on Criminal Justice and Public Safety

LD 40 An Act To Protect a Private Memorial Placed in a Public Right-of-way

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill prohibits the removal or destruction of a private memorial placed in a public right-of-way to mark the site of the death of a person. It establishes a Class D crime for tampering with a private memorial.

**LD 76 An Act To Provide Funding to the State Board of Corrections for
Certain County Jail Debt**

INDEF PP

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

This bill provides a General Fund appropriation of \$4,573,190 in fiscal year 2013-14 and \$4,743,415 in fiscal year 2014-15 for the State Board of Corrections, which is for the difference between the fiscal year 2007-08 county jail debt costs and the amount of county jail debt costs projected for fiscal years 2013-14 and 2014-15.

Committee Amendment "A" (H-28)

This amendment, which is the minority report of the committee, requires that any funding appropriated for the difference between fiscal year 2007-08 county jail debt costs and the amount projected for fiscal years 2013-14 and 2014-15 be used only for capital improvement projects. The State Board of Corrections determines what constitutes a capital improvement project.

**LD 85 An Act To Amend the Motor Vehicle Ignition Interlock Device
Requirements in the Laws Regarding Operating Under the Influence**

PUBLIC 187

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

This bill increases the minimum mandatory driver's license suspension for a person convicted of operating under the influence who has three or more previous offenses within a 10-year period from six to eight years and removes the requirement that such a person install for a period of four years an ignition interlock device in the motor vehicle the person operates, but authorizes the Secretary of State to reinstate the license of such a person after four years of suspension if the person has installed for a period of four years an ignition interlock device in the motor vehicle the person operates.

Enacted Law Summary

Public Law 2013, chapter 187 increases the minimum mandatory driver's license suspension for a person convicted of operating under the influence who has three or more previous offenses within a 10-year period from six to eight years and removes the requirement that such a person install for a period of four years an ignition interlock device in the motor vehicle the person operates, but authorizes the Secretary of State to reinstate the license of such a person after 4 years of suspension if the person has installed for a period of four years an ignition interlock device in

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This bill directs that proceeds from the sale of firearms to current or former State Police personnel be deposited into a dedicated account within the Department of Public Safety, Bureau of State Police for the purchase of replacement firearms. It also provides a one-time General Fund appropriation of \$118,983 and Highway Fund allocation of \$114,317 in fiscal year 2013-14 to the Department of Public Safety for the purchase of firearms.

LD 140 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>
SOCTOMAH BURNS	OTP ONTP	

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.

LD 152 An Act To Authorize the Commissioner of Agriculture, Conservation and Forestry To Nominate Certain Rangers in the Division of Forestry To Become Conservation Law Enforcement Officers LEAVE TO WITHDRAW

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

This bill authorizes the Commissioner of Agriculture, Conservation and Forestry to nominate forest rangers in the Department of Agriculture, Conservation and Forestry, Division of Forestry as candidates to become conservation law enforcement officers with the same powers as law enforcement officers. Candidates nominated to become conservation law enforcement officers must successfully meet and maintain the training standards and requirements for other state law enforcement officers. In the event that the Commissioner of Agriculture, Conservation and Forestry nominates one or more forest rangers as conservation law enforcement officers, the bill allows the commissioner, in consultation with the Commissioner of Public Safety, to develop a plan to address the training needs of forest rangers to become conservation law enforcement officers. It also provides a definition of the term "conservation law enforcement officer."

LD 166 An Act To Criminalize Importation of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs ONTP

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

This bill prohibits the importation of synthetic hallucinogenic drugs.

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LD 168 An Act To Establish Reasonable Restrictions on the Use of Fireworks

CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish reasonable restrictions on the sale and use of fireworks in the State. This bill would establish a mechanism for reviewing and determining whether restrictions should be placed on the use of fireworks depending on factors, including, but not limited to:

1. The level of fire danger within the area at the time of intended use;
2. The presence of farm animals in the area, and the propensity of such animals to suffer adverse health effects from exposure to the noise accompanying fireworks or, as a result of fear resulting from exposure to such noise, to endanger others;
3. The interests of summer residents and tourists, and the interests of local businesses that provide services to such residents and tourists;
4. The interests of year-round residents in living without unreasonable disturbances to their peace and tranquility; and
5. The effects on veterans who suffer from post-traumatic stress disorder, for whom exposure to fireworks carries the potential to trigger debilitating symptoms that have severe and long-lasting effects on their health and ability to function.

The mechanism for reviewing and determining the establishment of fireworks restrictions must evaluate the impact of the use of fireworks on tourism in the State, and balance the interests of the private individuals who choose to use fireworks and the members of the public who are then necessarily exposed to those fireworks. Restrictions imposed on the use of fireworks may include, among other things, a requirement to obtain a permit from the State Fire Marshal, a requirement to obtain local fire permits, limitations on the times during the day, week or month that fireworks may be used and the establishment of firework-free zones throughout the State.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 188 An Act To Criminalize Possession of a Suspended or Revoked
Concealed Handgun Permit**

ONTP

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

This bill requires the holder of a revoked concealed handgun permit to immediately surrender that license to the issuing authority. It also prohibits a person from possessing a suspended or revoked concealed handgun permit and makes a violation a Class E crime.

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LD 189 An Act To Establish a Central Concealed Handgun Permit Database ONTP

<u>Sponsor(s)</u> MARKS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This bill directs the Commissioner of Public Safety to establish an online concealed handgun permit database that is accessible by law enforcement, courts and bail commissioners for the purpose of tracking concealed handgun permits.

LD 190 An Act To Provide a Ten Percent Discount to Persons Charged with a Traffic Infraction Who Pay Fines by Waiver ONTP

<u>Sponsor(s)</u> MARKS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This bill provides that if a person files a written answer to the judicial branch's violations bureau that does not contest a traffic infraction, the fine is reduced by 10%.

LD 191 An Act To Authorize the Suspension of a Concealed Handgun Permit ACCEPTED MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u> MARKS	<u>Committee Report</u> ONTP OTP-AM	<u>Amendments Adopted</u>
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This bill allows the issuing authority of a concealed handgun permit to suspend that permit if the issuing authority has reasonable cause to believe the permit holder's permit may be subject to revocation. It also provides the permit holder an opportunity for a hearing on the issuing authority's decision to suspend the permit.

Committee Amendment "A" (H-187)

This amendment is the minority report. It removes language from the bill that prohibits a person from appealing a final agency action regarding the suspension of a concealed handgun permit.

LD 192 An Act To Allow Consideration of Fetal Alcohol Spectrum Disorder at Sentencing in a Criminal Case ACCEPTED MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u> BEAVERS JACKSON T	<u>Committee Report</u> ONTP OTP	<u>Amendments Adopted</u>
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This bill allows a court to consider as a mitigating factor in sentencing a person convicted of a crime that the person suffers from the condition of fetal alcohol spectrum disorder. Fetal alcohol spectrum disorder is defined as a condition of impaired brain function constituting a permanent birth defect in a person caused by that person's

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mother's consumption of alcohol while pregnant with that person.

LD 222 An Act Designating the Chief of the State Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun CARRIED OVER

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

This bill makes the Chief of the State Police in the Department of Public Safety the sole issuing authority in the State for concealed weapons permits.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 223 An Act To Amend the Laws Regarding a Concealed Handgun Permit ACCEPTED MINORITY (ONTP) REPORT

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

This bill changes the minimum age to obtain a permit to carry a concealed handgun from 18 years of age to 21 years of age.

Committee Amendment "A" (H-242)

This amendment is the majority report and provides that a member of the United States Armed Forces who is at least 18 years of age is eligible to apply for a concealed handgun permit. This is an exception to the proposal in the bill that requires a person to be at least 21 years of age to be eligible to apply for a concealed handgun permit.

LD 238 An Act To Designate the Jail in Franklin County as a Jail Rather than a Holding Facility ONTP

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

The State Board of Corrections has statutory authority to determine correctional facility and county jail use. Currently, the jail in Franklin County, the Franklin County Detention Center, is designated by the board as a holding facility that may hold detainees for up to 72 hours. This bill specifies that the board must designate the jail in Franklin County as a jail for prisoners and not as a holding facility.

LD 251 An Act Criminalizing Trafficking in Contraband in State Hospitals Serving Adults PUBLIC 191

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN SIROCKI	OTP-AM	S-124

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This bill makes it a Class C crime to traffic in contraband in a state hospital and a Class E crime to traffic in alcoholic beverages in a state hospital. "State hospital" means the Riverview Psychiatric Center or the Dorothea Dix Psychiatric Center.

Committee Amendment "A" (S-124)

This amendment replaces the bill and provides that a person who intentionally conveys or attempts to convey a dangerous weapon to a patient at a state hospital commits a Class C crime and makes any other violation of trafficking contraband in a state hospital a Class D crime.

This amendment adds to the definition of "contraband" provided in the bill a tool or other item that may be used to facilitate an escape.

Enacted Law Summary

Public Law 2013, chapter 191 provides that a person who intentionally conveys or attempts to convey a dangerous weapon to a patient at a state hospital commits a Class C crime and makes any other violation of trafficking contraband in a state hospital a Class D crime.

Public Law 2013, chapter 191 defines "contraband" to mean a dangerous weapon, a scheduled drug unless it is prescribed and approved for use by the state hospital or a tool that may be used to facilitate an escape.

LD 265 An Act To Repeal the Restriction on Employers Regarding Firearms Kept in an Employee's Vehicle **ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill repeals the law that prohibits an employer from prohibiting an employee who holds a permit to carry a concealed firearm from keeping a firearm in the employee's locked vehicle.

LD 266 An Act To Improve the Law Regarding Bail Commissioners **ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill amends the Maine Bail Code regarding bail commissioners by:

1. Requiring law enforcement agencies to maintain a list of available bail commissioners and to provide each bail commissioner on the list equal opportunities to set bail;
2. Amending the law regarding the sources and content of personal information a bail commissioner is required to obtain prior to setting bail in domestic violence cases; and
3. Giving a bail commissioner discretion to waive the bail commissioner fee, requiring a sheriff to set up a fund to help pay bail fees for indigent defendants in county facilities administered by that sheriff and requiring the Chief

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Judge of the District Court to adopt rules to collect the bail fee as a surcharge for those defendants who cannot pay the bail fee at the time bail is set.

Committee Amendment "A" (S-29)

This amendment adds an appropriations and allocations section to the bill.

LD 267 An Act Regarding the Sale of Firearms at Gun Shows

**ACCEPTED
MINORITY
(ONTP) REPORT**

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

This bill requires that a national instant criminal background check be performed prior to the sale or transfer of a firearm at a gun show. The bill makes a gun show operator responsible for any failure to perform a required background check and subject to a fine of up to \$10,000 for each such failure. The bill also requires gun show operators to post signs at gun shows to notify exhibitors of the background check requirement and requires gun show operators to provide unlicensed sellers and transferors with access to licensed sellers and transferors who will undertake the required background checks.

LD 277 An Act To Clarify the Laws Regarding the Calculation of the Period of Imprisonment

ONTP

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

This bill requires that, for purposes of credit for time served for a criminal defendant, all time served by the defendant for conduct under a particular case docket number is credited regardless of what the defendant may be charged with initially or of what charges the defendant is ultimately convicted.

LD 296 An Act To Equalize the Fire Investigation and Prevention Tax Paid by Insurers

PUBLIC 95

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAJOIE TUTTLE	OTP	H-32 DION

The purpose of this bill is to ensure that all fire insurance companies and associations doing business in Maine collect and pay the fire investigation and prevention tax at the same rate. This bill requires the Department of Professional and Financial Regulation, Bureau of Insurance to determine every five years the basis percentage of fire risk allocated to each line of insurance and requires that fire insurance companies and associations pay the established percentage based on the basis allocation.

House Amendment "A" (H-32)

This amendment incorporates a fiscal note.

Enacted Law Summary

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Public Law 2013, chapter 95 ensures that all fire insurance companies and associations doing business in Maine collect and pay the fire investigation and prevention tax at the same rate. It requires the Department of Professional and Financial Regulation, Bureau of Insurance to determine every five years the basis percentage of fire risk allocated to each line of insurance and requires that fire insurance companies and associations pay the established percentage based on the basis allocation.

LD 297 An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms CARRIED OVER

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

This bill does the following.

1. It 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.
2. It requires the Director of the Division of Forestry within the Department of Agriculture, Conservation and Forestry to develop 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 continued employment. Forest rangers employed as such on the effective date of this bill are required to attend the 4-week preservice training course and forest rangers hired after the effective date are required to take the basic law enforcement training course. A forest ranger who has already attended a law enforcement training course at the Maine Criminal Justice Academy is exempt.
3. This bill requires the State Supervisor of the forest protection unit in the Division 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. The plans must be submitted 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, 2013 and implemented, including furnishing firearms and related equipment, no later than January 1, 2014.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 298 An Act Regarding the Membership of the Emergency Medical Services' Board PUBLIC 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WERTS	OTP-AM	H-35

This bill adds an additional representative of a statewide association of fire chiefs to the Emergency Medical Services' Board and clarifies that six members constitute a quorum of the board.

Committee Amendment "A" (H-35)

This amendment replaces the bill. It changes the composition of the Emergency Medical Services' Board so that a representative of the public is replaced by a fire chief. Both public member positions are currently vacant and one has been vacant since January 2008. The amendment also removes the language in the bill that changes the number

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of members required for a quorum. It is no longer necessary as the membership remains at an odd number.

Enacted Law Summary

Public Law 2013, chapter 62 changes the composition of the Emergency Medical Services' Board so that a representative of the public is replaced by a fire chief. Both public member positions were vacant and one has been vacant since January 2008.

LD 326 An Act To Update the Maine Emergency Management Laws

PUBLIC 146

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY LONG	OTP-AM	S-73

This bill does the following.

1. It amends the Maine Emergency Management Act to include in its purposes coordination of homeland security.
2. It enacts definitions of "homeland security" and "terrorism".
3. It adds to the duties of the Director of the Maine Emergency Management Agency certain planning and training and the maintenance of the State Emergency Operations Center. It also requires that public education programs include information about prevention of emergency situations.
4. It designates the Commissioner of Defense, Veterans and Emergency Management as the Governor's homeland security advisor.
5. It changes the name of the Disaster Relief Fund to the Disaster Recovery Fund to more accurately reflect the fund's purpose to support long-term community disaster recovery.
6. It clarifies local and state emergency planning requirements and ensures current national standards are followed.
7. It provides that emergency management forces deployed under either the Emergency Management Assistance Compact and the International Emergency Management Assistance Compact are considered state employees for the purposes of immunity from liability and workers' compensation coverage. It specifies that a person holding a valid professional license in the State may be designated a member of the emergency management forces in that profession after verification of current license.
8. It consolidates in one subchapter language governing situation-specific operational plans and adds general language governing any agency-specific emergency plans.
9. It changes the general dam hazard evaluation requirement from at least once every six years to at least once every 12 years and changes the time frame for hazard evaluations from within 30 days of a request to within 60 days of a request.
10. It changes the dam condition inspection frequency of high and significant hazard dams from at least once every four years to at least once every six years.

Committee Amendment "A" (S-73)

This amendment adds to the list of agencies that must be consulted by the Director of the Maine Emergency Management Agency regarding a mass fatality plan the Department of Health and Human Services and the Maine Center for Disease Control and Prevention within that department and allows for other agencies to be consulted. It

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also clarifies that members of the emergency management forces are deemed to be employees of the State when preparing for emergency management duty, in addition to being on or training for duty.

Enacted Law Summary

Public Law 2013, chapter 146 does the following.

1. It amends the Maine Emergency Management Act to include in its purposes coordination of homeland security.
2. It enacts definitions of "homeland security" and "terrorism".
3. It adds to the duties of the Director of the Maine Emergency Management Agency certain planning and training and the maintenance of the State Emergency Operations Center. It also requires that public education programs include information about prevention of emergency situations.
4. It designates the Commissioner of Defense, Veterans and Emergency Management as the Governor's homeland security advisor.
5. It changes the name of the Disaster Relief Fund to the Disaster Recovery Fund to more accurately reflect the fund's purpose to support long-term community disaster recovery.
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7. It provides that emergency management forces deployed under either the Emergency Management Assistance Compact and the International Emergency Management Assistance Compact are considered state employees for the purposes of immunity from liability and workers' compensation coverage. It specifies that a person holding a valid professional license in the State may be designated a member of the emergency management forces in that profession after verification of current license.
8. It consolidates in one subchapter language governing situation-specific operational plans and adds general language governing any agency-specific emergency plans.
9. It changes the general dam hazard evaluation requirement from at least once every six years to at least once every 12 years and changes the time frame for hazard evaluations from within 30 days of a request to within 60 days of a request.
10. It changes the dam condition inspection frequency of high and significant hazard dams from at least once every four years to at least once every six years.
11. It adds to the list of agencies that must be consulted by the Director of the Maine Emergency Management Agency regarding a mass fatality plan, the Department of Health and Human Services and the Maine Center for Disease Control and Prevention within that department and allows for other agencies to be consulted.
12. It clarifies that members of the emergency management forces are deemed to be employees of the State when preparing for emergency management duty, in addition to being on or training for duty.

LD 335 An Act To Review Firearm Laws in the State

ONTP

Sponsor(s)
DICKERSON

Committee Report
ONTP

Amendments Adopted

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

It proposes to review all firearm laws through creation of a study group, directing a department to study or other means to determine if more could be done to protect citizens, particularly educators and children in school, from gun violence.

LD 353 An Act To Allow Young Adult Offenders To Be Confined in Juvenile PUBLIC 28
Correctional Facilities and To Comply with Federal Law Requirements

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

This bill permits the Department of Corrections to incarcerate young adult offenders who are at least 18 years of age and under 26 years of age and who are subjects of the adult criminal justice system at the Long Creek Youth Development Center and the Mountain View Youth Development Center. The Commissioner of Corrections is required to maintain full sight and sound separation of the young adult population from the juvenile population.

This bill also ensures compliance with federal law requirements for the housing of juveniles bound over for adult criminal proceedings.

Enacted Law Summary

Public Law 2013, chapter 28 authorizes the Department of Corrections to incarcerate young adult offenders who are at least 18 years of age and under 26 years of age and who are subjects of the adult criminal justice system at the Long Creek Youth Development Center and the Mountain View Youth Development Center. The Commissioner of Corrections is required to maintain full sight and sound separation of the young adult population from the juvenile population.

Public Law 2013, chapter 28 also ensures compliance with federal law requirements for the housing of juveniles bound over for adult criminal proceedings.

LD 354 An Act To Amend the County Jail Inspection Requirement for PUBLIC 27
Nationally Accredited Facilities

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

This bill allows the Commissioner of Corrections to dispense with a comprehensive inspection of a county jail or other detention facility to determine whether it complies with Department of Corrections standards if it is nationally accredited.

Enacted Law Summary

Public Law 2013, chapter 27 allows the Commissioner of Corrections to dispense with a comprehensive inspection of a county jail or other detention facility to determine whether it complies with Department of Corrections standards if it is nationally accredited.

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**LD 355 An Act To Amend Provisions Relating to the Department of Corrections
To Clarify Certain Enforcement Powers**

PUBLIC 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY LONG	OTP-AM	S-38

This bill does the following.

1. It allows employees of the Department of Corrections who are certified by the Board of Trustees of the Maine Criminal Justice Academy as law enforcement officers to exercise the same law enforcement powers as investigative officers. This change allows department employees who have completed the academy's part-time law enforcement officer training to exercise those powers when authorized by the Commissioner of Corrections.
2. It amends the laws governing the interception of prisoner wire and oral communications to reflect the proposed changes for employees of the Department of Corrections.
3. It requires transportation to work release job sites to be approved by a correctional facility's chief administrative officer instead of arranged exclusively by the commissioner as in current law.
4. It permits a correctional facility to use the first \$1,000 in any deceased prisoner's facility-administered accounts to pay the funeral director and specified others. Current law allows the facility to make such payments only for those prisoners with no more than \$1,000 in their accounts.

Committee Amendment "A" (S-38)

This amendment adds jail investigative officers and jail employees working at the direction of the jail investigative officer to those who may be authorized to exercise the same law enforcement powers as investigative officers.

It also clarifies that the phrase "administration of juvenile criminal justice" has the same meaning as in the Maine Juvenile Code.

Enacted Law Summary

Public Law 2013, chapter 80 does the following.

1. It allows employees of the Department of Corrections who are certified by the Board of Trustees of the Maine Criminal Justice Academy as law enforcement officers to exercise the same law enforcement powers as investigative officers. This change allows department employees who have completed the academy's part-time law enforcement officer training to exercise those powers when authorized by the Commissioner of Corrections.
2. It provides that jail investigative officers and jail employees working at the direction of the jail investigative officer may be authorized to exercise the same law enforcement powers as investigative officers.
3. It amends the laws governing the interception of prisoner wire and oral communications to reflect the proposed changes for employees of the Department of Corrections.
4. It requires transportation to work release job sites to be approved by a correctional facility's chief administrative officer instead of arranged exclusively by the commissioner as in current law.
5. It permits a correctional facility to use the first \$1,000 in any deceased prisoner's facility-administered accounts to pay the funeral director and specified others. Current law allows the facility to make such payments only for

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those prisoners with no more than \$1,000 in their accounts.

6. It clarifies that the phrase "administration of juvenile criminal justice" has the same meaning as in the Maine Juvenile Code.

LD 366 An Act To Adjust the Values of Property That Define the Class of ONTP
Crime for Theft Offenses

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

This bill changes the property values that define theft crimes other than Class E crimes as follows:

1. For a Class B offense, from more than \$10,000 to more than \$20,000;
2. For a Class C offense, from more than \$1,000 but not more than \$10,000 to more than \$5,000 but not more than \$20,000; and
3. For a Class D offense, from more than \$500 but not more than \$1,000 to more than \$1,000 but not more than \$5,000.

LD 379 An Act To Require Institutions To Report Knowledge or Suspicion of ONTP
Criminal Violations to a Law Enforcement Agency

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

This bill requires the administration of an institution supported by public funds that provides a public service to immediately report to the appropriate law enforcement agency any knowledge or suspicion of a crime or criminal activity that is taking or has taken place on the grounds of the institution.

LD 380 An Act To Clarify the Law Concerning the Threatening Display of VETO
Dangerous Weapons SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE HASKELL	OTP-AM ONTP	H-204

This bill amends the law regarding threatening display or carrying of a dangerous weapon by clarifying that "display in a threatening manner" includes to display a dangerous or deadly weapon in a public place in a way that causes a reasonable person to suffer intimidation or alarm.

Committee Amendment "A" (H-204)

This amendment replaces the bill and is the majority report of the committee. It clarifies that, except as prohibited by law, a person has the right to carry an unconcealed firearm in this State. This amendment prohibits a person, unless excepted by law, from refusing to provide that person's name, address and date of birth at the request of a law enforcement officer if the person possesses a dangerous and deadly weapon in a public place if the totality of the

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circumstances is such as to lead the officer to reasonably believe that the protection of the public requires identification.

House Amendment "B" To Committee Amendment "A" (H-410)

Current law prohibits a person from displaying in a threatening manner a dangerous or deadly weapon and from concealing a dangerous or deadly weapon. This amendment applies those prohibitions only to a firearm and removes the application of the statute to other dangerous and deadly weapons.

This amendment also limits the requirement proposed in Committee Amendment "A" that a person in possession of a dangerous or deadly weapon in a public place provide that person's name, address and date of birth to a law enforcement officer.

This amendment was not adopted.

LD 381 An Act To Allow a Court To Order a Person Who Violates a Municipal Ordinance To Perform Community Service Work

PUBLIC 114

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION GERZOFKY	OTP-AM	H-97

This bill makes the following changes to the laws governing community service work.

1. It provides that an offender adjudicated as having violated a municipal ordinance may be ordered to perform community service work.
2. It provides that the judicial branch is not responsible for supervision of community service work.
3. It provides that an offender adjudicated as having violated a municipal ordinance may be ordered to perform community service work only if the municipality has established a community service work program that provides oversight of the community service order and ensures meaningful compliance with the community service requirements.

Committee Amendment "A" (H-97)

This amendment reallocates the provisions of the bill from the Maine Criminal Code to the portion of the statutes dealing with civil violation proceedings.

Enacted Law Summary

Public Law 2013, chapter 114 makes the following changes to the laws governing community service work.

1. It provides that an offender adjudicated as having violated a municipal ordinance may be ordered to perform community service work.
2. It provides that the judicial branch is not responsible for supervision of community service work.
3. It provides that an offender adjudicated as having violated a municipal ordinance may be ordered to perform community service work only if the municipality has established a community service work program that provides oversight of the community service order and ensures meaningful compliance with the community service requirements.

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**LD 382 An Act Regarding the Period of Time for Which an Incarcerated Person
Is Eligible To Earn Good Time ONTP**

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

This bill increases the amount of good time that may be deducted from a person's sentence for a crime committed on or after October 1, 2013. It applies deductions enacted by Public Law 1983, chapter 456 to persons who commit crimes on or after October 1, 2013. This bill makes no distinction as to the type of crime the person committed. It also includes a deduction of good time for a person's good conduct during detention, which was first enacted by Public Law 2003, chapter 711, but the bill doubles the maximum prior amount from 2 days to 4.

**LD 456 An Act To Protect Farm Animals from Noise from the Discharge of
Fireworks or Explosives ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill prohibits the use of consumer fireworks or explosives, either loose or contained in a tube or other enclosure, within one mile of a field or pasture that contains livestock.

LD 478 An Act To Require a Local Permit for the Use of Fireworks ONTP

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

This bill provides that a person who wishes to use consumer fireworks must obtain a permit from the person with authority to issue a permit for open burning. The permit must be issued in the same manner as a permit for open burning is issued.

**LD 498 An Act To Allow a Municipality To Prohibit a Sex Offender from
Residing within 750 Feet of a Recreational Facility PUBLIC 161**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT KATZ	OTP-AM	H-169

This bill authorizes a municipality to enact an ordinance to prevent certain sex offenders from residing within 750 feet of a privately owned property where children are the primary users, such as an athletic field, park or recreational facility.

Committee Amendment "A" (H-169)

The bill allows a municipality to prohibit a sex offender from residing within 750 feet of privately owned property

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where children are the primary users. This amendment applies the restriction to state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public instead of to privately owned property.

Enacted Law Summary

Public Law 2013, chapter 161 authorizes a municipality to prohibit a sex offender from residing within 750 feet of state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users.

LD 502 An Act To Allow County Jails To Apply Savings to Debt Service CARRIED OVER
without a Reduction in State Payments

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

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 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

This amendment, which is the majority report of the committee, provides clarification by replacing the term "efficiencies" with "reduced jail expenditures."

LD 526 An Act To Allow for the Disposition of Certain Items Confiscated from ONTP
Criminals Convicted of Sexual Exploitation of Minors

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

This bill amends the law concerning criminal forfeiture of equipment used in the sexual exploitation of minors by extending the period in which a motion may be filed for forfeiture of the equipment, allowing a representative of a law enforcement agency to bring the motion, expanding the list of electronic equipment that may be seized and allowing the representative of a law enforcement agency to recommend to the court the final disposition or use of the forfeited equipment.

LD 527 An Act To Protect Vulnerable Adults from Exploitation PUBLIC 414

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION CAIN	OTP-AM	H-189

This bill provides that dementia and other cognitive impairments are included in the concept of being manifestly unable to make a reasonable judgement regarding conduct that constitutes a crime when considering consent as a defense. It further provides that consent cannot be induced by "undue influence," which is defined to mean misuse or manipulation of a trusting relationship of a dependent person who has significant limitations and who is 60 years of age or older, an incapacitated adult or a dependent adult. Finally, the bill increases the crime of the misuse of entrusted property to a felony when the victim is 60 years of age or older, incapacitated or dependent and the value

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of the property is greater than \$1,000 to be consistent with the crime of theft.

Committee Amendment "A" (H-189)

This amendment replaces the bill and does the following.

1. Current law provides that consent is not a defense against a charge involving a crime against the person or property of another if the consent is given by a person who for certain reasons, including mental illness or defect, is unable to make a reasonable judgment regarding the conduct that constitutes the crime. This amendment includes physical illness among these reasons and clarifies that mental illness or defect includes dementia and other cognitive impairments.
2. It creates a permissible inference under the Maine Rules of Evidence, Rule 303, that a defendant exercised unauthorized control of a property with the intent to deprive a person of that property if there is proof that the defendant possessed or controlled the property of a person who, by reason of physical illness or mental illness or defect, is manifestly unable or known by the defendant to be unable to make a reasonable judgment with respect to the disposition of that property or there is proof that the defendant obtained possession or control of the property by undue influence.
3. It defines "undue influence" to mean the misuse of real or apparent authority or the use of manipulation by a person in a trusting, confidential or fiduciary relationship with an incapacitated adult or a dependent adult who is wholly or partially dependent upon that person or others for care or support.
4. It provides that a person who is guilty of misuse of entrusted property against a vulnerable person commits a Class C crime if the property is valued at more than \$1,000 but not more than \$10,000 and commits a Class B crime if the property is valued at more than \$10,000.
5. It defines "vulnerable person" to mean an incapacitated adult as defined in the Maine Revised Statutes, Title 22, section 3472, subsection 10 or a dependent adult as defined in Title 22, section 3472, subsection 6.

Enacted Law Summary

Public Law 2013, chapter 414 does the following.

1. It includes physical illness among the existing reasons consent is not a defense against a charge involving a crime against the person or property of another if the consent is given by a person who for certain reasons, including mental illness or defect, is unable to make a reasonable judgment regarding the conduct that constitutes the crime. It also clarifies that mental illness or defect includes dementia and other cognitive impairments.
2. It creates a permissible inference under the Maine Rules of Evidence, Rule 303, that a defendant exercised unauthorized control of a property with the intent to deprive a person of that property if there is proof that the defendant possessed or controlled the property of a person who, by reason of physical illness or mental illness or defect, is manifestly unable or known by the defendant to be unable to make a reasonable judgment with respect to the disposition of that property or there is proof that the defendant obtained possession or control of the property by undue influence.
3. It defines "undue influence" to mean the misuse of real or apparent authority or the use of manipulation by a person in a trusting, confidential or fiduciary relationship with an incapacitated adult or a dependent adult who is wholly or partially dependent upon that person or others for care or support.
4. It provides that a person who is guilty of misuse of entrusted property against a vulnerable person commits a Class C crime if the property is valued at more than \$1,000 but not more than \$10,000 and commits a Class B

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crime if the property is valued at more than \$10,000.

5. It defines "vulnerable person" to mean an incapacitated adult as defined in the Maine Revised Statutes, Title 22, section 3472, subsection 10 or a dependent adult as defined in Title 22, section 3472, subsection 6.

LD 576 Resolve, To Protect Concealed Handgun Permit and Other Public Records Information on a Temporary Basis

**RESOLVE 1
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MCCABE		S-2 JACKSON T

This bill was acted upon without reference to committee.

Current law requires the issuing authority of a concealed handgun permit to make a permanent record of each permit that includes the information contained in the permit itself and provides that the permanent record must be available for public inspection. This resolve places a moratorium on public access to such permanent records for a period of approximately 4 months, pending the Legislature's consideration of a measure to amend that section of law.

House Amendment "A" (H-1)

This amendment expands the moratorium established in the resolve on access to permanent records created by issuing authorities of concealed handgun permits to apply to business licenses, hunting licenses and fishing licenses. This amendment was not adopted.

Senate Amendment "A" (S-2)

This amendment removes language that prohibits the redistribution or dissemination of information received regarding handgun permits, clarifies that the moratorium on access does not apply to law enforcement officers and issuing authorities for criminal justice and permitting purposes and clarifies that applications for permits filed or granted after the effective date of the resolve and on or before April 30, 2013 are governed by the law in effect on and after April 30, 2013.

Enacted Law Summary

Resolve 2013, chapter 1 provides that until April 30, 2013, a permanent record that is created by an issuing authority of a concealed handgun permit is confidential and may not be made available for public inspection or copying. Resolve 2013, chapter 1 also provides that the confidential handgun permit information may be disclosed to law enforcement officers and issuing authorities for criminal justice and permitting purposes. Finally, it provides that after April 30, 2013, an application for a concealed handgun permit filed or granted on or after February 19, 2013 and on or before April 30, 2013 will be governed by the law in effect on and after April 30, 2013.

Resolve 2013, chapter 1 was finally passed as an emergency measure effective February 19, 2013.

LD 593 An Act To Require That Carbon Monoxide Detectors Be Installed inside Educational Facilities

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

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This bill requires carbon monoxide detectors or carbon monoxide detection and warning equipment to be installed in educational facilities, defined as structures used for elementary or secondary education. The owner of an existing educational facility is required to install carbon monoxide detectors in specific areas of the facility. The owner of an educational facility constructed or substantially renovated or to which an addition in excess of 3,000 square feet is made after the effective date of this legislation is required to install carbon monoxide detection and warning equipment.

Committee Amendment "A" (H-145)

This amendment, which is the minority report of the committee, requires reimbursement to local school administrative units in order to avoid a mandate and adds an appropriations and allocations section for that purpose.

LD 594 An Act To Prohibit Possession of a Firearm by a Person Who Has Created a Police Standoff ONTP

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

This bill adds to the list of persons prohibited from possessing a firearm a person who has been adjudicated as creating a police standoff.

LD 626 An Act To Remove the Mandatory Minimum Jail Sentence in Certain Cases ACCEPTED MAJORITY (ONTP) REPORT

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

This bill removes the mandatory minimum sentence of one year of imprisonment for a conviction of the crime of reckless conduct with a firearm.

Committee Amendment "A" (S-30)

This amendment incorporates a fiscal note.

LD 647 An Act To Establish the Mobile Crime Laboratory Fund DIED BETWEEN HOUSES

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

This bill establishes the Mobile Crime Laboratory Fund to establish, operate and maintain a mobile crime laboratory.

Committee Amendment "A" (S-112)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

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LD 660 An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill:

1. Removes the prohibition on having a loaded firearm or crossbow in a motor vehicle for a person other than a holder of a concealed weapons permit;
2. Provides the exception that a person may shoot from a motor vehicle or motorboat in the defense of life or property;
3. Removes the prohibition on concealing a dangerous weapon; and
4. Removes exceptions to the law prohibiting the carrying of a concealed dangerous weapon.

Committee Amendment "A" (H-361)

This amendment strikes and replaces the bill and is the minority report. The amendment specifies that a person who is not otherwise prohibited from possessing a firearm and is a resident of this State may carry a concealed handgun without a permit. The amendment also adds an appropriations and allocations section.

LD 661 An Act To Prohibit Sale or Possession of Synthetic Cannabinoids

PUBLIC 341

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODE CUSHING	OTP-AM	H-422

This bill defines "synthetic cannabinoid," commonly known as "spice" or "K2," in general terms and lists it as a schedule Z drug. Current law only lists specific chemical compounds that are synthetic cannabinoids, so chemical compounds that are synthetic cannabinoids but differ from the compounds listed in statute are not considered schedule Z drugs and are legal in the State.

Committee Amendment "A" (H-422)

This amendment replaces the bill and amends the Maine Criminal Code to capture the larger group of synthetic cannabinoids that have been manufactured since Public Law 2011, chapter 428 was first enacted. The amendment classifies these synthetic cannabinoids as Schedule Z drugs.

Enacted Law Summary

Public Law 2013, chapter 341 amends the Maine Criminal Code to capture the larger group of synthetic cannabinoids that have been manufactured since Public Law 2011, chapter 428 was first enacted. Public Law 2013, chapter 341 classifies these synthetic cannabinoids as Schedule Z drugs.

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LD 662 An Act Regarding Sexually Explicit Text Messaging by Minors

CARRIED OVER

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

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

This bill proposes to prohibit sexually explicit text messaging, also known as sexting, by a minor in a manner different from the prohibition in current law. Sexting is the act of recording, copying or transmitting images, photographs or videos of a person's breasts, genitals, anus or pubic area using a telephone, computer, camera, memory device or other piece of electronic equipment. The current provisions in the criminal law that prohibit sexting images of a minor do not except minors, even minors who transmit images of themselves, and potentially subject minors prosecuted for sexting to being listed on the sex offender registry for life. This bill proposes to create exceptions or other avenues in the law to discourage sexting by minors and provide educators and other adults with tools to prevent sexting and to punish minors short of treating them as sexual predators or serious criminals.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 663 An Act To Change the Time Restriction on the Use of Fireworks

ONTP

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

This bill reduces the permissible hours when fireworks may be used from between the hours of 9:00 a.m. and 10:00 p.m. to between the hours of 9:00 a.m. and 9:00 p.m.

LD 664 An Act To Increase the Penalties for Crimes Involving Illegal or Prescription Drugs

ONTP

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

This bill doubles the maximum term of imprisonment and fine a person convicted of a crime may receive if the crime involved the theft of an illegal or prescription drug or the person committed the crime while under the influence of an illegal drug or a drug that the person was not legally authorized to possess.

LD 685 An Act To Require Investigation and Prosecution of Assaults by Law Enforcement Officers against Unarmed Individuals

ONTP

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

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This bill requires the Attorney General to prosecute all credible claims of assault by a law enforcement officer against an unarmed person, allows a law enforcement agency to investigate a claim of assault on an unarmed person by a law enforcement officer of another law enforcement agency and removes the immunity from personal civil liability from a law enforcement officer who assaults an unarmed person.

**LD 701 An Act To Amend the Laws Governing Probation and Remove
References to the Intensive Supervision Program of the Department of
Corrections**

PUBLIC 133

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-44
LONG	OTP-AM	

This bill amends the laws governing the process for terminating the probation of certain persons. It also requires the termination of the probation of persons, other than domestic violence and sex offenders, who complete all probation requirements if at least one half of the probation period has been served.

It allows the Department of Corrections to impose fees on probationers seeking out-of-state travel permits. The fees must be used to defray costs associated with processing the applications, as well as to help pay for extraditing probationers who have left Maine without permission or failed to return to Maine as required by a travel permit.

It amends the laws governing alternatives to probation revocation proceedings regarding under what conditions these alternatives are available, what these alternatives are and the duties of a probation officer with respect to a person on probation who successfully completes alternatives to probation revocation proceedings.

It eliminates references to the Department of Corrections' Intensive Supervision Program.

Committee Amendment "A" (S-44)

This amendment is the majority report of the committee. The amendment removes the provisions of the bill regarding the termination of probation. It also removes language that authorizes a probation officer who has evidence of a probation violation to offer the defendant the opportunity to voluntarily go to jail for a period of time not to exceed 72 hours in lieu of terminating that person's probation.

Committee Amendment "B" (S-45)

This amendment is the minority report of the committee and adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2013, chapter 133 amends the laws governing the process for terminating the probation of certain persons. It also requires the termination of the probation of persons, other than domestic violence and sex offenders, who complete all probation requirements if at least one half of the probation period has been served.

It also allows the Department of Corrections to impose fees on probationers seeking out-of-state travel permits. The fees must be used to defray costs associated with processing the applications, as well as to help pay for extraditing probationers who have left Maine without permission or failed to return to Maine as required by a travel permit.

It amends the laws governing alternatives to probation revocation proceedings regarding under what conditions these alternatives are available, what these alternatives are and the duties of a probation officer with respect to a person on probation who successfully completes alternatives to probation revocation proceedings.

Public Law 2013, chapter 133 eliminates references to the Department of Corrections' Intensive Supervision

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Program.

LD 703 An Act To Make Post-conviction Possession of Animals a Criminal Offense

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK	ONTP OTP-AM	S-283

This bill sets the minimum amount of time for a person convicted of animal cruelty that the person cannot own, possess or have on the person's premises an animal as 5 years for a Class D crime and 15 years for a Class C crime and makes a violation of these time periods a Class D crime. This bill also provides for a person to petition the court to reduce the amount of time that the person may not own, possess or have on the person's premises an animal upon a showing that the person does not present a danger to animals, and other criteria.

Committee Amendment "A" (S-283)

This amendment is the minority report that was not adopted. It replaces the bill and provides that a person convicted of cruelty to animals may not own, possess, have on that person's premises or have under that person's control an animal for at least 5 years for a Class D conviction for cruelty to animals or for at least 15 years for a Class C conviction for cruelty to animals and makes a violation of this prohibition a Class D crime.

It provides that the Commissioner of Agriculture, Conservation and Forestry may reduce the period of time a person convicted of cruelty to animals is prohibited from having an animal upon application by the person subject to the prohibition. The commissioner may revoke the reduction in time granted if the commissioner finds that the person is a danger to animals or no longer has the ability to properly care for an animal. A person whose reduction of time has been revoked may not reapply for a reduction in time.

This amendment provides that a person subject to a prohibition for conviction of cruelty to animals may apply to the commissioner for final relief from the period of time the person is prohibited from having an animal no sooner than 5 years after entry of conviction for a Class D crime and no sooner than 15 years after entry of conviction for a Class C crime. A person may not reapply for final relief more frequently than every two years.

Finally, it authorizes the Commissioner of Agriculture, Conservation and Forestry to establish an application filing fee of not more than \$25 to cover the costs of processing applications.

LD 708 An Act To Reduce Emergency Rescue Costs

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to direct the Director of Maine Emergency Medical Services within the Department of Public Safety to establish a pilot project designed to increase response efficiency for emergency medical services personnel and reduce costs for both patients and insurers. The bill would direct the Medical Direction and Practices Board to establish a Maine Emergency Medical Services protocol that authorizes emergency medical services personnel to identify those patients that need follow-up medical care but do not have a condition serious enough to need an ambulance to the nearest hospital. Under the pilot project, emergency medical services personnel would offer to patients meeting this criterion a free voucher to cover the round trip to and from the medical provider of the patient's choice. At the conclusion of the pilot project, the Director of Maine Emergency Medical Services would be required to report to the Legislature regarding the results

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of the pilot project and submit recommendations regarding continuation and expansion of the pilot project and the funding of the vouchers.

LD 724 An Act To Require Firearms Used in the Commission of Certain Acts PUBLIC 328
To Be Civilly Forfeited to the State and Destroyed

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

This bill requires the forfeiture and destruction of a firearm used in the commission of a crime that causes death or serious bodily injury by a person who then, either due to suicide or attempted suicide or the justifiable actions of a law enforcement officer, dies or becomes incompetent to stand trial.

Current law distinguishes between a firearm and a handgun for certain situations, including allowing a handgun used in a murder to be returned to the rightful owner, as long as the owner was not the person who committed the crime. This bill removes the distinction, applying the forfeiture laws equally to all firearms.

Enacted Law Summary

Public Law 2013, chapter 328 requires the forfeiture and destruction of a firearm used in the commission of a crime that causes death or serious bodily injury by a person who then, either due to suicide or attempted suicide or the justifiable actions of a law enforcement officer, dies or becomes incompetent to stand trial.

Current law distinguishes between a firearm and a handgun for certain situations, including allowing a handgun used in a murder to be returned to the rightful owner, as long as the owner was not the person who committed the crime. Public Law 2013, chapter 328 removes the distinction, applying the forfeiture laws equally to all firearms.

LD 771 An Act To Amend the Laws Governing Reciprocity for Concealed ONTP
Handguns Permits

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

This bill makes a concealed handguns permit issued to a nonresident invalid outside the borders of the State and prohibits a reciprocity agreement with another state to allow the issuance of a concealed handguns permit to a nonresident by the State to serve as a basis for the issuance of a concealed handguns permit in the other state.

LD 820 An Act Regarding Fire Escapes for Certain Buildings PUBLIC 76

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

This bill repeals the provision of law that provides that a person, firm or organization that violates the law pertaining to the installment and maintenance of fire escapes commits a civil violation to eliminate a conflict between the Maine Revised Statutes, Title 25, section 2453 and the National Fire Protection Association Life Safety Code 101. It also amends a section to correct a cross-reference to the repealed provision.

Enacted Law Summary

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Public Law 2013, chapter 76 repeals the provision of law that provides that a person, firm or organization that violates the law pertaining to the installment and maintenance of fire escapes commits a civil violation to eliminate a conflict between the Maine Revised Statutes, Title 25, section 2453 and the National Fire Protection Association Life Safety Code 101. It also amends a section to correct a cross-reference to the repealed provision.

LD 839 An Act To Amend the Laws Governing the Licensing of Technicians PUBLIC 56
Involved in a Display of Fireworks or Special Effects

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

This bill provides for the licensing of a proximate audience technician and a flame effect technician in connection with a display of fireworks or special effects.

Enacted Law Summary

Public Law 2013, chapter 56 provides for the licensing of a proximate audience technician and a flame effect technician in connection with a display of fireworks or special effects.

LD 840 An Act To Amend the Law Regulating the Use of Explosives PUBLIC 57

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

This bill amends the regulatory authority of the Commissioner of Public Safety to exempt from oversight the possession of 50 pounds or less of premixed or five pounds or less of mixed binary explosive target material for the purpose of sport shooting.

Committee Amendment "A" (H-27)

This amendment removes from the bill the provision that allows the Commissioner of Public Safety to exempt from oversight the possession of 50 pounds or less of premixed binary target material for the purpose of sport shooting.

Enacted Law Summary

Public Law 2013, chapter 57 amends the regulatory authority of the Commissioner of Public Safety to exempt from oversight the possession of five pounds or less of mixed binary explosive target material for the purpose of sport shooting.

LD 841 An Act To Prevent Offensive Touching of a Person Seeking Access to ACCEPTED
Public Facilities MAJORITY
(ONTP) REPORT

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

This bill creates the new Class D crime of unlawful contact during a security screening, which prohibits a person conducting a security screening of an individual seeking access to certain public buildings from touching certain

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areas of that individual without a reasonable and articulable suspicion that the individual possesses a prohibited item that may not be detectable without touching those areas. This prohibition does not apply to security screenings at correctional facilities.

LD 842 An Act To Facilitate the Use of Electronic Monitoring

PUBLIC 227

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE CAIN	OTP-AM	H-296

This bill provides a new form of relief to Maine's existing protection from abuse laws by allowing those seeking a protection from abuse order to request that the defendant be subject to electronic monitoring. Electronic monitoring may be ordered only after a full protection from abuse hearing and only after consideration of various domestic violence risk factors.

It directs the Department of Public Safety to establish an electronic monitoring program and authorizes the department to seek funding from the Electronic Monitoring Fund to support the program. This bill repeals the electronic monitoring fund within the Department of Corrections and places it in the judicial branch. These provisions take effect January 1, 2016.

Beginning July 1, 2015, the electronic monitoring program would operate as a pilot program in 4 of Maine's counties, expanding to statewide coverage by January 1, 2016.

Committee Amendment "A" (H-296)

This amendment replaces the bill and does the following.

1. It provides that a judicial officer may require a defendant to participate in an electronic monitoring program as a condition of pretrial release.
2. It provides that a judicial officer may require a person convicted of a crime to participate in an electronic monitoring program as a condition of probation.
3. It establishes the Electronic Monitoring Fund within the State Board of Corrections and removes the fund from the purview of the Department of Corrections.
4. It directs the Maine Commission on Domestic and Sexual Abuse, to the extent practicable and as resources permit, to assist the State Board of Corrections in developing and implementing an electronic monitoring pilot project. By February 15, 2014, the commission must report to the Joint Standing Committee on Criminal Justice and Public Safety on the progress in developing and implementing an electronic monitoring pilot project.
5. It authorizes the committee to report out a bill to the Second Regular Session of the 126th Legislature implementing the recommendations of the commission.

Enacted Law Summary

Public Law 2013, chapter 227 does the following.

1. It provides that a judicial officer may require a defendant to participate in an electronic monitoring program as a condition of pretrial release.
2. It provides that a judicial officer may require a person convicted of a crime to participate in an electronic monitoring program as a condition of probation.

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- 3. It establishes the Electronic Monitoring Fund within the State Board of Corrections and removes the fund from the purview of the Department of Corrections.
- 4. It directs the Maine Commission on Domestic and Sexual Abuse, to the extent practicable and as resources permit, to assist the State Board of Corrections in developing and implementing an electronic monitoring pilot project. By February 15, 2014, the commission must report to the Joint Standing Committee on Criminal Justice and Public Safety on the progress in developing and implementing an electronic monitoring pilot project.
- 5. It authorizes the Joint Standing Committee on Criminal Justice and Public Safety to report out a bill to the Second Regular Session of the 126th Legislature implementing the recommendations of the commission.

LD 873 An Act To Establish Positive Reentry Parole ONTP

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

This bill establishes the option of parole for persons sentenced on or after October 1, 2013. Current law provides that only persons in the custody of the Department of Corrections pursuant to a sentence imposed under the law in effect before May 1, 1976 may apply for parole. This bill incorporates the concepts of positive reentry parole, is modeled in part on recent law enacted by Colorado and uses some of the technical aspects of Maine's existing parole law.

LD 883 An Act Regarding the Sexual Assault Forensic Examiner Advisory Board PUBLIC 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFISKY GRAHAM	OTP-AM	S-26

This bill allows the Sexual Assault Forensic Examiner Advisory Board the authority to issue certificates to persons who complete sexual assault forensic examiner training and provides that certification by the board does not constitute licensing under the Maine Administrative Procedure Act.

Committee Amendment "A" (S-26)

This bill allows the Sexual Assault Forensic Examiner Advisory Board to establish prerequisites applicable to persons who wish to participate in sexual assault forensic examiner training, but does not require the prerequisites to be established by routine technical rule.

Enacted Law Summary

Public Law 2013, chapter 68 allows the Sexual Assault Forensic Examiner Advisory Board the authority to establish prerequisites applicable to persons who wish to participate in sexual assault forensic examiner training and issue certificates to those who complete the training.

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LD 887 An Act To Repeal a Specialized Form of the Generic Crime of Theft by Unauthorized Taking or Transfer PUBLIC 96

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

This bill repeals the crime of theft by unauthorized taking or transfer at a casino or slot machine facility since, except for the additional requirement that the theft occur at or from a casino or slot machine facility, the crime is already prohibited by the generic umbrella crime of theft by unauthorized taking or transfer.

Enacted Law Summary

Public Law 2013, chapter 96 repeals the crime of theft by unauthorized taking or transfer at a casino or slot machine facility since, except for the additional requirement that the theft occur at or from a casino or slot machine facility, the crime is already prohibited by the generic umbrella crime of theft by unauthorized taking or transfer.

LD 888 An Act To Provide Funding to the Judicial Branch to Facilitate Reporting to the National Instant Criminal Background Check System ACCEPTED MAJORITY (ONTP) REPORT

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

Public Law 2007, chapter 670 directs a court to transmit to the Department of Public Safety, State Bureau of Identification information on any order for involuntary commitment issued by the court and requires the commanding officer of the State Bureau of Identification to transmit that information to the Federal Bureau of Investigation, National Instant Criminal Background Check System for firearms background check purposes. However, the court and the State Bureau of Identification are not required to transmit such information until sufficient funding is available to cover the costs associated with the reporting requirements.

This bill provides a General Fund appropriation to the Judicial Department of \$200,000 in fiscal year 2013-14 and \$10,000 in fiscal year 2014-15 and to the Department of Public Safety, State Bureau of Identification of \$25,000 in fiscal year 2013-14 and \$7,000 in fiscal year 2014-15 to fund costs associated with the transmission of information to the Federal Bureau of Investigation, National Instant Criminal Background Check System on court orders for involuntary commitment.

Committee Amendment "A" (H-159)

This amendment, which is the minority report of the committee, makes a technical correction to the appropriations and allocations section.

LD 926 An Act To Increase the Penalty for an Adult Who Provides Alcohol to a Minor Involved in a Fatal Accident ONTP

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

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This bill changes from Class C to Class B the crime of furnishing liquor to a minor if the consumption of the liquor causes the death of the minor or another individual.

LD 958 An Act To Establish a Database To Prevent Individuals Involuntarily Admitted or Committed to a Mental Health Institution from Being Issued Concealed Handgun Permits ONTP

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

This bill directs the Department of Public Safety, State Bureau of Identification to establish and maintain a database of individuals admitted or committed involuntarily to a mental health institution who present a substantial threat of physical harm to themselves or to others. The database may only be used for the purpose of issuing permits to carry concealed handguns.

LD 997 An Act To Establish Restrictions on Ammunition Feeding Devices ONTP

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

This bill makes the possession, transfer or importation of an ammunition feeding device for a firearm a Class D crime. An ammunition feeding device is a device such as a magazine, belt, drum or other device that has a capacity of more than 10 rounds of ammunition. This bill includes a number of exceptions to these prohibitions including but not limited to, a person in possession of an such a device prior to the effective date of this Act, a government agency or law enforcement officer or for research purposes.

LD 1022 An Act To Improve Training Requirements for Obtaining a Concealed Handgun Permit ACCEPTED MAJORITY (ONTP) REPORT

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

This bill amends the training requirements to obtain a permit to carry a concealed handgun by requiring an applicant to demonstrate possession of defensive handgun skills, including the safe operating of a handgun and demonstrating firing 50 rounds of ammunition with a handgun, and a knowledge of the applicable provisions of the criminal laws of the State.

LD 1044 An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DORNEY	OTP-AM ONTP	H-205

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This bill prohibits the admissibility of evidence derived as a result of a person's seeking medical assistance when experiencing a drug overdose or for another person who is experiencing a drug overdose in proving the crime of unlawful possession of a scheduled drug.

Committee Amendment "A" (H-205)

This amendment replaces the bill and creates an affirmative defense to prosecution. The amendment 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 amendment also specifies that the affirmative defense is not grounds for suppression of evidence with respect to any crime.

LD 1045 An Act To Establish the Forensic Advisory Committee

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill creates the Forensic Advisory Committee, which reports to the Attorney General, to review and make recommendations about the operations of the Office of the Chief Medical Examiner, the Maine State Police Crime Laboratory and the forensic chemistry section of the Health and Environmental Testing Laboratory. The committee is also required to review the conduct of personnel, errors in testing and new programs of, protocols for and methods of forensic testing.

Committee Amendment "A" (H-355)

This amendment, which is the minority report, makes the following changes to the Forensic Advisory Committee in the bill.

1. It requires the Governor, rather than the chair of the committee, to appoint four of the members of the committee.
2. It requires the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters to review, and the Legislature to confirm, the appointments made by the Governor to the committee.
3. It requires an academic with a doctorate in biological sciences, rather than an academic research scientist, to be appointed to the committee.
4. It requires the committee to make recommendations for each laboratory in the bill to the entity that has specific oversight authority over the laboratory.
5. It allows the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters to report out legislation, rather than a bill.

The amendment also adds an appropriations and allocations section.

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LD 1053 An Act Regarding a Retired Law Enforcement Officer Carrying a Concealed Handgun without a Permit ONTP

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

This bill amends the requirements for a retired law enforcement officer to carry a concealed handgun without a permit by adding that the retired law enforcement officer must have completed the firearms basic training course at the Maine Criminal Justice Academy or equivalent training requirements and removes the requirement for training within a year of possessing the handgun.

LD 1054 An Act To Prohibit Enforcement by a Federal or State Official or Others of the National Defense Authorization Act For Fiscal Year 2012 ACCEPTED MAJORITY (ONTP) REPORT

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

This bill expresses the findings of the Legislature that the National Defense Authorization Act For Fiscal Year 2012, authorizing the President of the United States to arrest, detain without charge, detain indefinitely, try under the laws of war or transfer to a foreign jurisdiction a noncitizen, violates the Constitution of the United States. This bill:

1. Prohibits within the State the activities authorized by the Act that the Legislature finds unconstitutional;
2. Prohibits the State from providing material support to or participating in the implementation of provisions of the Act that the Legislature finds unconstitutional;
3. Requires the Department of Public Safety to report to the Governor and Legislature any attempt by an agency or agent of the Federal Government to implement the Act through the operation of any state department or agency;
4. Makes a federal official or employee of a corporation doing business with the Federal Government who enforces or attempts to enforce the unconstitutional provisions of the Act guilty of a Class E crime; and
5. Makes a state official or employee of a corporation doing business with the State who enforces or attempts to enforce the unconstitutional provisions of the Act guilty of a Class D crime.

Committee Amendment "A" (H-161)

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

LD 1079 An Act To Provide for Alternatives for the Courts To Address Settlement of Fines in Certain Cases ONTP

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

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Current law allows a court, when an offender defaults in payment of a fine imposed for a conviction of a Class D or Class E crime, to order the offender to perform community service work. The order may be issued only following a default hearing at which the offender is entitled to legal counsel.

This bill allows the court, prior to the default hearing, to offer the offender the option of performing community service work under the same terms and conditions as community service work ordered after the default hearing.

LD 1112 An Act To Amend the Maine Juvenile Code and Related Statutes

PUBLIC 234

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-262

This bill makes the following changes to the Juvenile Code.

1. It provides that a person or entity performing a court-ordered mental health examination or evaluation of a juvenile may make a written demand for that juvenile's records or copies of those records held by another individual or entity.
2. It corrects an oversight to clarify that the juvenile crimes involving a useable amount of marijuana, drug paraphernalia, illegal transportation and certain types of intoxicating liquor need only be supported by a preponderance of the evidence rather than by evidence beyond a reasonable doubt as required for other juvenile crimes.
3. It adds a definition of "mental disease or defect" to the Maine Juvenile Code that is the same as the definition in the Maine Criminal Code for purposes of establishing lack of criminal responsibility by reason of insanity except it excludes the fact that a juvenile has not attained the level of mental or emotional development normally associated with an adult individual.
4. It removes duplicative or obsolete definitions for "he," "law enforcement officer," "organization" and "person."
5. It clarifies that the general principles contained in the Maine Revised Statutes, Title 17-A, Part 1, except specific provisions that are inconsistent with or inapplicable to the Maine Juvenile Code, are applicable to juvenile crimes.
6. It requires that a juvenile respond by way of an answer to a petition of allegation of a juvenile crime. A juvenile response may be through counsel.
7. It provides that, in addition to admitting the allegations of a petition, a juvenile or a juvenile's counsel may answer a petition by denying allegations, by asserting the absence of criminal responsibility by reason of insanity or by not contesting the allegations.
8. It allows a juvenile or a juvenile's counsel to answer by a denial and by an assertion of the absence of criminal responsibility by reason of insanity.
9. It allows a court to accept a denial or an assertion of the absence of criminal responsibility by reason of insanity, or both, when the case has been continued for investigation and for a bind-over hearing.
10. It provides that a court must enter an answer of denial if a juvenile or a juvenile's counsel declines to enter an answer.
11. It provides that a dispositional hearing will be set for a juvenile if the court accepts an answer admitting or not

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contesting the allegations of the petition.

12. It provides that if the answer entered by a juvenile is a denial or an assertion of the absence of criminal responsibility by reason of insanity, or both, or if the court declines to accept an answer admitting or not contesting the allegations of the petition, an adjudicatory hearing must be set.

13. It provides for a right to periodic review of a disposition of a juvenile found incompetent to proceed. It also clarifies that the commitment of a juvenile to the Department of Health and Human Services is a commitment to the custody of the Commissioner of Health and Human Services.

14. It changes the period of time within which a juvenile may take an appeal from the juvenile court to the Superior Court from five to seven days after the entry of an order of disposition. This is the same appeal period as is provided for a petition contesting extradition.

Committee Amendment "A" (H-262)

This amendment clarifies that a juvenile must personally appear in court to enter an answer to allegations in a petition. The bill provides that when an answer is entered or the court declines to accept an answer admitting or not contesting the allegations of a petition, an adjudicatory hearing must be set. This amendment removes the reference to an adjudicatory hearing and instead provides that the matter must be set for further proceedings in order to accommodate existing local procedures.

Enacted Law Summary

Public Law 2013, chapter 234 makes the following changes to the Juvenile Code.

1. It provides that a person or entity performing a court-ordered mental health examination or evaluation of a juvenile may make a written demand for that juvenile's records or copies of those records held by another individual or entity.
2. It corrects an oversight to clarify that the juvenile crimes involving a useable amount of marijuana, drug paraphernalia, illegal transportation and certain types of intoxicating liquor need only be supported by a preponderance of the evidence rather than by evidence beyond a reasonable doubt as required for other juvenile crimes.
3. It adds a definition of "mental disease or defect" to the Maine Juvenile Code that is the same as the definition in the Maine Criminal Code for purposes of establishing lack of criminal responsibility by reason of insanity except it excludes the fact that a juvenile has not attained the level of mental or emotional development normally associated with an adult individual.
4. It removes duplicative or obsolete definitions for "he," "law enforcement officer," "organization" and "person."
5. It clarifies that the general principles contained in the Maine Revised Statutes, Title 17-A, Part 1, except specific provisions that are inconsistent with or inapplicable to the Maine Juvenile Code, are applicable to juvenile crimes.
6. It requires that a juvenile respond by way of an answer to a petition of allegation of a juvenile crime. A juvenile response may be through counsel but must appear before the court in person.
7. It provides that, in addition to admitting the allegations of a petition, a juvenile or a juvenile's counsel may answer a petition by denying allegations, by asserting the absence of criminal responsibility by reason of insanity or by not contesting the allegations.
8. It allows a juvenile or a juvenile's counsel to answer by a denial and by an assertion of the absence of criminal responsibility by reason of insanity.

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9. It allows a court to accept a denial or an assertion of the absence of criminal responsibility by reason of insanity, or both, when the case has been continued for investigation and for a bind-over hearing.

10. It provides that a court must enter an answer of denial if a juvenile or a juvenile's counsel declines to enter an answer.

11. It provides that a dispositional hearing will be set for a juvenile if the court accepts an answer admitting or not contesting the allegations of the petition.

12. It provides that if the answer entered by a juvenile is a denial or an assertion of the absence of criminal responsibility by reason of insanity, or both, or if the court declines to accept an answer admitting or not contesting the allegations of the petition, an adjudicatory hearing must be set.

13. It provides for a right to periodic review of a disposition of a juvenile found incompetent to proceed. It also clarifies that the commitment of a juvenile to the Department of Health and Human Services is a commitment to the custody of the Commissioner of Health and Human Services.

14. It changes the period of time within which a juvenile may take an appeal from the juvenile court to the Superior Court from 5 to 7 days after the entry of an order of disposition. This is the same appeal period as is provided for a petition contesting extradition.

LD 1159 An Act To Address Human Trafficking, Sex Trafficking and Prostitution

PUBLIC 407

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill broadens the definition of "human trafficking offense" to include the Maine Criminal Code crimes of aggravated sex trafficking, sex trafficking and all other crimes in the Maine Revised Statutes, Title 17-A, chapters 11, 12 and 13 if accompanied by the withholding of government-issued immigration or identification documents or committed as part of a scheme to compel participation in prostitution or labor using specific types of threats.

This bill also makes changes in the Maine Criminal Code to address human trafficking and the subcategory of sex trafficking. Specifically, the bill:

1. Renames the crimes of aggravated promotion of prostitution and promotion of prostitution "aggravated sex trafficking" and "sex trafficking," respectively, in order to more accurately describe the defined criminal conduct;
2. Adds a provision to the crime of aggravated sex trafficking to include a victim who suffers from a mental disability;
3. Updates language in statute concerning aggravated sex trafficking regarding the terms "narcotic" and "alcoholic liquor;"
4. Amends the crime of sex trafficking to provide that a new violation after having been twice previously convicted of sex trafficking, engaging in prostitution, engaging a prostitute or patronizing prostitution of a minor, or attempts to commit those crimes or engaging in substantially similar conduct in another jurisdiction, constitutes a Class C crime;
5. Amends the crime of engaging in prostitution to permit the trial court at the time of sentencing to employ any

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sentence alternative authorized for a Class E crime rather than solely a fine; and

6. Amends the crime of patronizing prostitution of a minor to include the Class C crime of patronizing prostitution of a mentally disabled person.

Enacted Law Summary

Public Law 2013, chapter 407 broadens the definition of "human trafficking offense" to include the Maine Criminal Code crimes of aggravated sex trafficking, sex trafficking and all other crimes in the Maine Revised Statutes, Title 17-A, chapters 11, 12 and 13 if accompanied by the withholding of government-issued immigration or identification documents or committed as part of a scheme to compel participation in prostitution or labor using specific types of threats.

It also makes changes in the Maine Criminal Code to address human trafficking and the subcategory of sex trafficking. Specifically, it:

1. Renames the crimes of aggravated promotion of prostitution and promotion of prostitution "aggravated sex trafficking" and "sex trafficking," respectively, in order to more accurately describe the defined criminal conduct;
2. Adds a provision to the crime of aggravated sex trafficking to include a victim who suffers from a mental disability;
3. Updates language in statute concerning aggravated sex trafficking regarding the terms "narcotic" and "alcoholic liquor;"
4. Amends the crime of sex trafficking to provide that a new violation after having been twice previously convicted of sex trafficking, engaging in prostitution, engaging a prostitute or patronizing prostitution of a minor, or attempts to commit those crimes or engaging in substantially similar conduct in another jurisdiction, constitutes a Class C crime;
5. Amends the crime of engaging in prostitution to permit the trial court at the time of sentencing to employ any sentence alternative authorized for a Class E crime rather than solely a fine; and
6. Amends the crime of patronizing prostitution of a minor to include the Class C crime of patronizing prostitution of a mentally disabled person.

LD 1173 An Act To Repeal the Law Allowing Concealed Weapons in State Parks with Certain Exceptions

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill repeals the law that allows a person to whom a permit to carry a concealed firearm permit has been issued, either by this State or another state, to carry a concealed firearm in the buildings or parts of buildings and other public property that are under the jurisdiction of the Department of Agriculture, Conservation and Forestry, Division of Public Parks and Lands, including state parks and historic sites. This bill retains the exemptions in current law for:

1. An authorized federal, state or local law enforcement officer in the performance of the officer's official duties;

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- 2. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B; and
- 3. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C.

LD 1182 An Act Regarding the Disposition of Firearms in State Custody

ONTP

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

This bill amends the provisions of law concerning the disposal of firearms and ammunition by the State to:

- 1. Include the disposition of firearms and ammunition acquired by the State or a political subdivision that are no longer needed or that are turned in by a member of the public;
- 2. Require all law enforcement agencies to transfer any forfeited or no longer needed firearms and ammunition to the Department of Public Safety;
- 3. Clarify that the Department of Public Safety may transfer firearms and ammunition to the Maine State Police Crime Laboratory or the Maine State Museum;
- 4. Require the Department of Public Safety to hold up to two firearm and ammunition auctions a year and require that only unsafe firearms or ammunition be destroyed or transferred to the Maine State Police Crime Laboratory or the Maine State Museum;
- 5. Place conditions on the auction of firearms and the use of the proceeds;
- 6. Make the State immune from liability for the sale of a firearm or ammunition at auction; and
- 7. Require the Department of Public Safety to keep records of the disposition of all firearms and ammunition disposed of pursuant to the provisions of this bill.

LD 1183 An Act To Prohibit the Enforcement of Federal Law Placing Restrictions on Firearms or Ammunition

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill exempts from federal regulation firearms, firearm accessories and ammunition that are owned by residents of this State and kept exclusively in this State or that are made in this State and that remain in this State. It also prohibits the enforcement of any federal act, law, statute, rule, regulation or order that attempts to restrict or prohibit the ownership of a semi-automatic firearm or a magazine or that requires the registration of a firearm, a firearm accessory or ammunition. A violation is a Class C crime, punishable by a minimum of one year in prison.

Committee Amendment "A" (H-219)

This amendment is the minority report and incorporates a fiscal note.

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LD 1229 An Act To Regulate and Tax Marijuana

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill reforms state marijuana laws by establishing an excise tax on marijuana, allowing the personal use and cultivation of marijuana and allowing, regulating and licensing certain commercial marijuana-related activities, while providing provisions to protect minors, employers and schools.

Part A of the bill establishes a tax rate of \$50 per ounce for marijuana that is sold or transferred by licensed marijuana cultivation facilities. It directs the State Controller to distribute 10% of the revenue to regulating marijuana establishments, 5% to research into marijuana until January 1, 2021 and the remainder to the General Fund. It directs the Department of Administrative and Financial Services, Bureau of Revenue Services to report annually, beginning January 30, 2015, 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 marijuana that is sold in the State is assessed and to report its findings and recommendations to the Joint Standing Committee on Taxation by February 15, 2014.

Part B removes the civil violation for adults 21 years of age and older who possess up to 2 1/2 ounces of marijuana and creates a new civil violation for minors who present false identification to a retail marijuana store.

Part C of the bill allows a person 21 years of age or older to possess, purchase and use marijuana within certain limits and to cultivate a limited amount of marijuana for personal use. It allows a person to possess marijuana paraphernalia and up to 2 1/2 ounces of marijuana. It allows a person to cultivate up to 6 marijuana plants, including seedlings, and to purchase up to 2 1/2 ounces of marijuana, marijuana paraphernalia and marijuana seedlings from someone who is licensed to sell these products. The bill imposes the same type of restrictions on marijuana use that apply to tobacco use and that ban smoking in other public places. It requires those cultivating marijuana to secure it from access by unauthorized persons and access by minors. It also provides protections for schools and employers.

It includes specific requirements for the operations of commercial marijuana-related activities regarding the location of operations, security measures, labeling and record keeping. It allows localities to limit the number of each of 4 types of licensees, to regulate them or to ban them. It further limits the number of retail marijuana stores based on the size of the municipality.

This Part establishes the Bureau of Marijuana Regulation, Licensing and Enforcement in the Department of Administrative and Financial Services. The bureau is required to adopt emergency major substantive rules by June 1, 2014 for the licensing and regulation of marijuana establishments. Included in the rules must be a provision giving preference for licensing to a member or officer of a board of a corporation operating a registered dispensary under the Maine Medical Use of Marijuana Act or a senior manager of a registered dispensary. Until the initial rules adopted by the bureau are reviewed by the Legislature, the bureau is permitted to issue only 25% of the number of licenses for a retail marijuana store allowed in a municipality, but must issue at least one.

Additionally, Part C creates the Marijuana Regulations and Licensing Fund to provide a funding mechanism for regulation of commercial marijuana-related activities. It also establishes the Marijuana Research Fund, which is funded by part of the revenue generated from the marijuana tax. The Department of Health and Human Services is required to adopt rules for administering the fund by July 1, 2014.

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Part D of the bill changes the requirement for patients, primary caregivers and dispensaries to keep marijuana in an enclosed, locked facility. Instead, it requires that the marijuana be secured from unauthorized access or from access by a person under 21 years of age.

Part E of the bill updates the existing exceptions regarding possession of marijuana in the Maine Criminal Code to reflect the use permitted by this legislation.

Part F of the bill removes the fingerprinting and criminal history record check requirements from the existing laws that allow a person to apply to the Department of Agriculture, Conservation and Forestry for a license to grow industrial hemp. It 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 the Maine Revised Statutes, Title 7 that are affected by changes in terminology proposed to the Maine medical marijuana law in this bill and in Title 26 to prohibit the employment of a person under 21 years of age in an establishment licensed for commercial marijuana-related activities.

Part G of the bill provides that a person cannot be found to lack "good moral character" for personal, medical or commercial marijuana activities allowed by this legislation for purposes of obtaining a permit to carry a concealed handgun.

Part H of the bill requires this legislation to be submitted to statewide referendum for approval by the voters of the State.

Committee Amendment "A" (H-324)

This amendment is the minority report of the committee. This amendment strikes the bill and replaces it with a requirement, contingent upon approval of the voters at referendum, that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations develop a plan that includes proposed rules and any legislation needed to implement the use and taxation of marijuana. The bureau is required to report its plan to the Joint Standing Committee on Criminal Justice and Public Safety by January 31, 2014. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to the Second Regular Session of the 126th Legislature related to that report. This amendment was not adopted.

LD 1233 An Act Regarding Cyberbullying

ONTP

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

This bill establishes the crime of cyberbullying and makes a violation a Class E crime. It references the definition of cyberbullying in the education statutes that defines "cyberbullying" to mean bullying through the use of technology or any electronic communication device.

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LD 1234 An Act To Establish the Computer Crimes Unit Fund and Authorize the Department of Public Safety To Accept Donations for the Fund

DIED BETWEEN HOUSES

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

This bill establishes the Computer Crimes Unit Fund to fund the establishment, maintenance and operation of the computer crimes laboratory. It allows the Department of Public Safety to accept donations to the fund for those purposes.

Committee Amendment "A" (S-114)

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

LD 1237 Resolve, Directing the Department of Corrections To Amend Its Rules Pertaining to Certification of Batterer Intervention Programs

RESOLVE 3 EMERGENCY

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

This resolve directs the Department of Corrections to adopt emergency rules, to be followed by nonemergency rulemaking, to ensure gender equality in terms of the certification of certified batterer intervention programs. In a December 2012 decision, the Maine Supreme Judicial Court cast doubt on the validity of current rules that were written in terms of batterer intervention programs for male offenders only.

Enacted Law Summary

Resolve 2013, chapter 3 directs the Department of Corrections to adopt emergency rules, to be followed by nonemergency rulemaking, to ensure gender equality in terms of the certification of certified batterer intervention programs.

Resolve 2013, chapter 3 was finally passed as an emergency measure effective April 4, 2013.

LD 1240 An Act To Promote the Safe Use and Sale of Firearms

VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION GERZOFSKY	OTP-AM OTP-AM	H-450

This bill regulates the safe use and sale of firearms as follows.

1. It prescribes elements for the firearm safety course provided by the Department of Inland Fisheries and Wildlife.
2. It includes in the list of persons prohibited from possessing a firearm or a concealed handgun a person who has been admitted to a psychiatric hospital on an emergency basis and providing a procedure for such a person to appeal

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the prohibition.

3. It increases the fine from \$50 to \$1,000 for giving a false or fictitious name to a firearm dealer.
4. It increases the minimum age to obtain a concealed handgun permit from 18 to 21 years of age.
5. It includes in the definition of "firearm dealer" a private seller, including a private seller at a gun show.
6. It requires a firearm dealer to require a buyer to present certification of completion of a firearm safety course or a copy of a current hunting license or current concealed handgun permit prior to sale.
7. It requires firearm dealers to conduct background checks of buyers, except for sales between family members.
8. It makes a violation of certain requirements for a firearm dealer a civil violation for the first offense and a Class E crime for second and subsequent offenses.

Committee Amendment "A" (H-450)

This amendment replaces the bill and is the majority report. The amendment does the following.

1. It creates the civil violation of the sale or transfer of a firearm to a prohibited person and strict liability Class E crime for a 2nd or subsequent offense of selling or transferring a firearm to a prohibited person. The amendment 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.
2. It 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.
3. It 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.
4. It creates a study group to be convened by the Chief of the State Police to review and make recommendations regarding the so-called blue paper process as it relates to persons admitted to a psychiatric hospital on an emergency basis who are temporarily prohibited from possessing firearms. Representatives from the following are invited to participate in this review: the Office of the Attorney General, the Department of Health and Human Services, the Maine Prosecutors Association, the Disability Rights Center and any other interested parties that the Chief of the State Police determines appropriate.
5. It requires the Chief of the State Police to report the recommendations of the study group to the Joint Standing Committee on Criminal Justice and Public Safety by January 30, 2014. Following receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out a bill to the Second Regular Session of the 126th Legislature.

Committee Amendment "B" (H-451)

This amendment replaces the bill and is the minority report. The amendment does the following.

1. It 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.

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2. It increases the penalty from \$50 to \$1,000 for the civil violation of giving a false or fictitious name to a firearms dealer.
3. It creates a study group to be convened by the Chief of the State Police to review and make recommendations regarding the current "blue paper" process as it relates to persons who are temporarily prohibited from possessing firearms. Representatives from the following are invited to participate in this review: the Office of the Attorney General, the Department of Health and Human Services, the Maine Prosecutors' Association, the Maine Disability Rights Center and any other interested parties that the Chief of the State Police determines appropriate.
4. It requires the study group to report its recommendations to the Joint Standing Committee on Criminal Justice and Public Safety by January 30, 2014. Upon receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out a bill to the Second Regular Session of the 126th Legislature.

LD 1260 An Act To Allow Ignition Interlock Devices on Vehicles Operated by PUBLIC 389
First-time Offenders of Operating Under the Influence

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING PLUMMER	OTP-AM	H-369

Current law requires the license of a person convicted of operating under the influence, or OUI, to be suspended for 90 days if it is the person's first OUI conviction within 10 years. At the end of the suspension, the person must pay a license reinstatement fee of \$50.

This bill amends the OUI laws for a first-time offender to:

1. Increase the license suspension period to 180 days;
2. Allow the license of a person to be reinstated immediately if the person has an ignition interlock device installed in the motor vehicle that person operates. The device must remain installed for 180 days or the number of days remaining in the suspension period, whichever is shorter; and
3. Increase the reinstatement fee to \$100 if the person chooses to have an ignition interlock device installed in the motor vehicle the person operates.

Committee Amendment "A" (H-369)

This amendment does the following.

1. It reduces from 180 days to 150 days the driver's license suspension period for a person's first conviction of operating under the influence, or OUI.
2. It provides that the license of a first-time OUI offender may be reinstated 30 days after installing an ignition interlock device, instead of immediately upon installation as provided in the bill.
3. It also changes from 180 days to 150 days or the length of the suspension period the time a person who has one OUI offense must have an ignition interlock device installed before the Secretary of State may reinstate that person's driver's license.
4. It establishes a \$50 administrative fee for a person whose license is reinstated through the use of an ignition interlock device. The administrative fee is in addition to the license reinstatement fee.

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5. It provides that if a person commits an OUI and it results in a fatality, that person is ineligible to receive an ignition interlock device.
6. It provides that if a person commits an OUI that results in serious bodily injury that person's driver's license may be reinstated after three years of the suspension period has run if the person has installed for a period of three years an ignition interlock device.
7. It establishes penalties for a first-time OUI offender who violates the terms and conditions of license reinstatement with an ignition interlock device.
8. It requires a person certified by the Secretary of State to install ignition interlock devices to provide to a person whose adjusted gross household income is not more than 150% of the federal poverty level a discount of at least 50% of the costs associated with installing the ignition interlock device.
9. It delays the effective date of the provisions of the bill regarding the time period a first-time OUI offender's driver's license is suspended and may be reinstated through the use of an ignition interlock device until December 1, 2013.

Enacted Law Summary

Public Law 2013, chapter 389 does the following.

1. It increases the driver's license suspension period from 90 days to 150 days for a person's first conviction of operating under the influence, or OUI.
2. It provides that the license of a first-time OUI offender may be reinstated after 30 days of the suspension period has run if the person has installed an ignition interlock device for 150 days.
3. It also provides that a person who has one OUI offense must have an ignition interlock device installed for 150 days or the length of the suspension period before the Secretary of State may reinstate that person's driver's license.
4. It provides that if a person commits an OUI that results in serious bodily injury that person's driver's license may be reinstated after three years of the suspension period has run if the person has installed an ignition interlock device for three years.
5. It provides that if a person commits an OUI and it results in a fatality, that person is ineligible to receive an ignition interlock device.
6. It establishes a \$50 administrative fee for a person whose license is reinstated through the use of an ignition interlock device. The administrative fee is in addition to the license reinstatement fee.
7. It establishes penalties for a first-time OUI offender who violates the terms and conditions of license reinstatement with an ignition interlock device.
8. It requires a person certified by the Secretary of State to install ignition interlock devices to provide to a person whose adjusted gross household income is not more than 150% of the federal poverty level a discount of at least 50% of the costs associated with installing the ignition interlock device.
9. It also provides that the provisions of the Act regarding the time period a first-time OUI offender's driver's license is suspended and may be reinstated through the use of an ignition interlock device take effect December 1, 2013.

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LD 1289 An Act To Create an Animal Abuser Registry

ONTP

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

This bill requires a person convicted of animal cruelty under Maine's criminal law or convicted of a comparable offense in another state to register annually as an animal abuser with the county sheriff for a period of 15 years. It requires each county sheriff to maintain a registry and disseminate information on the registered animal abuser. It requires the Department of Public Safety, State Bureau of Identification to maintain a central registry of animal abusers.

LD 1305 An Act To Discourage Tenants from Damaging Rental Property

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill creates the Class E crime of unlawful damage by a tenant if at the termination of a tenancy a rental unit has sustained over \$1,000 worth of damage over the amount of the security deposit and the tenant does not pay the landlord within 60 days' notice of the damage by the landlord. A 2nd or subsequent offense is a Class D crime.

Committee Amendment "A" (S-240)

This amendment replaces the bill and is the minority report. It provides that the value of the loss of rental income because of damage caused by the tenant may be used to establish the Class C crime of aggravated mischief.

LD 1316 An Act Regarding Computers Used To Commit a Crime or Facilitate the Commission of a Crime

PUBLIC 297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TYLER PLUMMER	OTP-AM	H-317

This bill amends the law regarding the disposition of computers used to commit crimes to:

1. Add a definition of "data storage device," as it is used in the definition of "computer";
2. Require that computer data stored on a computer in the possession of the State that was used to commit or facilitate the commission of a crime be permanently destroyed or caused to be permanently destroyed by the State through the removal and destruction of any parts of the computer on which the computer data are stored;
3. Permit the release of specifically identifiable computer data to persons requesting that computer data if certain conditions are met;
4. Permit the State to either destroy or assume ownership of a computer under certain circumstances;

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5. Allow a person having a bona fide property interest in a computer in the custody of the State to take possession of that computer, but only after computer data on the computer have been permanently destroyed. If the computer was used to commit or facilitate the commission of a crime involving sexual exploitation of a minor, that computer, and all computer data on that computer, must be permanently destroyed;
6. Require the State, if it assumes ownership of a computer, to permanently destroy, or cause to be permanently destroyed, all computer data stored on that computer; and
7. Require that, before a criminal justice agency permanently destroys any computer data or disposes or assumes ownership of a computer in the custody of the agency prior to the effective date of this Act, the agency post on its publicly accessible website a notice stating that, unless written notification as described in the bill is given to the criminal justice agency within 4 months after the effective date of this Act, all such computer data and computers must be disposed of in accordance with the provisions of the bill.

Committee Amendment "A" (H-317)

This amendment makes the following changes to the bill.

1. It gives the State the discretion to destroy or dispose of a computer used to commit a crime instead of making it mandatory as in the bill.
2. In addition to a finding of the defendant's guilt as the trigger for the destruction of computer data or the disposal of a computer, this amendment adds to that the court's acceptance of a plea of guilty or nolo contendere or a finding by the court that the person is not criminally responsible for the crime. It also clarifies that the destruction or disposal of such property may not be done until after all appeal periods have run and any such proceedings have concluded.
3. In addition to the conditions in the bill that must be met before the State releases any computer data to persons requesting the data, this amendment also provides that the chief officer of the agency subject to the request may consider whether there is a 3rd-party vendor that can accommodate the request if the agency cannot provide the requested data. It also provides that the chief officer shall refer the request to the 3rd-party vendor for processing upon receipt of full payment from the requestor for the amount to be charged by the vendor.
4. This amendment provides that the chief officer of the criminal justice agency that is subject to a request for computer data or for possession of a computer must respond within 60 days from the date the request was received by the chief officer.
5. It changes the notice the State must give before destroying computer data or disposing of a computer in the custody of the State prior to the effective date of this Act from 4 months to 90 days.

Enacted Law Summary

Public Law 2013, chapter 297 amends the law regarding the disposition of computers used to commit crimes as follows.

1. It adds a definition of "data storage device," as it is used in the definition of "computer."
2. It provides that computer data stored on a computer in the possession of the State that was used to commit or facilitate the commission of a crime may be permanently destroyed or caused to be permanently destroyed by the State through the removal and destruction of any parts of the computer on which the computer data are stored.
3. It provides that a finding of the defendant's guilt, the court's acceptance of a plea of guilty or nolo contendere or a finding by the court that the person is not criminally responsible for the crime is a trigger for the destruction of computer data or the disposal of a computer.

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4. It permits the release of specifically identifiable computer data to persons requesting that computer data if certain conditions are met. If an agency cannot provide the requested data, the chief officer of the agency subject to the request may consider whether there is a 3rd-party vendor that can accommodate the request and if so, refer the request to the 3rd-party vendor for processing upon receipt of full payment from the requestor for the amount to be charged by the vendor.
5. It permits the State to either destroy or assume ownership of a computer under certain circumstances and provides that the State may, if it assumes ownership of a computer, permanently destroy, or cause to be permanently destroyed, all computer data stored on that computer.
6. It allows a person having a bona fide property interest in a computer in the custody of the State to take possession of that computer, but only after computer data on the computer have been permanently destroyed. If the computer was used to commit or facilitate the commission of a crime involving sexual exploitation of a minor, that computer, and all computer data on that computer, may be permanently destroyed.
7. It requires that, before a criminal justice agency permanently destroys any computer data or disposes or assumes ownership of a computer in the custody of the agency prior to October 9, 2013, the agency must post on its publicly accessible website a notice stating that, unless written notification is given to the criminal justice agency within 90 days after October 9, 2013, all such computer data and computers must be disposed of in accordance with the provisions of this Act.

LD 1320 An Act To Fairly Distribute the Debt Burden between the State and County Correctional Functions

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill requires the State Board of Corrections to develop a formula to distribute the cost of debt service for Two Bridges Regional Jail to counties and to the State in proportion to the number of inmates each county and the State has in the jail. The formula must be updated 12 months prior to the beginning of each biennium and the cost of debt service must be included in the budgets of each county and the State.

Committee Amendment "A" (H-356)

This amendment, which is the minority report of the committee, replaces the bill. It requires the State Board of Corrections to determine the percentage of the average daily inmate population that came from outside of each county for the previous fiscal year. As long as the percentage of the population from outside the county is 10% or more, the county may include a percentage of the interest associated with corrections debt that is equal to the percentage of inmates from outside that county in its budget submitted to the State Board of Corrections. The amendment also adds an appropriations and allocations section.

LD 1419 An Act To Allow a Setoff of a Third-party Bailor's Property under Certain Conditions

PUBLIC 211

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

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This bill allows a court to set off a portion of the bail posted by a third person on behalf of a defendant to pay any fine, fee or restitution that is owed by the third person.

Enacted Law Summary

Public Law 2013, chapter 211 allows a court to set off a portion of the bail posted by a third person on behalf of a defendant to pay any fine, fee or restitution that is owed by the third person.

LD 1429 An Act To Allow School Administrative Units To Establish Rules, Procedures and Guidelines for Properly Trained Staff To Carry a Concealed Handgun on School Property while Acting in Their Official Capacities

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill enables school administrative units to establish rules, procedures and guidelines to allow a properly trained school employee to carry a concealed handgun on school property. It also sets the following parameters.

1. It requires a school administrative unit electing to allow an employee to carry a concealed handgun on school property to ensure that the employee successfully completes a firearms training course and requalifies on an annual basis.
2. It also requires the employee to complete training in crisis intervention and hostage situations and use of deadly force, and possess a valid permit to carry a concealed handgun.
3. It requires a school administrative unit establishing a concealed handgun program to establish in writing the duties and responsibilities of school employees authorized to participate in the program.
4. It mandates that liability insurance be carried on each participating employee, whether paid for by the school administrative unit or the employee.
5. It allows a school administrative unit to pay a participating employee a stipend and to require an employee applying to carry a concealed handgun on school property to submit to a psychological evaluation.
6. It authorizes the Maine Criminal Justice Academy to design a firearms training course for school employees who have applied to carry concealed handguns on school property.
7. It specifies that participation in the program by a school employee is voluntary and provides that if at least 10% of the number of voters voting in the last general election petition the school administrative unit, the issue will be put to a vote at referendum.

Committee Amendment "A" (S-150)

This amendment is the minority report and allows a school administrative unit to invite a school employee who is qualified to carry a concealed handgun on school premises to become a part-time law enforcement officer. It provides that the school administrative unit may enter into an agreement with a local law enforcement agency to commission a qualified school employee as a part-time law enforcement officer. Before becoming a part-time law enforcement officer, the school employee must successfully complete the Maine Criminal Justice Academy's training requirements for a part-time law enforcement officer.

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LD 1432 An Act To Revise the Laws of the Maine Criminal Justice Academy

PUBLIC 147

Sponsor(s)

PLUMMER
DION

Committee Report

OTP

Amendments Adopted

This bill makes changes to the law related to criminal justice training and certification.

1. It makes minor technical changes to reflect current practice for the Maine Criminal Justice Academy and clearly identifies the purpose of the Maine Criminal Justice Academy Board of Trustees.
2. It eliminates the separate definitions for state and county corrections officers. It simplifies the definition of "judicial marshal." It eliminates the definition of "part-time corrections officer." It redefines "full-time law enforcement officer," "law enforcement officer," "part-time law enforcement officer" and "transport officer" for statewide application of the law.
3. It clarifies annual training and certification requirements.
4. It changes the makeup of the Maine Criminal Justice Academy Board of Trustees to specifically include a district attorney or a criminal prosecutor from a district attorney's office.
5. It eliminates outdated language concerning the establishment of minimum standards and sets deadlines for the agencies to comply with the standards and policies and for annual certification of any changes in the policies.
6. It amends the penalty section to add that an individual may also receive a civil penalty of up to \$500 for violating any provision of the laws relating to law enforcement officers.
7. It reorganizes the same language regarding the custodian of the records so the provisions apply to all records.
8. It requires all corrections officers, whether employed as part-time or full-time officers, to be trained and certified to the same standards, regardless of how many annual hours worked.
9. It specifies that all law enforcement officers and corrections officers must complete the in-service training and may be disciplined by the board for not doing so, clarifies the role of the board involving in-service training and permits in-service training to be provided by either the Maine Criminal Justice Academy or the employing law enforcement agency.
10. It amends the law concerning the complaint review committee of the board to allow it to investigate any person holding a certificate issued by the board, not just law enforcement and corrections officers, and makes the process consistent with the due process guidelines of the Maine Administrative Procedure Act.
11. It makes more specific and expands the list of behaviors subject to disciplinary action by the board.
12. It allows the board to bring an action in court to enjoin a person from violating any provision of the laws relating to law enforcement officers regardless of whether civil or administrative proceedings have been or may be instituted.
13. It requires a chief administrative officer to report criminal convictions or criminal conduct of any certificate holder or potential certificate holder to the Director of the Maine Criminal Justice Academy within 30 days.

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14. It requires reimbursement to a law enforcement agency for the cost of basic training regardless of the reason an officer left the agency if the officer is hired by another law enforcement agency and allows for a mutual agreement between two agencies on reimbursement.

Enacted Law Summary

Public Law 2013, chapter 147 makes changes to the law related to criminal justice training and certification.

1. It makes minor technical changes to reflect current practice for the Maine Criminal Justice Academy and identifies the purpose of the Maine Criminal Justice Academy Board of Trustees.
2. It eliminates the separate definitions for state and county corrections officers. It simplifies the definition of "judicial marshal." It eliminates the definition of "part-time corrections officer." It redefines "full-time law enforcement officer," "law enforcement officer," "part-time law enforcement officer" and "transport officer" for statewide application of the law.
3. It clarifies annual training and certification requirements.
4. It changes the makeup of the Maine Criminal Justice Academy Board of Trustees to specifically include a district attorney or a criminal prosecutor from a district attorney's office.
5. It eliminates outdated language concerning the establishment of minimum standards and sets deadlines for the agencies to comply with the standards and policies and for annual certification of any changes in the policies.
6. It amends the penalty section to add that an individual may also receive a civil penalty of up to \$500 for violating any provision of the laws relating to law enforcement officers.
7. It reorganizes the same language regarding the custodian of the records so the provisions apply to all records.
8. It requires all corrections officers, whether employed as part-time or full-time officers, to be trained and certified to the same standards, regardless of how many annual hours worked.
9. It specifies that all law enforcement officers and corrections officers must complete the in-service training and may be disciplined by the board for not doing so, clarifies the role of the board involving in-service training and permits in-service training to be provided by either the Maine Criminal Justice Academy or the employing law enforcement agency.
10. It amends the law concerning the complaint review committee of the board to allow it to investigate any person holding a certificate issued by the board, not just law enforcement and corrections officers, and makes the process consistent with the due process guidelines of the Maine Administrative Procedure Act.
11. It makes more specific and expands the list of behaviors subject to disciplinary action by the board.
12. It allows the board to bring an action in court to enjoin a person from violating any provision of the laws relating to law enforcement officers regardless of whether civil or administrative proceedings have been or may be instituted.
13. It requires a chief administrative officer to report criminal convictions or criminal conduct of any certificate holder or potential certificate holder to the Director of the Maine Criminal Justice Academy within 30 days.
14. It requires reimbursement to a law enforcement agency for the cost of basic training regardless of the reason an officer left the agency if the officer is hired by another law enforcement agency and allows for a mutual agreement between two agencies on reimbursement.

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LD 1433 An Act To Amend the Laws Governing Mental Responsibility for Criminal Conduct

PUBLIC 265

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON HAMPER	OTP-AM	H-297 H-346 DION

This bill amends the laws governing mental responsibility for criminal conduct in the following ways.

1. It provides that the State Forensic Service may observe a defendant who is incarcerated at the correctional facility where the defendant is incarcerated as part of an evaluation of the defendant by the State Forensic Service if the State Forensic Service determines that the correctional facility can provide an appropriate setting for the observation.
2. It provides that, if a defendant has been incarcerated prior to commitment to the custody of the Commissioner of Health and Human Services for observation to determine the competency of the defendant to stand trial and during the period of observation the defendant assaults another person and the risk of a subsequent assault cannot be managed, the commissioner may return the defendant to the correctional facility.
3. It sets deadlines for a court to hold a hearing on the question of a defendant's competence to stand trial and increases the number of different types of facilities to which a court may commit a defendant who is found incompetent to stand trial.
4. It provides that a person who is in prison for an offense and is found not criminally responsible by reason of insanity for another offense must finish that person's prison term before beginning the commitment ordered by the court for the 2nd offense.
5. It provides that an individual who is in state custody on the basis of being not criminally responsible by reason of insanity with respect to an offense may petition the court to be off institutional grounds if the individual is monitored by a team providing assertive community treatment and meets with a psychiatrist, psychologist, nurse practitioner or physician assistant at least monthly. It removes language that limits to 14 days the amount of time such an individual may be off institutional grounds.

Committee Amendment "A" (H-297)

This amendment makes the following changes to the bill.

1. The bill provides that, if a defendant has been incarcerated prior to commitment to the custody of the Commissioner of Health and Human Services for observation to determine the competency of the defendant to stand trial and during the period of observation the defendant assaults another person and the risk of a subsequent assault cannot be managed, the commissioner may return the defendant to the correctional facility. This amendment provides that the defendant need only present a substantial risk of causing bodily injury to staff or others instead of requiring an actual assault.
2. The bill requires a court to terminate a defendant's commitment to the custody of the Commissioner of Health and Human Services after the commissioner notifies the court that the defendant is being returned to a correctional facility because the defendant assaulted another person and the risk of subsequent assaults cannot be managed. This amendment removes the mandatory language and gives the court discretion in determining what action should be taken regarding the defendant, including, but not limited to, the termination of the defendant's commitment.
3. This amendment provides that if the State Forensic Service reports to the court that a defendant is either now

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competent to stand trial or not restorable, the court must hold a hearing on the matter within 30 days of the report. Current law provides that the court must schedule such a hearing without delay.

4. In addition to the places provided in the bill where the Commissioner of Health and Human Services is allowed to house a person committed as not competent to stand trial, this amendment allows the commissioner to place such a person in any living situation specifically approved by a court.

5. This amendment provides that when a person serving a criminal sentence is found not criminally responsible for a subsequent crime, the court may exercise its discretion to determine whether the defendant should be immediately committed to a mental health institution or whether the defendant should complete the sentence being served before being committed to the institution. This change accords section 4 of the bill with the Law Court's holding in *James v. State*, 2008 ME 122, 953 A.2d 1152.

6. This amendment provides that a person previously found not criminally responsible for a crime who has been committed to the custody of the Commissioner of Health and Human Services whose treatment plan allows that person to live off institutional grounds must meet with a member of a multidisciplinary treatment team affiliated with the institution at least every 14 days and with a team member qualified to prescribe medication at least monthly.

House Amendment "A" To Committee Amendment "A" (H-346)

This amendment removes the change made in Committee Amendment "A" that would require the court to hold a competency hearing within 30 days of the court's receiving the State Forensic Service's report.

Enacted Law Summary

Public Law 2013, chapter 265 amends the laws governing mental responsibility for criminal conduct in the following ways.

1. It provides that the State Forensic Service may observe a defendant who is incarcerated at the correctional facility where the defendant is incarcerated as part of an evaluation of the defendant by the State Forensic Service if the State Forensic Service determines that the correctional facility can provide an appropriate setting for the observation.

2. It provides that, if a defendant has been incarcerated prior to commitment to the custody of the Commissioner of Health and Human Services for observation to determine the competency of the defendant to stand trial and during the period of observation the defendant presents a substantial risk of causing bodily injury to staff or others that cannot be managed in an appropriate mental health institution, the commissioner may return the defendant to the correctional facility. Additionally, it directs the commissioner to report the risk management issue to the court for determining what action should be taken regarding the defendant, including, but not limited to, the termination of the defendant's commitment.

3. It specifies the types of facilities that the Commissioner of Health and Human Services is allowed to house a person committed as not competent to stand trial including any living situation that has been specifically approved by a court.

4. It provides that when a person serving a criminal sentence is found not criminally responsible for a subsequent crime, the court may exercise its discretion to determine whether the defendant should be immediately committed to a mental health institution or whether the defendant should complete the sentence being served before being committed to the institution. This change amends the law to accord it with the Law Court's holding in *James v. State*, 2008 ME 122, 953 A.2d 1152.

5. It provides that a person previously found not criminally responsible for a crime who has been committed to the custody of the Commissioner of Health and Human Services whose treatment plan allows that person to live off

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institutional grounds must meet with a member of a multidisciplinary treatment team affiliated with the institution at least every 14 days and with a team member qualified to prescribe medication at least monthly.

**LD 1438 An Act To Implement Certain Recommendations of the Criminal Law
Advisory Commission Relative to the Maine Bail Code, Statutory
Post-conviction Review, the Maine Criminal Code and a Related Statute**

PUBLIC 266

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-456

This bill implements the Criminal Law Advisory Commission recommendations as follows.

1. Current law provides that a person who has been sentenced but granted a stay of execution to report to the court at a specific time and who fails to report commits a Class E crime or a Class C crime depending on the length of the original sentence imposed. Existing statute does not specify a culpable mental state for failure to report. This bill clarifies that a failure to report is a strict liability crime, which means that it does not include a culpable mental state element, making it equivalent in this respect to a failure to appear and a violation of a condition of release.
2. In the context of a failure to report, it amends language to ensure that circumstances in which a sentence is automatically stayed or automatically terminated are included in addition to circumstances in which the stay order provides a specific date.
3. It makes a technical correction to the affirmative defense language for failure to report.
4. Current law provides for an action for post-conviction review of a criminal judgment or of a post-sentencing proceeding following the criminal judgment when the challenged criminal judgment or post-sentencing proceeding is causing a present restraint or other specified impediment. This bill provides that these restraints and impediments include community service work imposed by the challenged criminal judgment that has not been fully performed when the person has not inexcusably failed to complete the work within the time specified by the court.
5. It rectifies an oversight that occurred during the Second Regular Session of the 125th Legislature when the law granting grounds for relief to show that a challenged criminal judgment or sentence is unlawful or unlawfully imposed was amended.
6. It provides that a person who has taken an appeal from a judgment of not criminally responsible by reason of insanity may use the remedy of post-conviction review while the appeal is pending.
7. It makes a number of technical corrections to clarify provisions regarding the exhaustion of remedies with respect to appeals.
8. It amends the Class C version of the crime of visual sexual aggression against a child by adding that a person is guilty of the crime if the person engages in the prohibited activity for the purpose of causing affront or alarm. This language was included in the Class D version of the crime but omitted from the Class C version of the crime when both were enacted by Public Law 2003, chapter 711, Part B, section 4.
9. It amends the law that provides an affirmative defense to prosecution for prohibited contact with a minor to make clear that the defendant may not be the person whose consent with respect to contact with the minor provides the basis for the affirmative defense.
10. It provides that when an offender defaults on the payment of a fine and the court determines it to be excusable, in addition to the current statutory options of giving the offender additional time for payment or reducing the

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amount of each installment, the court may permit the offender to perform community service work if the community service work is supervised by a local sheriff or by a community confinement monitoring agency with which that sheriff has contracted.

11. It adds a person conducting research at a school of pharmacology to the list of persons who are authorized to possess, furnish and have control of scheduled or prescription drugs, controlled substances or hypodermic apparatuses.

Committee Amendment "A" (H-456)

This amendment removes the provision of the bill that amends the Class C version of the crime of visual sexual aggression against a child to include engaging in the prohibited activity for the purpose of causing affront or alarm.

The bill amends the law that provides an affirmative defense to prosecution for prohibited contact with a minor by making it explicit that the defendant may not be the person whose consent, with respect to contact with the minor, provides the basis for the affirmative defense. This amendment removes that provision.

Enacted Law Summary

Public Law 2013, chapter 266 implements the Criminal Law Advisory Commission recommendations as follows.

1. Current law provides that a person who has been sentenced but granted a stay of execution to report to the court at a specific time and who fails to report commits a Class E crime or a Class C crime depending on the length of the original sentence imposed. Existing statute does not specify a culpable mental state for failure to report. Public Law 2013, chapter 266 clarifies that a failure to report is a strict liability crime, which means that it does not include a culpable mental state element, making it equivalent in this respect to a failure to appear and a violation of a condition of release.

2. In the context of a failure to report, it amends language to ensure that circumstances in which a sentence is automatically stayed or automatically terminated are included in addition to circumstances in which the stay order provides a specific date.

3. It makes a technical correction to the affirmative defense language for failure to report.

4. Current law provides for an action for post-conviction review of a criminal judgment or of a post-sentencing proceeding following the criminal judgment when the challenged criminal judgment or post-sentencing proceeding is causing a present restraint or other specified impediment. Public Law 2013, chapter 266 provides that these restraints and impediments include community service work imposed by the challenged criminal judgment that has not been fully performed when the person has not inexcusably failed to complete the work within the time specified by the court.

5. It rectifies an oversight that occurred during the Second Regular Session of the 125th Legislature when the law granting grounds for relief to show that a challenged criminal judgment or sentence is unlawful or unlawfully imposed was amended.

6. It provides that a person who has taken an appeal from a judgment of not criminally responsible by reason of insanity may use the remedy of post-conviction review while the appeal is pending.

7. It makes a number of technical corrections to clarify provisions regarding the exhaustion of remedies with respect to appeals.

8. It provides that when an offender defaults on the payment of a fine and the court determines it to be excusable, in addition to the current statutory options of giving the offender additional time for payment or reducing the amount of each installment, the court may permit the offender to perform community service work if the community service

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work is supervised by a local sheriff or by a community confinement monitoring agency with which that sheriff has contracted.

9. It adds a person conducting research at a school of pharmacology to the list of persons who are authorized to possess, furnish and have control of scheduled or prescription drugs, controlled substances or hypodermic apparatuses.

LD 1439 An Act To Repeal Certain Maine Criminal Code Provisions Addressing PUBLIC 194
So-called Bath Salts Containing Synthetic Hallucinogenic Drugs and
Instead To Define Them as Schedule W Drugs

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

This bill is proposed by the Criminal Law Advisory Commission. It repeals provisions criminalizing synthetic hallucinogenic drugs in chapter 45 of the Maine Criminal Code and in related provisions regarding asset forfeiture in the Maine Revised Statutes, Title 15 and regarding drug-related offenses in Title 22 and instead classifies these drugs as schedule W drugs. As schedule W drugs, they are treated the same as all other schedule W drugs for purposes of possession, trafficking and furnishing.

This bill also repeals an unnecessary provision of law that prohibits including a drug or substance in schedule W, X, Y or Z that is legally sold in the State without any federal or state requirements as to prescription and that is unaltered as to its form.

Enacted Law Summary

Public Law 2013, chapter 194 repeals provisions criminalizing synthetic hallucinogenic drugs in chapter 45 of the Maine Criminal Code and in related provisions regarding asset forfeiture in the Maine Revised Statutes, Title 15 and regarding drug-related offenses in Title 22 and instead classifies these drugs as schedule W drugs. As schedule W drugs, they are treated the same as all other schedule W drugs for purposes of possession, trafficking and furnishing.

Public Law 2013, chapter 194 also repeals an unnecessary provision of law that prohibits including a drug or substance in schedule W, X, Y or Z that is legally sold in the State without any federal or state requirements as to prescription and that is unaltered as to its form.

LD 1470 An Act To Develop Juvenile Assessment Centers ONTP

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

This bill develops guidelines for the establishment of juvenile assessment centers throughout the State. It provides that one center may be established in each prosecutorial district and that each center is responsible for providing collocated central intake and screening services for juveniles referred to the Department of Corrections. This bill directs centers to provide for the coordination and sharing of information among the participating agencies to facilitate the screening of and case processing for juveniles referred to the department and must provide a forum for the department to conduct predisposition assessments and evaluations of juveniles.

This bill establishes a juvenile assessment advisory board to govern each center and provides that the board must

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include representatives from the Department of Corrections; the county sheriff; the Department of Health and Human Services, Bureau of Child and Family Services; the district attorney; the State Police; municipal police departments; and county mental health organizations, and may include representatives from associations representing health service providers and associations of criminal defense lawyers and other state and local agencies serving juveniles.

LD 1491 An Act To Extend the Statute of Limitations on Certain Sex Crimes

PUBLIC 392

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY DION	OTP-AM ONTP	S-209

This bill provides that a civil action based upon a sexual act that is committed or engaged in by an actor who has certain authority over the other person may be commenced at any time. It also extends to 10 years the statute of limitations on prosecutions for crimes involving unlawful sexual touching, unlawful sexual contact, sexual abuse of a minor, rape or gross sexual assault if the actor has certain authority over the victim.

Committee Amendment "A" (S-209)

This amendment removes provisions of the bill regarding sexual acts committed by a person who has certain authority over the other person. It extends the statute of limitations period from six years to eight years for Class A, Class B and Class C sex crimes.

Enacted Law Summary

Public Law 2013, chapter 392 extends the statute of limitations period from six years to eight years for Class A, Class B and Class C sex crimes involving unlawful sexual contact or gross sexual assault.

LD 1493 An Act To Revise the Laws Concerning Criminal History Record Information and Intelligence and Investigative Information

PUBLIC 267

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-360

This bill implements the recommendations of the Criminal Law Advisory Commission to revise the criminal history record information laws, currently allocated to the Maine Revised Statutes, Title 16, chapter 3, subchapter 8.

Part A of this bill repeals chapter 3, subchapter 8, which includes sections 611 to 623, and enacts 2 new chapters within Title 16. The creation of 2 chapters allows for the separate treatment of the 2 mutually exclusive information-of-record categories of criminal history record information and intelligence and investigative record information. Their consolidated treatment in chapter 3, subchapter 8 resulted in significant confusion as to their differing meanings and applications.

1. This bill enacts Title 16, chapter 7, which:

- A. Designates, in section 701, the new chapter as the Criminal History Record Information Act;
- B. Outlines, in section 702, the chapter's scope and application, which had no counterpart in former subchapter 8. It makes clear that when criminal history record information is public information, the term "public criminal history record information" is used. Similarly, when criminal history record information is confidential, it is labeled as "confidential criminal history record information"; and

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C. Defines, in section 703, like in former section 611, technical terms used throughout the subchapter, including:

(1) A definition of "administration of criminal justice," which mirrors former section 611, subsection 1, except that the word "detection" has been eliminated from the first sentence and "criminal identification activities" has been eliminated from the 2nd sentence because such activities are now addressed in the new chapter 9 regarding intelligence and investigative record information;

(2) A definition of "confidential criminal history record information," which replaces former section 611, subsection 9. What was formerly identified as "nonconviction data" is now identified as "confidential criminal history record information." The types of criminal history record information described in former section 611, subsection 9 are included in section 703, subsection 2 and have been modified for purposes of clarity and completeness. Section 703, subsection 2, paragraphs D, I, J and K have no counterpart in former section 611, subsection 9;

(3) A definition of "criminal history record information," which replaces former section 611, subsection 3 with a new section 703, subsection 3 and expands on the former definition. The new subsection 3 employs and refers to formal involvement in the criminal justice system either as an accused or as a convicted criminal defendant and defines the term to specifically include "a juvenile treated by statute as an adult for criminal prosecution purposes" and expands on examples of criminal history record information. The new definition expressly excludes civil proceedings of any kind, intelligence and investigative record information and any information of record of juvenile crime proceedings;

(4) A definition of "criminal justice agency," which replaces former section 611, subsection 4 with a new section 703, subsection 4 and differs in 4 substantive respects. First, the definition now specifies that the only jurisdictions to which it applies are the Federal Government, a state as defined in the new section 703, subsection 9 and the State of Maine. Foreign countries, other than Canada, are not included. Second, as to the included jurisdictions, the applicable government agencies or subunits are at all governmental levels. The former references to state, district, county or local have been replaced by "at any governmental level" because although these governmental divisions are appropriate insofar as Maine is concerned, they are not necessarily correct in describing the governmental divisions in the other named jurisdictions. Third, the definition no longer conditions government agency or subunit qualification on whether the criminal justice agency allocates a substantial part of its annual budget to the administration of criminal justice. It also adds an equivalent agency of any federally recognized Indian tribe. Fourth, it replaces the word "courts" with "federal courts, Maine courts, courts in any other state";

(5) A definition of "disposition," which replaces former section 611, subsection 5;

(6) A definition of "dissemination," which parallels former section 611, subsection 6, but expands the listed means of transmission by adding the phrase "by any means";

(7) A definition of "executive order," which parallels former section 611, subsection 7 but makes 3 nonsubstantive changes; and

(8) A definition of "public crimes."

2. This bill enacts Title 16, chapter 9, which:

A. Enacts section 801, which designates chapter 9 as the Intelligence and Investigative Record Information Act;

B. Enacts section 802, which replaces that portion of former section 614, subsection 1 that applied the section

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614 limitations on dissemination of intelligence and investigative information of record to specifically identified Maine criminal justice agencies, rather than to all Maine criminal justice agencies. Section 802 applies the chapter to all Maine criminal justice agencies; and

C. Defines in section 803, like in former section 611, technical terms used throughout the chapter, including:

- (1) A definition of "administration of civil justice," which had no counterpart in former subchapter 8. It addresses the same types of criminal justice agency activities described in the new subsection 2 but in the context of "civil violations" and "civil actions" rather than in the context of crimes. It does not include known, suspected or possible traffic infractions;
- (2) A definition of "administration of criminal justice," which is wholly different from former section 611, subsection 1 except to the extent former subsection 1 included the activities of "detection" and "criminal identification." It includes criminal justice agency activities "relating to the anticipation, prevention, detection, monitoring or investigation of known, suspected or possible crimes," activities that generally predate the activities addressed in former section 611, subsection 1. However, particularly in the context of "known" crimes, investigation can continue well after a specific, identifiable person is formally involved with the criminal justice system as an accused in anticipation of trial and sentencing;
- (3) A definition of "administration of juvenile justice," which had no counterpart in former subchapter 8. It addresses the same types of criminal justice agency activities described in the new subsections 1 and 2 but in the context of juvenile crimes. The administration of juvenile justice is distinct from the administration of criminal justice and the administration of civil justice because a juvenile crime is, strictly speaking, neither a crime nor is it civil. It is a hybrid of both. As a consequence, the administration of juvenile justice is expressly excluded from the definition of "intelligence and investigative record information" and is instead addressed in a new section 3308-A of the Maine Juvenile Code;
- (4) A definition of "criminal justice agency," which replaces former section 611, subsection 4 and mirrors new section 703, subsection 4, except it does not include courts. Courts are now addressed in section 805, subsection 4;
- (5) A definition of "dissemination," which replaces former section 611, subsection 6 and mirrors new section 703, subsection 6;
- (6) A definition of "executive order," which replaces former section 611, subsection 7 and mirrors new section 703, subsection 7; and
- (7) A definition of "intelligence and investigative record information," which replaces former section 611, subsection 8 and modifies the former definition to better clarify the scope of the definition. It speaks both in terms of information of record collected or kept by any Maine criminal justice agency while performing the "administration of criminal justice," which is included as subsection 1, and in terms of information of record collected or kept by the Department of the Attorney General or by district attorneys' offices when they are performing the administration of civil justice, included as subsection 2. The definition of "intelligence and investigative record information" includes the Department of the Attorney General's records relating to the administration of civil justice in order to perpetuate Public Law 1993, chapter 719, "An Act to Bring the Department of the Attorney General into Conformity with the Criminal History Record Information Laws."

Part B corrects cross-references in existing law to reflect the new Criminal History Record Information Act and the new Intelligence and Investigative Record Information Act.

Part C moves the confidentiality protection for reports of animal cruelty from the former section governing intelligence and investigative record information to the animal welfare laws in Titles 7 and 17.

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Part D adds a new section 3308-A to the Maine Juvenile Code, addressing dissemination of juvenile intelligence and investigative record information by a Maine criminal justice agency as follows.

1. Title 15, section 3308-A, subsection 1 contains technical terms used in that section. The terms "administration of juvenile justice," "criminal justice agency," "dissemination," "executive order," "state" and "statute" mirror the meanings found in the new Title 16, section 803, subsections 3 to 6, 8 and 9, respectively. The term "juvenile intelligence and investigative record information" has no counterpart in Title 16, section 803 because the "administration of juvenile justice" is expressly excluded from the definition of "intelligence and investigative record information" in section 803, subsection 7.
2. Title 15, section 3308-A, subsection 2 clarifies that, to the extent a criminal justice agency has juvenile intelligence and investigative record information that has been made part of the court records of a juvenile proceeding, dissemination of that information by the criminal justice agency must be as provided by section 3307 and section 3308.
3. Title 15, section 3308-A, subsection 3 clarifies that juvenile intelligence and investigative record information is confidential other than as provided in subsection 2. Additionally, subsection 3 lists certain disseminations of confidential juvenile intelligence and investigative record information that are expressly authorized. These parallel those contained in Title 16, section 805.

Committee Amendment "A" (H-360)

This amendment clarifies that Maine courts, unlike other criminal justice agencies, must provide their own internal procedures addressing access and review.

It authorizes the release of intelligence and investigative record information to the Secretary of State for use in the determination and issuance of a driver's license suspension.

It amends the provision of the bill regarding judicial review to eliminate unnecessary language.

Enacted Law Summary

Public Law 2013, chapter 267 revises the criminal history record information laws, currently allocated to the Maine Revised Statutes, Title 16, chapter 3, subchapter 8 as follows.

It repeals chapter 3, subchapter 8, which includes sections 611 to 623, and enacts 2 new chapters within Title 16. The creation of 2 chapters allows for the separate treatment of the 2 mutually exclusive information-of-record categories of criminal history record information and intelligence and investigative record information. Their consolidated treatment in chapter 3, subchapter 8 resulted in significant confusion as to their differing meanings and applications.

Public Law 2013, chapter 267 enacts Title 16, chapter 7, which:

1. Designates, in section 701, the new chapter as the Criminal History Record Information Act;
2. Outlines, in section 702, the chapter's scope and application, which had no counterpart in former subchapter 8. It makes clear that when criminal history record information is public information, the term "public criminal history record information" is used. Similarly, when criminal history record information is confidential, it is labeled as "confidential criminal history record information"; and
3. Defines, in section 703, like in former section 611, technical terms used throughout the subchapter, including:
 - A. A definition of "administration of criminal justice," which mirrors former section 611, subsection 1, except

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that the word "detection" has been eliminated from the first sentence and "criminal identification activities" has been eliminated from the 2nd sentence because such activities are now addressed in the new chapter 9 regarding intelligence and investigative record information;

B. A definition of "confidential criminal history record information," which replaces former section 611, subsection 9. What was formerly identified as "nonconviction data" is now identified as "confidential criminal history record information." The types of criminal history record information described in former section 611, subsection 9 are included in section 703, subsection 2 and have been modified for purposes of clarity and completeness. Section 703, subsection 2, paragraphs D, I, J and K have no counterpart in former section 611, subsection 9;

C. A definition of "criminal history record information," which replaces former section 611, subsection 3 with a new section 703, subsection 3 and expands on the former definition. The new subsection 3 employs and refers to formal involvement in the criminal justice system either as an accused or as a convicted criminal defendant and defines the term to specifically include "a juvenile treated by statute as an adult for criminal prosecution purposes" and expands on examples of criminal history record information. The new definition expressly excludes civil proceedings of any kind, intelligence and investigative record information and any information of record of juvenile crime proceedings;

D. A definition of "criminal justice agency," which replaces former section 611, subsection 4 with a new section 703, subsection 4 and differs in 4 substantive respects. First, the definition now specifies that the only jurisdictions to which it applies are the Federal Government, a state as defined in the new section 703, subsection 9 and the State of Maine. Foreign countries, other than Canada, are not included. Second, as to the included jurisdictions, the applicable government agencies or subunits are at all governmental levels. The former references to state, district, county or local have been replaced by "at any governmental level" because although these governmental divisions are appropriate insofar as Maine is concerned, they are not necessarily correct in describing the governmental divisions in the other named jurisdictions. Third, the definition no longer conditions government agency or subunit qualification on whether the criminal justice agency allocates a substantial part of its annual budget to the administration of criminal justice. It also adds an equivalent agency of any federally recognized Indian tribe. Fourth, it replaces the word "courts" with "federal courts, Maine courts, courts in any other state";

E. A definition of "disposition," which replaces former section 611, subsection 5;

F. A definition of "dissemination," which parallels former section 611, subsection 6, but expands the listed means of transmission by adding the phrase "by any means";

G. A definition of "executive order," which parallels former section 611, subsection 7 but makes 3 nonsubstantive changes; and

H. A definition of "public crimes."

Public Law 2013, chapter 267 enacts Title 16, chapter 9, which:

1. Enacts section 801, which designates chapter 9 as the Intelligence and Investigative Record Information Act;
2. Enacts section 802, which replaces that portion of former section 614, subsection 1 that applied the section 614 limitations on dissemination of intelligence and investigative information of record to specifically identified Maine criminal justice agencies, rather than to all Maine criminal justice agencies. Section 802 applies the chapter to all Maine criminal justice agencies; and
3. Defines in section 803, like in former section 611, technical terms used throughout the chapter, including:

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A. A definition of "administration of civil justice," which had no counterpart in former subchapter 8. It addresses the same types of criminal justice agency activities described in the new subsection 2 but in the context of "civil violations" and "civil actions" rather than in the context of crimes. It does not include known, suspected or possible traffic infractions;

B. A definition of "administration of criminal justice," which is wholly different from former section 611, subsection 1 except to the extent former subsection 1 included the activities of "detection" and "criminal identification." It includes criminal justice agency activities "relating to the anticipation, prevention, detection, monitoring or investigation of known, suspected or possible crimes," activities that generally predate the activities addressed in former section 611, subsection 1. However, particularly in the context of "known" crimes, investigation can continue well after a specific, identifiable person is formally involved with the criminal justice system as an accused in anticipation of trial and sentencing;

C. A definition of "administration of juvenile justice," which had no counterpart in former subchapter 8. It addresses the same types of criminal justice agency activities described in the new subsections 1 and 2 but in the context of juvenile crimes. The administration of juvenile justice is distinct from the administration of criminal justice and the administration of civil justice because a juvenile crime is, strictly speaking, neither a crime nor is it civil. It is a hybrid of both. As a consequence, the administration of juvenile justice is expressly excluded from the definition of "intelligence and investigative record information" and is instead addressed in a new section 3308-A of the Maine Juvenile Code;

D. A definition of "criminal justice agency," which replaces former section 611, subsection 4 and mirrors new section 703, subsection 4, except it does not include courts. Courts are now addressed in section 805, subsection 4;

E. A definition of "dissemination," which replaces former section 611, subsection 6 and mirrors new section 703, subsection 6;

F. A definition of "executive order," which replaces former section 611, subsection 7 and mirrors new section 703, subsection 7; and

G. A definition of "intelligence and investigative record information," which replaces former section 611, subsection 8 and modifies the former definition to better clarify the scope of the definition. It speaks both in terms of information of record collected or kept by any Maine criminal justice agency while performing the "administration of criminal justice," which is included as subsection 1, and in terms of information of record collected or kept by the Department of the Attorney General or by district attorneys' offices when they are performing the administration of civil justice, included as subsection 2. The definition of "intelligence and investigative record information" includes the Department of the Attorney General's records relating to the administration of civil justice in order to perpetuate Public Law 1993, chapter 719, "An Act to Bring the Department of the Attorney General into Conformity with the Criminal History Record Information Laws."

Public Law 2013, chapter 267 moves the confidentiality protection for reports of animal cruelty from the former section governing intelligence and investigative record information to the animal welfare laws in Titles 7 and 17.

Public Law 2013, chapter 267 adds a new section 3308-A to the Maine Juvenile Code, addressing dissemination of juvenile intelligence and investigative record information by a Maine criminal justice agency as follows.

1. Title 15, section 3308-A, subsection 1 contains technical terms used in that section. The terms "administration of juvenile justice," "criminal justice agency," "dissemination," "executive order," "state" and "statute" mirror the meanings found in the new Title 16, section 803, subsections 3 to 6, 8 and 9, respectively. The term "juvenile intelligence and investigative record information" has no counterpart in Title 16, section 803 because the

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"administration of juvenile justice" is expressly excluded from the definition of "intelligence and investigative record information" in section 803, subsection 7.

2. Title 15, section 3308-A, subsection 2 clarifies that, to the extent a criminal justice agency has juvenile intelligence and investigative record information that has been made part of the court records of a juvenile proceeding, dissemination of that information by the criminal justice agency must be as provided by section 3307 and section 3308.

3. Title 15, section 3308-A, subsection 3 clarifies that juvenile intelligence and investigative record information is confidential other than as provided in subsection 2. Additionally, subsection 3 lists certain disseminations of confidential juvenile intelligence and investigative record information that are expressly authorized. These parallel those contained in Title 16, section 805.

It also clarifies that Maine courts, unlike other criminal justice agencies, must provide their own internal procedures addressing access and review.

Public Law 2013, chapter 267 authorizes the release of intelligence and investigative record information to the Secretary of State for use in the determination and issuance of a driver's license suspension.

LD 1513 Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Statewide Coordinated Services District System

CARRIED OVER

Sponsor(s)

HASKELL

Committee Report

Amendments Adopted

This resolve requires the Department of Corrections, the Department of Education, the Department of Health and Human Services and the Department of Labor to fund, support the administration of and provide staffing for the statewide coordinated services district system established pursuant to Resolve 2009, chapter 204 to coordinate and implement service delivery initiatives to increase high school graduation rates, reduce the number of youth in the juvenile justice system, reduce child abuse and neglect and increase employment opportunities for youth.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1515 An Act To Increase the Availability of Mental Health Services

CARRIED OVER

Sponsor(s)

MALABY

Committee Report

OTP-AM

Amendments Adopted

This bill authorizes the Commissioner of Corrections to:

1. Under certain circumstances, transfer an adult jail inmate to a correctional facility for the purpose of providing the inmate with mental health services;
2. Accept placement in a mental health unit of a correctional facility for observation of an adult defendant who has been committed to the custody of the Commissioner of Health and Human Services;

Joint Standing Committee on Criminal Justice and Public Safety

3. Accept placement in a mental health unit of a correctional facility for hospital-level care and treatment of an adult defendant who has been found incompetent to stand trial and committed to the custody of the Commissioner of Health and Human Services; and
4. Under certain circumstances, medicate a person with mental illness residing in a correctional or detention facility without that person's consent, subject to the person's right to have a court hearing prior to being involuntarily medicated or a court hearing after the issuance of an ex parte court order in an emergency situation.

Committee Amendment "A" (H-490)

This amendment makes the language in the bill relating to involuntary medication of a person with mental illness residing in a mental health unit of a Department of Corrections correctional facility consistent with the language in the Maine Revised Statutes, Title 34-B relating to involuntary medication of a person with mental illness residing in a state mental health institute.

The amendment also makes clear that the provision for involuntary medication by court order applies only to those persons with mental illness who are at least 18 years of age and residing in a mental health unit of a Department of Corrections correctional facility providing hospital-level care and treatment.

The amendment also adds a new "second opinion" ground that must be met to obtain an involuntary medication order, sets out a clear and convincing evidence standard for all court findings and specifies various elements of the involuntary medication court hearings.

The amendment adds a repeal date of August 1, 2017 to the new involuntary medication provisions and the new transfer and placement provisions. The amendment requires the Department of Health and Human Services and the Department of Corrections to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2017 regarding the operations of a correctional facility's mental health unit. The report must include the average daily population of the mental health unit, the average daily staffing patterns, the average length of stay in the unit, a description of services provided and the number of persons placed in the unit pursuant to the Maine Revised Statutes, Title 34-A, sections 3069-A, 3069-B and 3069-C. The report must also include any recommendations for reallocation of resources or the redesign of services of the mental health unit, the forensic services provided at Riverview Psychiatric Center and the transfer provisions of Title 34-A, sections 3069-A, 3069-B and 3069-C.

The amendment also requires the Department of Corrections, by January 15, 2017, to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the number of applications submitted and orders granted pursuant to Title 34-A, section 3049.

The amendment requires the Department of Health and Human Services to prepare a plan regarding how to fully assess for brain injury or suspected brain injury persons who enter into the custody of the department under Title 15, section 101-D or section 103. The plan must include how the department will meet the needs of persons who have traumatic or acquired brain injuries and must be presented in a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2017.

Finally, the amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-495)

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

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

Joint Standing Committee on Criminal Justice and Public Safety

SUBJECT INDEX

Animal Cruelty

Not Enacted

LD 703	An Act To Make Post-conviction Possession of Animals a Criminal Offense	VETO SUSTAINED
LD 1289	An Act To Create an Animal Abuser Registry	ONTP

Competency to Stand Trial/Mental Health

Enacted

LD 1433	An Act To Amend the Laws Governing Mental Responsibility for Criminal Conduct	PUBLIC 265
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Not Enacted

LD 1515	An Act To Increase the Availability of Mental Health Services	CARRIED OVER
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Criminal History Record Information/DNA/Forensics

Enacted

LD 1493	An Act To Revise the Laws Concerning Criminal History Record Information and Intelligence and Investigative Information	PUBLIC 267
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Criminal Law

Enacted

LD 251	An Act Criminalizing Trafficking in Contraband in State Hospitals Serving Adults	PUBLIC 191
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Not Enacted

LD 379	An Act To Require Institutions To Report Knowledge or Suspicion of Criminal Violations to a Law Enforcement Agency	ONTP
LD 1305	An Act To Discourage Tenants from Damaging Rental Property	MAJORITY (ONTP) REPORT

Criminal Procedure/Bail/Sentencing

Enacted

LD 381	An Act To Allow a Court To Order a Person Who Violates a Municipal Ordinance To Perform Community Service Work	PUBLIC 114
LD 1419	An Act To Allow a Setoff of a Third-party Bailor's Property under Certain Conditions	PUBLIC 211
LD 1438	An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, Statutory Post-conviction Review, the Maine Criminal Code and a Related Statute	PUBLIC 266

Not Enacted

LD 192	An Act To Allow Consideration of Fetal Alcohol Spectrum Disorder at Sentencing in a Criminal Case	MAJORITY (ONTP) REPORT
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Criminal Procedure/Bail/Sentencing

Not Enacted

LD 266	An Act To Improve the Law Regarding Bail Commissioners	MAJORITY (ONTP) REPORT
LD 277	An Act To Clarify the Laws Regarding the Calculation of the Period of Imprisonment	ONTP
LD 626	An Act To Remove the Mandatory Minimum Jail Sentence in Certain Cases	MAJORITY (ONTP) REPORT
LD 1079	An Act To Provide for Alternatives for the Courts To Address Settlement of Fines in Certain Cases	ONTP

Department of Corrections

Enacted

LD 355	An Act To Amend Provisions Relating to the Department of Corrections To Clarify Certain Enforcement Powers	PUBLIC 80
LD 701	An Act To Amend the Laws Governing Probation and Remove References to the Intensive Supervision Program of the Department of Corrections	PUBLIC 133

Not Enacted

LD 1513	Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Statewide Coordinated Services District System	CARRIED OVER
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Domestic Violence

Enacted

LD 1237	Resolve, Directing the Department of Corrections To Amend Its Rules Pertaining to Certification of Batterer Intervention Programs	RESOLVE 3 EMERGENCY
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Drugs

Enacted

LD 661	An Act To Prohibit Sale or Possession of Synthetic Cannabinoids	PUBLIC 341
LD 1439	An Act To Repeal Certain Maine Criminal Code Provisions Addressing So-called Bath Salts Containing Synthetic Hallucinogenic Drugs and Instead To Define Them as Schedule W Drugs	PUBLIC 194

Not Enacted

LD 166	An Act To Criminalize Importation of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs	ONTP
LD 664	An Act To Increase the Penalties for Crimes Involving Illegal or Prescription Drugs	ONTP
LD 1044	An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances	VETO SUSTAINED
LD 1229	An Act To Regulate and Tax Marijuana	MAJORITY (ONTP) REPORT

Electronic Devices--Monitoring/Crimes/Disposal

Enacted

LD 842	An Act To Facilitate the Use of Electronic Monitoring	PUBLIC 227
LD 1316	An Act Regarding Computers Used To Commit a Crime or Facilitate the Commission of a Crime	PUBLIC 297

Electronic Devices--Monitoring/Crimes/Disposal

Not Enacted

LD 526	An Act To Allow for the Disposition of Certain Items Confiscated from Criminals Convicted of Sexual Exploitation of Minors	ONTP
LD 662	An Act Regarding Sexually Explicit Text Messaging by Minors	CARRIED OVER
LD 1233	An Act Regarding Cyberbullying	ONTP

Firearms/Concealed Firearms

Enacted

LD 576	Resolve, To Protect Concealed Handgun Permit and Other Public Records Information on a Temporary Basis	RESOLVE 1 EMERGENCY
LD 724	An Act To Require Firearms Used in the Commission of Certain Acts To Be Civilly Forfeited to the State and Destroyed	PUBLIC 328

Not Enacted

LD 139	An Act To Amend the Laws Governing the Sale of Firearms Carried by Maine State Police	ONTP
LD 188	An Act To Criminalize Possession of a Suspended or Revoked Concealed Handgun Permit	ONTP
LD 189	An Act To Establish a Central Concealed Handgun Permit Database	ONTP
LD 191	An Act To Authorize the Suspension of a Concealed Handgun Permit	MAJORITY (ONTP) REPORT
LD 222	An Act Designating the Chief of the State Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun	CARRIED OVER
LD 223	An Act To Amend the Laws Regarding a Concealed Handgun Permit	MINORITY (ONTP) REPORT
LD 265	An Act To Repeal the Restriction on Employers Regarding Firearms Kept in an Employee's Vehicle	MAJORITY (ONTP) REPORT
LD 267	An Act Regarding the Sale of Firearms at Gun Shows	MINORITY (ONTP) REPORT
LD 335	An Act To Review Firearm Laws in the State	ONTP
LD 380	An Act To Clarify the Law Concerning the Threatening Display of Dangerous Weapons	VETO SUSTAINED
LD 594	An Act To Prohibit Possession of a Firearm by a Person Who Has Created a Police Standoff	ONTP
LD 660	An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons	MAJORITY (ONTP) REPORT
LD 771	An Act To Amend the Laws Governing Reciprocity for Concealed Handguns Permits	ONTP
LD 888	An Act To Provide Funding to the Judicial Branch to Facilitate Reporting to the National Instant Criminal Background Check System	MAJORITY (ONTP) REPORT

Firearms/Concealed Firearms

Not Enacted

LD 958	An Act To Establish a Database To Prevent Individuals Involuntarily Admitted or Committed to a Mental Health Institution from Being Issued Concealed Handgun Permits	ONTP
LD 997	An Act To Establish Restrictions on Ammunition Feeding Devices	ONTP
LD 1022	An Act To Improve Training Requirements for Obtaining a Concealed Handgun Permit	MAJORITY (ONTP) REPORT
LD 1053	An Act Regarding a Retired Law Enforcement Officer Carrying a Concealed Handgun without a Permit	ONTP
LD 1173	An Act To Repeal the Law Allowing Concealed Weapons in State Parks with Certain Exceptions	MAJORITY (ONTP) REPORT
LD 1182	An Act Regarding the Disposition of Firearms in State Custody	ONTP
LD 1183	An Act To Prohibit the Enforcement of Federal Law Placing Restrictions on Firearms or Ammunition	MAJORITY (ONTP) REPORT
LD 1240	An Act To Promote the Safe Use and Sale of Firearms	VETO SUSTAINED
LD 1429	An Act To Allow School Administrative Units To Establish Rules, Procedures and Guidelines for Properly Trained Staff To Carry a Concealed Handgun on School Property while Acting in Their Official Capacities	MAJORITY (ONTP) REPORT

Fireworks

Enacted

LD 839	An Act To Amend the Laws Governing the Licensing of Technicians Involved in a Display of Fireworks or Special Effects	PUBLIC 56
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Not Enacted

LD 111	An Act To Restrict the Sale, Purchase and Use of Fireworks in the State	CARRIED OVER
LD 168	An Act To Establish Reasonable Restrictions on the Use of Fireworks	CARRIED OVER
LD 456	An Act To Protect Farm Animals from Noise from the Discharge of Fireworks or Explosives	MAJORITY (ONTP) REPORT
LD 478	An Act To Require a Local Permit for the Use of Fireworks	ONTP
LD 663	An Act To Change the Time Restriction on the Use of Fireworks	ONTP

Juveniles

Enacted

LD 1112	An Act To Amend the Maine Juvenile Code and Related Statutes	PUBLIC 234
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Not Enacted

LD 1470	An Act To Develop Juvenile Assessment Centers	ONTP
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Law Enforcement

Enacted

Law Enforcement

Enacted

LD 1432 An Act To Revise the Laws of the Maine Criminal Justice Academy PUBLIC 147

Not Enacted

LD 140 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 152 An Act To Authorize the Commissioner of Agriculture, Conservation and Forestry To Nominate Certain Rangers in the Division of Forestry To Become Conservation Law Enforcement Officers LEAVE TO WITHDRAW

LD 297 An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms CARRIED OVER

LD 685 An Act To Require Investigation and Prosecution of Assaults by Law Enforcement Officers against Unarmed Individuals ONTP

LD 841 An Act To Prevent Offensive Touching of a Person Seeking Access to Public Facilities MAJORITY (ONTP) REPORT

LD 1045 An Act To Establish the Forensic Advisory Committee MAJORITY (ONTP) REPORT

LD 1054 An Act To Prohibit Enforcement by a Federal or State Official or Others of the National Defense Authorization Act For Fiscal Year 2012 MAJORITY (ONTP) REPORT

Maine Emergency Management Agency

Enacted

LD 326 An Act To Update the Maine Emergency Management Laws PUBLIC 146

Not Enacted

LD 122 An Act To Provide Assistance to Municipalities Recovering from a Municipally Significant Disaster MAJORITY (ONTP) REPORT

OUI/OAS/Other MV Violations

Enacted

LD 85 An Act To Amend the Motor Vehicle Ignition Interlock Device Requirements in the Laws Regarding Operating Under the Influence PUBLIC 187

LD 1260 An Act To Allow Ignition Interlock Devices on Vehicles Operated by First-time Offenders of Operating Under the Influence PUBLIC 389

Not Enacted

LD 190 An Act To Provide a Ten Percent Discount to Persons Charged with a Traffic Infraction Who Pay Fines by Waiver ONTP

LD 926 An Act To Increase the Penalty for an Adult Who Provides Alcohol to a Minor Involved in a Fatal Accident ONTP

Prison/Jail/Inmate

Enacted

LD 353 An Act To Allow Young Adult Offenders To Be Confined in Juvenile Correctional Facilities and To Comply with Federal Law Requirements PUBLIC 28

LD 354 An Act To Amend the County Jail Inspection Requirement for Nationally Accredited Facilities PUBLIC 27

Not Enacted

Prison/Jail/Inmate

Not Enacted

LD 76	An Act To Provide Funding to the State Board of Corrections for Certain County Jail Debt	INDEF PP
LD 238	An Act To Designate the Jail in Franklin County as a Jail Rather than a Holding Facility	ONTP
LD 382	An Act Regarding the Period of Time for Which an Incarcerated Person Is Eligible To Earn Good Time	ONTP
LD 502	An Act To Allow County Jails To Apply Savings to Debt Service without a Reduction in State Payments	CARRIED OVER
LD 873	An Act To Establish Positive Reentry Parole	ONTP
LD 1320	An Act To Fairly Distribute the Debt Burden between the State and County Correctional Functions	MAJORITY (ONTP) REPORT

Public Safety/Emergency Medical Services

Enacted

LD 296	An Act To Equalize the Fire Investigation and Prevention Tax Paid by Insurers	PUBLIC 95
LD 298	An Act Regarding the Membership of the Emergency Medical Services' Board	PUBLIC 62
LD 820	An Act Regarding Fire Escapes for Certain Buildings	PUBLIC 76
LD 840	An Act To Amend the Law Regulating the Use of Explosives	PUBLIC 57

Not Enacted

LD 40	An Act To Protect a Private Memorial Placed in a Public Right-of-way	MAJORITY (ONTP) REPORT
LD 593	An Act To Require That Carbon Monoxide Detectors Be Installed inside Educational Facilities	MAJORITY (ONTP) REPORT
LD 647	An Act To Establish the Mobile Crime Laboratory Fund	DIED BETWEEN HOUSES
LD 708	An Act To Reduce Emergency Rescue Costs	ONTP
LD 1234	An Act To Establish the Computer Crimes Unit Fund and Authorize the Department of Public Safety To Accept Donations for the Fund	DIED BETWEEN HOUSES

Sex Offenses -- Criminal

Enacted

LD 498	An Act To Allow a Municipality To Prohibit a Sex Offender from Residing within 750 Feet of a Recreational Facility	PUBLIC 161
LD 883	An Act Regarding the Sexual Assault Forensic Examiner Advisory Board	PUBLIC 68
LD 1491	An Act To Extend the Statute of Limitations on Certain Sex Crimes	PUBLIC 392

Sex Trafficking

Enacted

Sex Trafficking

Enacted

LD 1159 **An Act To Address Human Trafficking, Sex Trafficking and Prostitution** **PUBLIC 407**

Theft/Bad Checks

Enacted

LD 527 **An Act To Protect Vulnerable Adults from Exploitation** **PUBLIC 414**

LD 887 **An Act To Repeal a Specialized Form of the Generic Crime of Theft by
Unauthorized Taking or Transfer** **PUBLIC 96**

Not Enacted

LD 366 **An Act To Adjust the Values of Property That Define the Class of Crime for
Theft Offenses** **ONTP**

STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

July 2013

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Joint Standing Committee on Education and Cultural Affairs

LD 6 An Act Regarding the Authority of a School Board To Elect a School Superintendent VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAVANT DUTREMBLE	OTP-AM ONTP	H-31

This bill prohibits school boards from requiring that a superintendent reside in a municipality that is included within the school administrative unit.

Committee Amendment "A" (H-31)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, replaces the bill and provides that a school board may elect a superintendent without regard to whether the superintendent resides in a municipality that is included within the school administrative unit. It also removes the emergency preamble and clause from the bill.

LD 18 An Act To Fund Public Education for Kindergarten to Grade 12 at 55% ONTP

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

This bill provides additional funding totaling \$83,718,198 in fiscal year 2013-14 and \$99,525,393 in fiscal year 2014-15 necessary for the State to achieve the statutory commitment to fund 55% of the total cost of kindergarten to grade 12 public education as calculated by the essential programs and services funding model.

LD 25 An Act To Exclude Certain State-funded Costs from the State Share of the Total Cost of Funding Public Education CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON A GOODALL	OTP-AM OTP-AM	

This bill provides that, beginning in fiscal year 2013-14, the state contributions to teacher retirement, retired teachers' health insurance and retired teachers' life insurance may not be included in the calculation of the state share percentage of the total cost of funding public education from kindergarten to grade 12 as required by the Essential Programs and Services Funding Act.

Committee Amendment "A" (H-505)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, adds an emergency preamble and clause to the bill, but retains the provision in the bill that the state contributions to teacher retirement, retired teachers' health insurance and retired teachers' life insurance may not be included in the calculation of the state share percentage of the total cost of funding public education from kindergarten to grade 12 as required by the Essential Programs and Services Funding Act. The amendment provides that the state share percentage target for fiscal year 2013-14 and succeeding years is 55%. This amendment also adds an appropriations and allocations section.

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C. The number of children who received direct services in the prior year who received all of the services in their individualized family service plan or individualized education program and the number of children who received direct services in the prior year who received less than 90% of the services in their individualized family service plan or individualized education program.

3. It provides that the statistics and analysis on the performance of the Child Development Services System submitted to the Legislature must also include the average age, both in aggregate and by primary disability type, at which children who were born in Maine began receiving services from the Child Development Services System and the average age, both in aggregate and by primary disability type, at which children who were born in Maine and who were delivered at home began receiving services from the Child Development Services System.

4. It provides that the annual report on the performance of the Child Development Services System submitted to the Legislature must also include a report by each regional site that demonstrates the trends of the Child Development Services System employee costs and the results of efforts undertaken by the Child Development Services System to coordinate with other entities and maximize the use of a broad base of community resources, including private providers and public schools, midwives, resources from other agencies and other resources serving families and children from birth to under 6 years of age.

The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-238)

This amendment delays until January 1, 2015 when certain information must be included in the report on the performance of the Child Development Services System submitted to the Legislature. The amendment also removes the appropriations and allocations section.

Enacted Law Summary

Public Law 2013, chapter 338 implements recommendations of the Government Oversight Committee stemming from the report on child development services issued by the Office of Program Evaluation and Government Accountability in July 2012. The law requires improved reporting to the Legislature on key financial and performance aspects of the Child Development Services System and the programs it administers, in order to enhance transparency, accountability and legislative oversight. The law provides that the director of early childhood special education must provide an annual report on the performance of the Child Development Services System to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs, appropriations and financial affairs, and health and human services matters.

LD 56 An Act To Ensure Equity in School Costs Borne by Municipalities ONTP
within Consolidated School Units

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the funding distribution method required under the Essential Programs and Services Funding Act to ensure parity and taxpayer equity among towns that are members of consolidated school units.

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LD 61 An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled PUBLIC 400

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING BURNS	OTP-AM	H-30

This bill provides that a student receiving homeschool instruction is eligible for a state tuition subsidy for certain postsecondary courses as long as the criteria for participation are met. The bill also provides that a student receiving homeschool instruction is eligible for special education services in the same manner that students enrolled in a private school are eligible for these services.

Committee Amendment "A" (H-30)

This amendment strikes the mandate preamble and the provision in the bill that requires that a school administrative unit provide the same special education services to a student receiving home instruction as are provided to a student enrolled in private school.

Enacted Law Summary

Public Law 2013, chapter 400 provides that a student receiving homeschool instruction is eligible for a state tuition subsidy for certain postsecondary courses as long as the criteria for participation are met.

LD 91 An Act To Raise the School Construction Bond Cap PUBLIC 44

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON A GOODALL	OTP-AM	H-5

This bill increases the major capital maximum debt service limit for school construction projects for fiscal years 2013-14 and 2014-15 to \$126,000,000.

Committee Amendment "A" (H-5)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2013, chapter 44 increases the major capital maximum debt service limit for school construction projects for fiscal years 2013-14 and 2014-15 to \$126,000,000.

LD 92 An Act Relating to Private School Student Participation in Public School Cocurricular, Interscholastic and Extracurricular Activities PUBLIC 428

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER MASON G	OTP-AM	H-53 S-332 HILL

This bill changes the standards for making public school resources and services available to students enrolled in certain equivalent instruction programs by eliminating the requirement that resources and services be made available to students in a private school recognized by the Department of Education as providing equivalent

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instruction and by limiting the ability of the public school principal or the principal's designee to deny participation to situations where the school cannot reasonably accommodate the student's participation.

Committee Amendment "A" (H-53)

This amendment strikes and replaces the bill. The amendment limits public school resources and services available to students enrolled in private schools to only those students enrolled in certain private schools recognized by the Department of Education as providing equivalent instruction.

The amendment provides that the principal of a public school may deny the request of a student enrolled in an equivalent instruction program to participate in a cocurricular, extracurricular or interscholastic activity only if the school does not have the capacity to provide the student with the opportunity to participate in the activity. If approval for participation is withheld by the principal, the principal must provide a written explanation to the student or the student's parent or guardian stating the reason or reasons for the decision.

The amendment provides that a student enrolled in an equivalent instruction program is not eligible to participate in a cocurricular, interscholastic or extracurricular activity at a public school if the private school the student attends already provides that same activity.

Senate Amendment "A" To Committee Amendment "A" (S-332)

This amendment adds a mandate preamble.

Enacted Law Summary

Public Law 2013, chapter 428 limits public school resources and services available to students enrolled in private schools to only those students enrolled in certain private schools recognized by the Department of Education as providing equivalent instruction. The law provides that the principal of a public school may deny the request of a student enrolled in an equivalent instruction program to participate in a cocurricular, extracurricular or interscholastic activity only if the school does not have the capacity to provide the student with the opportunity to participate in the activity. If approval for participation is withheld by the principal, the principal must provide a written explanation to the student or the student's parent or guardian stating the reason or reasons for the decision. The law also provides that a student enrolled in an equivalent instruction program is not eligible to participate in a cocurricular, interscholastic or extracurricular activity at a public school if the private school the student attends already provides that same activity.

LD 93 An Act To Require Public Secondary Schools To Offer a Course in Gun Safety and Handling ONTP

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

This bill requires public secondary schools to offer a firearm safety and handling course that is optional for students.

LD 112 An Act To Make Changes to the Educators for Maine Program PUBLIC 7

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

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This bill changes the Educators for Maine Program by including certain participants in the Jobs for Maine's Graduates program as eligible for loan forgiveness.

Enacted Law Summary

Public Law 2013, chapter 7 changes the Educators for Maine Program by including certain participants in the Jobs for Maine's Graduates program as eligible for loan forgiveness.

LD 113 An Act To Make Changes to the Maine College Savings Program

PUBLIC 4

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

This bill makes changes to the Maine College Savings Program, also known as NextGen or the NextGen College Investing Plan, by adding financial education to the list of permissible program fund uses.

Enacted Law Summary

Public Law 2013, chapter 4 makes changes to the Maine College Savings Program, also known as NextGen or the NextGen College Investing Plan, by adding financial education to the list of permissible program fund uses.

LD 130 An Act To Stabilize Education Funding by Reducing the Impact of Changes in Property Valuation

PUBLIC 203

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT MALABY	OTP-AM	S-128

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to stabilize state funding for education by requiring the property fiscal capacity component of the essential programs and services funding formula to be based on a rolling 5-year average of the property values of a municipality included in a school administrative unit.

Committee Amendment "A" (S-128)

This amendment strikes and replaces the bill, which is a concept draft. This amendment stabilizes state funding for education by requiring the property fiscal capacity component of the essential programs and services funding formula to be based on a 2-year average of the property values of the municipalities included in a school administrative unit in fiscal year 2014-15 and to be based on a 3-year average of the property values of the municipalities included in a school administrative unit in fiscal year 2015-16 and each succeeding fiscal year.

Enacted Law Summary

Public Law 2013, chapter 203 stabilizes state funding for education by requiring the property fiscal capacity component of the essential programs and services funding formula to be based on a 2-year average of the property values of the municipalities included in a school administrative unit in fiscal year 2014-15 and to be based on a 3-year average of the property values of the municipalities included in a school administrative unit in fiscal year 2015-16 and each succeeding fiscal year.

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LD 160 An Act To Amend the Laws Pertaining to Archaeological Sites

PUBLIC 89

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN KATZ	OTP-AM	H-62

This bill amends the laws governing the excavation of archaeological sites. It creates the new defined term "protected site" that takes the place of and has the same meaning as the current term "site". The new term "protected site" is then used throughout these laws in place of "site". The result is, with one exception, no net change in legal effect. The exception is the confidentiality provision. The bill modifies the current definition of "site" to remove all of the limiting criteria and uses this newly-defined term in the confidentiality section. The result is an expansion of confidentiality protection. Under current law, Maine Historic Preservation Commission or the Maine State Museum may designate as confidential any information in the possession of state agencies or the University of Maine System about the location or attributes of archeological sites only if the sites meet all the current limiting criteria (site is located on state-controlled land or land subject to a landowner agreement, site is listed on or eligible to be listed on the National Register of Historic Places, and site is posted; or the site is given an emergency designation, with the permission of the landowner, as being directly threatened, and the site is posted). Under the bill, confidentiality may be extended to information about the location or attributes of any site containing artifacts or evidence of habitation, occupation or use by historic or prehistoric people.

Committee Amendment "A" (H-62)

This amendment makes the following changes to the bill.

1. It requires the directors of the Maine Historic Preservation Commission and the Maine State Museum to establish procedures for reviewing at least once every 10 years site location information designated as confidential in order to determine whether continued confidentiality is necessary and, if not, to remove the confidentiality designation.
2. It requires the Maine Historic Preservation Commission and the Maine State Museum to consult with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs with regard to the adequate and appropriate curation of Native American artifacts recovered from protected sites, as defined in the bill.
3. It makes a technical wording change.

Enacted Law Summary

Public Law 2013, chapter 89 makes the following changes to law.

Under current law, Maine Historic Preservation Commission or the Maine State Museum may designate as confidential any information in the possession of state agencies or the University of Maine System about the location or attributes of archeological sites only if the sites meet all the current limiting criteria (site is located on state-controlled land or land subject to a landowner agreement, site is listed on or eligible to be listed on the National Register of Historic Places, and site is posted; or the site is given an emergency designation, with the permission of the landowner, as being directly threatened, and the site is posted). Under this law, confidentiality may be extended to information about the location or attributes of any site containing artifacts or evidence of habitation, occupation or use by historic or prehistoric people.

This law requires the directors of the Maine Historic Preservation Commission and the Maine State Museum to establish procedures for reviewing at least once every 10 years site location information designated as confidential in order to determine whether continued confidentiality is necessary and, if not, to remove the confidentiality

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designation.

It also requires the Maine Historic Preservation Commission and the Maine State Museum to consult with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs with regard to the adequate and appropriate curation of Native American artifacts recovered from protected sites, as defined in the bill.

LD 178 Resolve, To Provide Consistency in Rules of the Department of Education Regarding Visual and Performing Arts Requirements for High School Graduation RESOLVE 38

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON MILLETT	OTP-AM	H-156

This resolve requires the Department of Education to amend its rules relating to high school graduation requirements to permit the visual and performing arts requirement to be met by completion of a credit in dance, music, theater or visual arts. This change is intended to resolve confusion resulting from different descriptions of the standard for visual and performing arts requirements in the rules of the department.

Committee Amendment "A" (H-156)

This amendment adds forensics to the list of courses that the Department of Education must include in the amendments to its rules relating to courses that may fulfill high school graduation requirements in the area of visual and performing arts.

Enacted Law Summary

Resolve 2013, chapter 38 requires the Department of Education to amend its rules relating to high school graduation requirements to permit the visual and performing arts requirement to be met by completion of a credit in dance, music, theater, forensics or visual arts. The resolve directs the department to determine the extent to which graduation requirements in the area of visual and performing arts may be met by the study of forensics, which may include, but is not limited to, the separate or integrated study of the art of public speaking, the art of formal debate and the interpretive performance of literature as they relate to the area of visual and performing arts.

LD 193 An Act To Authorize InterCoast Career Institute To Grant the Degree of Associate Degree in Applied Science P & S 14

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

This bill authorizes InterCoast Colleges to grant the degree of Associate Degree in Applied Science.

Enacted Law Summary

Private and Special Law 2013, Chapter 14 authorizes InterCoast Colleges to grant the degree of Associate Degree in Applied Science.

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LD 194 An Act To Ensure That a Curtailment in School Funding Is Shared by ONTP
All Institutions

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to ensure that if the Governor curtails funding for the state share of the costs of education the reduction in state funding must be shared equally by all entities receiving public funds for education purposes, including public schools, private schools and charter schools.

LD 195 An Act To Fund Education by Providing Equal State Funding for Each ONTP
Student

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the school funding formula to require equal funding for each kindergarten to grade 12 student attending Maine public schools based on the pupil counts for April 1st and October 1st for the most recent calendar year.

LD 233 An Act To Require the Department of Education To Report on the LEAVE TO
Costs and Sources of Funding of Charter Schools WITHDRAW

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

This bill directs an authorizer of public charter schools to report yearly to the Commissioner of Education the total amount of funds expended by each public charter school authorized by that authorizer and the source of those funds and directs the Department of Education to report by July 1st of each year to the Governor, the Legislature and the public the overall cost and source of funds for all public charter schools in the State and the overall cost and source of funds for each public charter school.

LD 243 Resolve, To Direct the Department of Education To Amend Its Rules RESOLVE 8
Regarding Restraint of Students EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO BLACK	OTP-AM	S-6

This resolve directs the Department of Education to amend its Rule Chapter 33: Rule Governing Physical Restraint and Seclusion, which limits the use of restraint and seclusion. The current rule allows the use of those interventions only to prevent an imminent risk of injury or harm to a student or others. This resolve requires the rule to be changed to allow the use of restraint or seclusion to prevent significant property damage, to prevent disruption of the educational environment and when authorized in writing by a student's parent. The resolve also requires the rule to exclude some specific, limited techniques from the definition of "physical restraint," and to amend the definition

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of "physical escort" to include picking up younger students. The resolve requires the department to make the required changes in the rule within 7 business days of the effective date of the resolve.

Committee Amendment "A" (S-6)

This amendment strikes and replaces the resolve to direct the Department of Education to amend its Rule Chapter 33: Rule Governing Physical Restraint and Seclusion, which limits the use of restraint and seclusion. The current rule allows the use of those interventions only to prevent an imminent risk of injury or harm to a student or others. This resolve requires the rule to be changed as follows.

1. It provides that the threshold for the use of physical restraint or seclusion is to prevent the risk of injury or harm to the child.
2. It clarifies the definition of physical escort.
3. It clarifies that physical restraint does not include a brief period of physical contact necessary to break up a fight.
4. It provides that the department is required to provide consistent and accurate information regarding the requirements of the rule annually to teachers and administrators throughout the State.
5. It retains the provision in the resolve that requires the department to file the specific changes to the rule required by this resolve with the Secretary of State within seven business days of the effective date of the resolve, but it clarifies that these rule changes are routine technical rules, but that any changes to the rule on or after July 1, 2013 are major substantive rules.

The amendment also requires the department to present a report describing the implementation of the changes to the rule, including the effect of these changes on relevant stakeholders, to the Joint Standing Committee on Education and Cultural Affairs not later than January 10, 2014.

Finally, the amendment requires the department to develop nonregulatory guidance regarding the amendments to the rule so that teachers and administrators have accurate information regarding these revised requirements. The department is required to submit a report detailing its guidance and related training efforts to the Joint Standing Committee on Education and Cultural Affairs before the end of the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2013, chapter 8 provides that final adoption of Chapter 33: Rule Governing Physical Restraint and Seclusion, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department making changes to the rule that:

1. Provide that the threshold for the use of physical restraint or seclusion is to prevent the risk of injury or harm to the child;
2. Clarify the definition of physical escort;
3. Clarify that physical restraint does not include a brief period of physical contact necessary to break up a fight;
4. Provide that the department is required to provide consistent and accurate information regarding the requirements of the rule annually to teachers and administrators throughout the State.
5. Require the department to file the specific changes to the rule required in this resolve with the Secretary of State within seven business days of the effective date. These rule changes are routine technical rules but that any changes made to the rule on or after July 1, 2013 are major substantive rules.

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The resolve also requires the department to present a report describing the implementation of the changes to the rule, including the effect of these changes on relevant stakeholders, to the Joint Standing Committee on Education and Cultural Affairs not later than January 10, 2014.

Finally, the resolve requires the department to develop nonregulatory guidance regarding the amendments to the rule so that teachers and administrators have accurate information regarding these revised requirements. The department is required to submit a report detailing its guidance and related training efforts to the Joint Standing Committee on Education and Cultural Affairs before the end of the Second Regular Session of the 126th Legislature.

Resolve 2013, chapter 8 was finally passed as an emergency measure effective April 15, 2013.

**LD 244 An Act To Amend the Student Membership Criteria of the State Board of Education PUBLIC 15
EMERGENCY**

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

This bill changes the criteria for the student members of the State Board of Education. Current law requires a student to reside in the congressional district that the student represents at the time of appointment. This bill requires the student to attend school in the congressional district the student represents at the time of appointment.

Enacted Law Summary

Public Law 2013, chapter 15 changes the criteria for the student members of the State Board of Education. The law requires a student to reside to attend school in the congressional district the student represents at the time of appointment.

Public Law 2013, chapter 15 was enacted as an emergency measure effective April 8, 2013.

**LD 299 RESOLUTION, Proposing an Amendment to the Constitution of Maine ONTP
To Require the State Share of Education Funding To Be at Least
Fifty-five Percent of the Total Cost and One Hundred Percent of the
Cost of Special Education**

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

This resolution proposes to amend the Constitution of Maine to require the Legislature to appropriate sufficient state funds to cover at least 55% of the total state and local cost of funding public education from kindergarten to grade 12 and 100% of the state and local costs of special education as approved pursuant to citizen-initiated legislation in 2004.

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LD 300 An Act To Protect School Administrative Units and Taxpayers

CARRIED OVER

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

This bill provides that an insurer providing health insurance covering employees of a school administrative unit is not required to provide loss information concerning those employees if requested by the school administrative unit.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 301 An Act To Remove Unnecessary Agenda from the School Day

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to require a review by the Commissioner of Education of items required by law or policy to be taught or recognized in the public schools in kindergarten to grade 12 that are in addition to the curriculum implementing the statewide system of learning results under the Maine Revised Statutes, Title 20-A, section 6209. The review must be conducted in consultation with representatives of school superintendents, teachers and parents. The review must categorize the additional items required to be taught or recognized, identify items that may have become obsolete or duplicative and recommend the most efficient and effective way to teach or recognize the required items without interfering with the time needed during the school day to provide effective teaching of knowledge required under the system of learning results. The commissioner would be authorized to report the results of the review to the joint standing committee of the Legislature having jurisdiction over education matters, which would be authorized to report out a bill, if necessary.

LD 322 Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the State Board of Education

**RESOLVE 34
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-165

This resolve provides for legislative review of portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a major substantive rule of the State Board of Education.

Committee Amendment "A" (H-165)

This amendment provides that final adoption of portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the State Board of Education, is authorized contingent upon the State Board of Education making specified changes to the proposed rule.

Enacted Law Summary

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Resolve 2013, chapter 34 provides that final adoption of portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the State Board of Education, is authorized contingent upon the State Board of Education making specified changes to the proposed rule.

Resolve 2013, chapter 34 was finally passed as an emergency measure effective June 3, 2013.

**LD 323 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 52
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-191 S-111 MILLETT

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-191)

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.

Senate Amendment "A" To Committee Amendment "A" (S-111)

This amendment is a technical correction to Committee Amendment "A." It clarifies that the rule must be amended by deleting Part 4, "Criteria for Change in Eligibility," which exceeds federal requirements concerning necessary evaluation procedures.

Enacted Law Summary

Resolve 2013, chapter 52 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 2013, chapter 52 was finally passed as an emergency measure effective June 13, 2013.

LD 351 An Act To Authorize the Provision of Insurance on Student Loans

**PUBLIC 34
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN FREDETTE	OTP-AM	S-8

This bill modifies the Finance Authority of Maine's Higher Education Loan Program to specify that the Finance Authority of Maine may provide loan insurance on supplemental student loans and renames it the Higher Education Loan and Loan Insurance Program.

Committee Amendment "A" (S-8)

This amendment makes the following changes to the bill:

1. It requires students receiving loans from or loans insured by the Finance Authority of Maine under the Higher Education Loan and Loan Insurance Program to make satisfactory academic progress in accordance with the

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standards of the students' institution of higher learning; and

2. It requires students receiving loans insured by the Finance Authority of Maine under the Higher Education Loan and Loan Insurance Program to satisfy financial education requirements established or approved by the authority.

Enacted Law Summary

Public Law 2013, chapter 34 modifies the Finance Authority of Maine's Higher Education Loan Program to specify that the Finance Authority of Maine may provide loan insurance on supplemental student loans and renames it the Higher Education Loan and Loan Insurance Program. It also requires students receiving loans from or loans insured by the Finance Authority of Maine under the Higher Education Loan and Loan Insurance Program to make satisfactory academic progress in accordance with the standards of the students' institution of higher learning and requires students receiving loans insured by the Finance Authority of Maine under the Higher Education Loan and Loan Insurance Program to satisfy financial education requirements established or approved by the authority.

Public Law 2013, chapter 34 was enacted as an emergency measure effective April 16, 2013.

LD 367 An Act To Repeal the Repeal Provision in the Law That Limits the ONTP
Reduction of State Subsidy for Education

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

This bill repeals the repeal provision in the law that exempts a school administrative unit from a reduction in its state subsidy for failure to raise its required local contribution to the total cost of funding public education if the unit raises the same percentage of the local contribution as the State raises of the state contribution.

LD 369 An Act To Redesign Maine's School Funding Model CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes a redesign of Maine's school funding formula to achieve equal educational opportunity for Maine students and statewide equity in property tax burden.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 370 Resolve, To Create a Working Group To Identify Elementary School RESOLVE 22
and Middle School Applied Learning Opportunities

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY POULIOT	OTP-AM	S-37

This resolve is a concept draft pursuant to Joint Rule 208. The bill proposes to assemble a working group to identify opportunities for and best practices of applied learning opportunities in kindergarten to grade 8. These

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opportunities and practices will then be posted on the Department of Education's website so that all schools may access them and benefit from them.

Committee Amendment "A" (S-37)

This amendment replaces the resolve, which is a concept draft, with a resolve to convene a working group to identify opportunities for providing applied learning pathways for students enrolled in kindergarten to grade 8 in public schools in the State.

Enacted Law Summary

Resolve 2013, chapter 22 establishes a working group to identify opportunities for providing applied learning pathways for students enrolled in kindergarten to grade 8 in public schools in the State.

LD 383 An Act To Increase Public Awareness Regarding School Budget Elections

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill changes the form of the question required in a budget validation referendum for a regional school unit to include the total dollar amount of the school budget and the percentage increase or decrease in the school budget compared to the budget in the previous year.

Committee Amendment "A" (H-253)

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, strikes and replaces the bill to require that the information provided by a regional school unit board, which must be posted at polling places during a budget validation referendum vote, must include a statement that includes the total dollar amount of authorized expenditures in the budget for the upcoming school year and the amount of the percentage increase or decrease of the total authorized expenditures as compared to the total authorized expenditures in the budget approved and validated in the previous school year.

LD 384 An Act To Allow Spouses and Children of Veterans Killed in the Line of Duty To Receive the State Tuition Waiver

ONTP

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

This bill provides tuition waivers to state postsecondary educational institutions for spouses and children of members of the United States Armed Forces who have been killed or injured while on duty. This tuition waiver is currently available for spouses and children of firefighters, law enforcement officers and emergency medical services persons who have been killed or injured while on duty.

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LD 409 Resolve, To Establish a Veteran-to-farmer Training Pilot Program

RESOLVE 69

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN SHERMAN	OTP-AM	H-413

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to establish the Veteran-to-farmer Training Pilot Program.

1. The bill will require the University of Maine System, the Maine Community College System, the Department of Labor, the Department of Agriculture, Conservation and Forestry and the Department of Veterans and Emergency Management to design a pilot program for a postsecondary education certificate program that will enable United States military veterans to develop necessary skills in farming while also addressing the difficulties some veterans face in transitioning back to civilian life after military service.
2. The certificate program would provide a hands-on farming skills training curriculum, classroom-based business training, business start-up support and health monitoring for veterans.
3. After its design, the curriculum will be submitted to the United States Department of Veterans Affairs for approval in order to allow eligible veterans to use federal G.I. Bill education benefits for participation in the certificate program.
4. Completion of the certificate program would enable veterans to create new farm businesses and to meet the requirements to acquire the leases and loans needed to farm.

Committee Amendment "A" (H-413)

This amendment replaces the concept draft with a resolve that directs the Department of Agriculture, Conservation and Forestry and the University of Maine Cooperative Extension, in consultation with the agriculture program at Kennebec Valley Community College, the Maine Apprenticeship Program in the Department of Labor, the Finance Authority of Maine and the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services, to design a veteran-to-farmer training pilot program that enables veterans of the Armed Forces of the United States to develop necessary skills in farming while also addressing the difficulties some veterans face in their transition back to civilian life after military service. The amendment also requires the Department of Agriculture, Conservation and Forestry and the University of Maine Cooperative Extension to jointly submit a report to the Joint Standing Committee on Education and Cultural Affairs no later than January 10, 2014. The joint standing committee may report out a bill to the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2013, chapter 69 directs the Department of Agriculture, Conservation and Forestry and the University of Maine Cooperative Extension, in consultation with the agriculture program at Kennebec Valley Community College, the Maine Apprenticeship Program in the Department of Labor, the Finance Authority of Maine and the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services, to design a veteran-to-farmer training pilot program that enables veterans of the Armed Forces of the United States to develop necessary skills in farming while also addressing the difficulties some veterans face in their transition back to civilian life after military service. The resolve also requires the Department of Agriculture, Conservation and Forestry and the University of Maine Cooperative Extension to jointly submit a report to the Joint Standing Committee on Education and Cultural Affairs no later than January 10, 2014. The joint standing committee may report out a bill to the Second Regular Session of the 126th Legislature.

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LD 417 An Act To Ensure That All Voters Are Able To Vote in Regional School Unit Budget Elections

ONTP

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

This bill makes several changes to the annual budget approval process for regional school units. The bill:

1. Changes the annual budget meeting at which the regional school unit's budget is initially adopted by registered district voters to an annual public hearing on the budget at which residents of the regional school unit have an opportunity to offer public comments but do not vote on the proposed budget;
2. Authorizes the regional school unit's board to make changes to the budget presented at the public hearing and to propose the amended budget for approval by voters at a referendum in the municipalities comprising the regional school unit;
3. Changes the current budget adoption process from a validation vote to an annual referendum vote asking voters to accept or reject the budget presented by the board of the regional school unit; and
4. Amends the process that regional school units must follow when voters reject a proposed school budget at referendum.

LD 422 An Act Regarding Enrollment and Graduation Rates of First-generation Higher Education Students

PUBLIC 166

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE KATZ	OTP-AM	H-116

This bill is in response to a recommendation of the Task Force on Franco-Americans. This bill requires the Board of Trustees of the University of Maine System to establish a working group including representatives of public and private institutions of higher education in the State to study and develop a strategy to increase enrollment and graduation rates for first-generation college students who are residents of the State. The board is required to report annually to the joint standing committee of the Legislature having jurisdiction over education matters on activities over the previous year by institutions of higher education in the State to increase enrollment and graduation rates of first-generation college students.

Committee Amendment "A" (H-116)

This amendment replaces the bill but preserves much of the intent of the bill. The amendment requires 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 to each submit annually to the joint standing committee of the Legislature having jurisdiction over education matters a report that includes data regarding enrollment of first-generation college students and educational outcomes, including graduation rates for first-generation college students compared with other students; a summary of strategies used and activities undertaken to increase enrollment and graduation rates of first-generation college students; and plans or recommendations for new strategies or activities designed to increase enrollment and graduation rates of first-generation college students. The committee is authorized to submit legislation relating to the subject matter of the report.

Enacted Law Summary

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Public Law 2013, chapter 166 requires 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 to each submit annually to the joint standing committee of the Legislature having jurisdiction over education matters a report that includes data regarding enrollment of first-generation college students and educational outcomes, including graduation rates for first-generation college students compared with other students; a summary of strategies used and activities undertaken to increase enrollment and graduation rates of first-generation college students; and plans or recommendations for new strategies or activities designed to increase enrollment and graduation rates of first-generation college students. The committee is authorized to submit legislation relating to the subject matter of the report.

LD 439 An Act To Improve Maine's Charter School Laws

PUBLIC 272

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G JOHNSON P	OTP-AM	S-127

This bill makes changes to the public charter school approval and funding processes. It provides that the 90-day deadline for an authorizer to make decisions on public charter school applications runs from the deadline for submission of all applications, not from the date that each application is submitted. It requires an authorizer to make its expectations of the applicant clear when requesting resubmission of an application. It allows the public charter school application to be incorporated by reference into the charter contract.

With regard to funding of public charter schools, the bill changes the manner of adjusting payments from noncharter public schools to public charter schools when students move into or out of public charter schools after the beginning of the school year. Under current law, only the last payment from the noncharter public school in June is adjusted. This bill requires adjustment of the March and June payments to avoid potential overpayments to a public charter school when students leave the public charter school in the first half of the school year.

Committee Amendment "A" (S-127)

This amendment strikes the change to the public charter school approval provision in the bill that requires an authorizer to make the authorizer's expectations of the applicant clear when requesting resubmission of an application and removes the provision in current law that allows an authorizer to request resubmission of an application.

Enacted Law Summary

Public Law 2013, chapter 272 makes changes to the public charter school approval and funding processes. It provides that the 90-day deadline for an authorizer to make decisions on public charter school applications runs from the deadline for submission of all applications, not from the date that each application is submitted. It allows the public charter school application to be incorporated by reference into the charter contract. With regard to funding of public charter schools, the law changes the manner of adjusting payments from noncharter public schools to public charter schools when students move into or out of public charter schools after the beginning of the school year.

LD 442 Resolve, To Ensure the Continued Accessibility and Affordability of a High School Equivalency Exam for Maine Residents

RESOLVE 49

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY GIFFORD	OTP-AM	S-172

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This resolve requires the Department of Education to examine the options for the administration of a high school equivalency examination and to develop a plan for the continued availability of a high school equivalency examination. The department shall submit its report and plan to the Joint Standing Committee on Education and Cultural Affairs by April 1, 2013.

Committee Amendment "A" (S-172)

This amendment strikes the emergency preamble and the emergency clause from the resolve and amends the resolve to provide that the review conducted by the Department of Education on the options for the administration of a high school equivalency examination must include an analysis of the implementation costs that would be required to transition to a computer-based high school equivalency examination. The amendment also requires that the department's plan for the continued availability of a high school equivalency examination must also address the continued state funding support and technical assistance necessary to transition to a computer-based high school equivalency examination. The amendment changes the reporting date to October 1, 2013.

Enacted Law Summary

Resolve 2013, chapter 49 requires the Department of Education to examine the options for the administration of a high school equivalency examination and to develop a plan for the continued availability of a high school equivalency examination. The review conducted by the department must include an analysis of the implementation costs that would be required to transition to a computer-based high school equivalency examination. The department's plan for the continued availability of a high school equivalency examination must also address the continued state funding support and technical assistance necessary to transition to a computer-based high school equivalency examination. The department shall submit its report and plan to the Joint Standing Committee on Education and Cultural Affairs by October 1, 2013.

LD 462 An Act To Dedicate Funds for Emergency Back-up Power for Schools ONTP

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

This bill provides that if a school administrative unit participates in the Percent for Art Program it must use at least 1/2 of the amount identified for this purpose to provide back-up electrical power to the school, building or facility being constructed.

LD 464 An Act To Change Compensation for Career and Technical Education CARRIED OVER
Region Cooperative Board Meeting Attendance

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

This bill increases the compensation for a career and technical education region cooperative board member from \$10 to \$20 for each meeting the member attends.

Committee Amendment "A" (H-279)

This amendment incorporates a fiscal note.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and

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H-C (H-582).

LD 466 An Act To Amend the Laws Governing Awarding a High School Diploma to Veterans

PUBLIC 281

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN TUTTLE	OTP-AM	H-471

This bill directs the Department of Education with assistance from the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to issue honorary secondary school diplomas to qualifying veterans of the United States Armed Forces who did not finish secondary school.

Committee Amendment "A" (H-471)

This amendment strikes and replaces the bill to make changes that are consistent with the current statutory provisions established for awarding a high school diploma to qualifying veterans of the United States Armed Forces who did not finish secondary school during certain periods of wartime. The amendment adds provisions to the current law that allow for awarding a high school diploma to a qualifying veteran who did not finish secondary school during the period of wartime or peacetime that followed World War II, the Korean Conflict or the Vietnam War.

Enacted Law Summary

Public Law 2013, chapter 281 make changes that are consistent with the current statutory provisions established for awarding a high school diploma to qualifying veterans of the United States Armed Forces who did not finish secondary school during certain periods of wartime. The law allows for awarding a high school diploma to a qualifying veteran who did not finish secondary school during the period of wartime or peacetime that followed World War II, the Korean Conflict or the Vietnam War.

LD 481 Resolve, To Review the Laws Governing the Funding of Virtual Public Charter Schools

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD W	OTP-AM OTP-AM	

This bill amends the laws governing virtual public charter schools to:

1. Require the authorizer of a virtual public charter school to review and approve the courses and curricula for the virtual public charter school prior to the beginning of each school year;
2. Require that education personnel operating a virtual public charter school hold valid teacher certification in the State;
3. Require that each virtual public charter school student receive at least 2 personal visits from a teacher during each school year; and
4. Provide that only 20% of the per-pupil allocation of state and local operating funds follows the student to a virtual public charter school.

Committee Amendment "A" (H-437)

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This amendment, which is the majority report of the committee, amends the bill to provide that part-time teachers must also meet the teacher employment provisions of the public charter school law. The amendment also directs the Department of Education, in consultation with the Maine Charter School Commission, to review funding provisions related to determining the per-pupil allocation amount necessary for the costs of operating virtual public charter schools and validating the appropriate amount of operating costs that should be provided for students enrolled in virtual public charter schools and report the results of its review to the Joint Standing Committee on Education and Cultural Affairs, which is authorized to report out a bill to the Second Regular Session of the 126th Legislature.

Committee Amendment "B" (H-438)

This amendment, which is the minority report of the committee, strikes the bill and replaces it with a resolve that directs the Department of Education, in consultation with the Maine Charter School Commission, to review funding provisions related to determining the per-pupil allocation amount necessary for the costs of operating virtual public charter schools and validating the appropriate amount of operating costs that should be provided for students enrolled in virtual public charter schools and report the results of its review to the Joint Standing Committee on Education and Cultural Affairs, which is authorized to report out a bill to the Second Regular Session of the 126th Legislature.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 485 An Act To Amend and Clarify Certain Education Laws

PUBLIC 167

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P LANGLEY	OTP-AM	H-149

This bill amends and clarifies certain education laws. Part A amends and clarifies requirements for the withdrawal of a municipality from a regional school unit and provides that annual audits must include a schedule of expenditures of federal funds. Part B:

1. Amends and clarifies allowable debt service costs for state-funded school construction projects and repeals obsolete language;
2. Clarifies when design and funding approval by the State Board of Education is granted;
3. Clarifies that a local school unit will be notified by the Commissioner of Education only after any approved vote has been considered by the State Board of Education; and
4. Clarifies statutory language requiring the compliance review of state-funded school construction projects.

Part C:

1. Revises the definition of "adult education" to provide that adult education programs must be provided through a career pathways and service system and to include adult workforce training and retraining and adult career and technical education in the list of adult education courses;
2. Provides that career and technical education regions may offer only adult career and technical education and adult workforce training and retraining courses and must perform intake and data management functions;
3. Removes career pathways learners from the list of learners served by adult workforce training and retraining;

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4. Repeals the definition of "career pathways services" as a separate service as it has now been integrated as part of the overall definition of "adult education"; and
5. Includes college transition courses and adult workforce training and retraining among other administrative costs for the purpose of reimbursement.

Part D authorizes the Commissioner of Education to issue subpoenas for education records relevant to an investigation regarding the certification of educational personnel.

Committee Amendment "A" (H-149)

This amendment refines the provision in Part C of the bill to clarify that career and technical education regions may be eligible for reimbursement for adult career and technical education courses and adult workforce training and retraining courses. The amendment clarifies that career and technical education regions must meet the accountability requirements described in the Maine Revised Statutes, Title 20-A, section 8601-A, subsection 1, including the use of the adult education intake form and the adult education data management system.

Enacted Law Summary

Public Law 2013, chapter 167 amends and clarifies the following education laws.

1. It amends and clarifies requirements for the withdrawal of a municipality from a regional school unit;
2. It provides that annual audits must include a schedule of expenditures of federal funds.
3. It amends and clarifies provisions related to school construction projects, including:
 - A. The allowable debt service costs for state-funded school construction projects and repeals obsolete language;
 - B. When design and funding approval by the State Board of Education is granted for state-funded school construction projects;
 - C. When a local school unit will be notified by the Commissioner of Education after an approved vote has been considered by the State Board of Education; and
 - D. Refining statutory language requiring the compliance review of state-funded school construction projects.
4. It amends and clarifies provisions related to adult education programs, including:
 - A. Revising the definition of "adult education" to provide that adult education programs must be provided through a career pathways and service system and to include adult workforce training and retraining and adult career and technical education in the list of adult education courses;
 - B. Clarifying that career and technical education regions may be eligible for reimbursement for adult career and technical education courses and adult workforce training and retraining courses when they meet the accountability requirements described in the Maine Revised Statutes, Title 20-A, section 8601-A, subsection 1;
 - C. Removing career pathways learners from the list of learners served by adult workforce training and retraining;
 - D. Repealing the definition of "career pathways services" as a separate service as it has now been integrated as part of the overall definition of "adult education"; and

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E. Incorporating college transition courses and adult workforce training and retraining among other administrative costs for the purpose of reimbursement.

5. It authorizes the Commissioner of Education to issue subpoenas for education records relevant to an investigation regarding the certification of educational personnel.

LD 521 An Act To Change the Budget Approval Process for Alternative Organizational Structures VETO SUSTAINED

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

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.

LD 528 An Act To Require Parental Consent for a School To Conduct Mental Health or Behavioral Screening on a Student ONTP

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

This bill requires a school administrative unit to obtain written consent from a student's parent or guardian before conducting any mental health or behavioral screening or testing of the student.

LD 529 Resolve, Directing the Department of Education To Develop Safety Standards for School Access ONTP

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

This resolve directs the Department of Education to develop safety standards for entryways in existing and new school construction and report these standards to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2014.

LD 530 An Act To Ensure That the Standard of a Student's Best Interest Is Applied to Superintendent Agreements for Transfer Students PUBLIC 337

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON MILLETT	OTP-AM	H-316

This bill clarifies the standard to be applied by superintendents when considering the transfer of a student from one school administrative unit to another by incorporating the standard set forth in the Maine Revised Statutes, Title

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20-A, section 2, which is that a student must be provided an opportunity to receive the benefits of a free public education.

Committee Amendment "A" (H-316)

This amendment strikes and replaces the bill to ensure that the standard of a student's best interest is applied to decisions made regarding superintendent agreements for transfer students. The amendment provides that certain procedures must be implemented when the request of a parent to transfer a student from one school administrative unit to another is not approved by the superintendents and the parent of the student appeals the superintendents' decision to the Commissioner of Education.

When the superintendents have not approved the transfer, the superintendents are required to provide the student's parent with a written description of the basis of their determination that the transfer is not in the student's best interest. The commissioner must review the superintendents' determination and communicate with the parent and the superintendents before making a decision on an appeal. The commissioner must provide the parent and the superintendents with a written description of the basis of the commissioner's determination that the transfer is or is not in the student's best interest.

If dissatisfied with the commissioner's decision, the parent or either superintendent may request an appeal within 10 calendar days to the State Board of Education. The state board is required to review the commissioner's determination and communicate with the commissioner, the parent and the superintendents before making a decision on the appeal. The decision must be made within 30 days of the request for an appeal and must provide the parent, the superintendents and the commissioner with a written description of the basis of the state board's determination that the transfer is or is not in the student's best interest. The state board's decision is final and binding.

Enacted Law Summary

Public Law 2013, chapter 337 ensures that the standard of a student's best interest is applied to decisions made regarding superintendent agreements for transfer students. The law provides that certain procedures must be implemented when the request of a parent to transfer a student from one school administrative unit to another is not approved by the superintendents and the parent of the student appeals the superintendents' decision to the Commissioner of Education.

When the superintendents have not approved the transfer, the superintendents are required to provide the student's parent with a written description of the basis of their determination that the transfer is not in the student's best interest. The commissioner must review the superintendents' determination and communicate with the parent and the superintendents before making a decision on an appeal. The commissioner must provide the parent and the superintendents with a written description of the basis of the commissioner's determination that the transfer is or is not in the student's best interest.

If dissatisfied with the commissioner's decision, the parent or either superintendent may request an appeal within 10 calendar days to the State Board of Education. The state board is required to review the commissioner's determination and communicate with the commissioner, the parent and the superintendents before making a decision on the appeal. The decision must be made within 30 days of the request for an appeal and must provide the parent, the superintendents and the commissioner with a written description of the basis of the state board's determination that the transfer is or is not in the student's best interest. The state board's decision is final and binding.

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LD 531 An Act To Allow Students To Audit Classes at University of Maine System Campuses

ONTP

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

This bill requires the University of Maine System to permit students to audit a class if space is available in the class. The university is required to charge a fee from \$50 to \$250 for auditing a class, and the student must pay the cost of materials and related fees for the class. An auditing student does not receive credit or grades for the class.

The committee sent a letter to the University of Maine System requesting that it seek to further expend its auditing programs to address the overall purposes of this bill; the letter requests a report to the committee in the Second Regular Session on actions taken by the university.

LD 532 An Act To Amend the Laws Governing the Maine State Library

PUBLIC 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C LACHOWICZ	OTP-AM	H-73

This bill updates and modifies laws governing the Maine State Library.

1. It updates language regarding library hours and the taking of books.
2. It slightly modifies language regarding the relationship between the Department of Education's school library media section and the State Librarian: current law indicates that the department maintains the media section in cooperation with the State Librarian; the bill provides that the Librarian shall assist the media section in carrying on its activities.
3. It removes maintaining and providing a video tape library from the list of activities that the Department of Education must perform in its school library media section and adds to the list maintaining and providing an electronic library service and database library.
4. It repeals the provision of law that authorizes the State Librarian to provide bookmobile service.
5. It updates a provision of law relating to the State Librarian to make it gender neutral.
6. It decreases the amount of town histories or other books concerning the history of the State that the State Librarian must purchase from 25 copies to 2 copies. It also repeals the provision that requires the State Librarian to distribute the histories to school, state, institutional and public libraries, and it repeals the provision that allows the State Librarian to sell any surplus of the histories.
7. It repeals the provision of law that requires the State Librarian to make a gift of money or provide books to a municipality that is establishing a free library.
8. It provides that the State Librarian, rather than the Commissioner of the Department of Education, may designate research centers.

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9. It removes a provision requiring the Commissioner of the Department of Education to establish policies governing regional library district consultants
10. It authorizes the State Librarian, rather than the Maine Library Commission, to apportion funds for support of regional library system.
11. It modifies the provision of law governing the confidentiality of public library records (identity of patron relative to use of library materials) to include all state and local public libraries; current law limits application to local public libraries to public municipal libraries (about half of local public libraries are not "municipal").

Committee Amendment "A" (H-73)

This amendment removes the section of the bill that modifies the relationship between the Maine State Library and the Department of Education with respect to the school library media section.

This amendment also adds a definition to the confidentiality section of law amended by the bill. The section governs the confidentiality of public library records that identify patrons relative to use of library materials; current law provides confidentiality for local public municipal libraries. The bill removes "municipal" so that all local public libraries are included. The amendment defines "public library" by reference to the definition of that term in the chapter of law governing the regional library system; the definition encompasses any library freely open to the public that serves the needs of all the residents of the area for which its governing body is responsible.

Enacted Law Summary

Public Law, chapter 82 updates and modifies laws governing the Maine State Library.

1. It updates language regarding library hours and the taking of books.
2. It removes maintaining and providing a video tape library from the list of activities that the Department of Education must perform in its school library media section and adds to the list maintaining and providing an electronic library service and database library.
3. It repeals the provision of law that authorizes the State Librarian to provide bookmobile service.
4. It updates a provision of law relating to the State Librarian to make it gender neutral.
5. It decreases the amount of town histories or other books concerning the history of the State that the State Librarian must purchase from 25 copies to 2 copies. It also repeals the provision that requires the State Librarian to distribute the histories to school, state, institutional and public libraries, and it repeals the provision that allows the State Librarian to sell any surplus of the histories.
6. It repeals the provision of law that requires the State Librarian to make a gift of money or provide books to a municipality that is establishing a free library.
7. It provides that the State Librarian, rather than the Commissioner of the Department of Education, may designate research centers.
8. It removes a provision requiring the Commissioner of the Department of Education to establish policies governing regional library district consultants
9. It authorizes the State Librarian, rather than the Maine Library Commission, to apportion funds for support of regional library system.
10. It modifies the provision of law governing the confidentiality of public library records (identity of patron

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relative to use of library materials) to include all state and local public libraries; current law limits application to local public libraries to public municipal libraries (about half of local public libraries are not "municipal"). It defines "public library" by reference to the definition of that term in the chapter of law governing the regional library system; the definition encompasses any library freely open to the public that serves the needs of all the residents of the area for which its governing body is responsible.

LD 533 An Act To Eliminate the Requirement That Local Funding Follow a Pupil to a Charter School ONTP

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

This bill eliminates the requirement that a school administrative unit's local contribution to the per-pupil allocation follow a student to a public charter school and instead requires only that the State's contribution to the per-pupil allocation follow the student to a public charter school but allows the local contribution to follow a student attending a public charter school established solely to address the needs of at-risk pupils as defined in the Maine Revised Statutes, Title 20-A, section 2401. The bill also limits to 20% the State's contribution to the per-pupil allocation that follows a student to a virtual public charter school, except when the virtual public charter school is established solely to address the needs of at-risk pupils.

LD 595 An Act To Exempt School Administrative Units That Do Not Directly Serve Children with Disabilities from Certain Reporting Requirements ONTP

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

This bill provides that the Commissioner of Education may not require a school administrative unit to file reports regarding special education if the unit does not operate schools or if special education services for the unit's children with disabilities are provided by another school administrative unit that includes those children in its reports.

LD 609 An Act To Increase Suicide Awareness and Prevention in Maine Public Schools PUBLIC 53

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILBERT MILLETT	OTP-AM	H-86

This bill requires the Department of Education to adopt rules on standards for schools and school administrative units for suicide prevention education and training. The training and education will include suicide prevention awareness education for all personnel and more advanced suicide prevention and intervention training for at least 2 persons per school district.

Committee Amendment "A" (H-86)

This amendment strikes and replaces the bill. It adds a mandate preamble and provides that all of the requirements proposed in the bill for suicide prevention awareness education and suicide prevention and intervention training for school personnel are included in the Maine Revised Statutes, Title 20-A, section 4502. The amendment also provides that rules adopted by the Department of Education on standards for suicide awareness education and suicide prevention and intervention training for school personnel are routine technical rules, but that, beginning July 1, 2014, any subsequent changes to rules are major substantive rules.

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Enacted Law Summary

Public Law 2013, chapter 53 requires the Department of Education to adopt rules on standards for schools and school administrative units for suicide prevention education and training. The training and education will include suicide prevention awareness education for all personnel and more advanced suicide prevention and intervention training for at least 2 persons per school district. The law also provides that rules adopted by the department on standards for suicide awareness education and suicide prevention and intervention training for school personnel are routine technical rules, but that, beginning July 1, 2014, any subsequent changes to rules are major substantive rules.

**LD 615 An Act To Protect School Administrative Units from a Sudden Decrease ONTP
in Funding due to Reduced Enrollments**

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

This bill allows a school administrative unit to request reimbursement from the State when the unit has experienced a sudden and severe loss of funding due to the enrollment of students from that unit in public charter schools. The bill establishes criteria that a school administrative unit must meet to qualify for reimbursement. It also establishes a process by which school administrative units may petition the Commissioner of Education for reimbursement of a portion of the lost funds. The bill also establishes a reimbursement formula that the commissioner must use to calculate reimbursement amounts for qualifying school administrative units.

LD 623 An Act To Promote the Attainment of Higher Education Degrees ONTP

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

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

This bill proposes to adjust the disbursement of financial aid packages to provide an incentive for a student enrolled in a postsecondary institution to complete that student's degree. Instead of providing the total amount of financial aid up front, leading to the exhaustion of available aid prior to the completion of course work, this bill would spread the financial aid out over the course of a student's enrollment. The intent of the bill is to ensure that enough financial aid is available to allow a student who is within 15 credits of completing the necessary requirements for graduation to pay for those credits.

See Part J of Committee Amendment "A" to LD 90 for provisions related to the purposes of this bill.

**LD 638 An Act To Require That School Budget Referenda Be Held on the Same ONTP
Day as Primary Elections**

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

This bill requires a regional school unit board to hold a regional school unit budget meeting no later than 30 days

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before the date of the statewide primary or referendum election in June or the 2nd Tuesday in June if a statewide primary or referendum election is not held in June that year and requires the budget validation referendum to be held on the same date as the statewide primary or referendum election in June or on the 2nd Tuesday in June if a statewide primary or referendum election is not held in June that year. The bill changes the provisions governing absentee ballots for a budget validation referendum.

LD 665 An Act To Facilitate the Transition to a Standards-based Educational System ONTP

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

Current law provides that the date for implementation of awarding diplomas based on student demonstration of proficiency is extended one year for each year for which levels of general purpose aid for local schools falls below the levels provided in school year 2012-2013. This bill instead extends the implementation date one year for each year for which levels of general purpose aid for local schools falls below 55% of the total cost of funding public education from kindergarten to grade 12 pursuant to the Essential Programs and Services Funding Act.

LD 666 Resolve, To Create a Working Group To Survey Maine Schools on the Costs and Benefits of Contracting for Energy Conservation Improvements DIED ON ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIFFORD THOMAS	OTP-AM	H-217

This bill requires approval in a local vote before a school administrative unit may spend any funds on a school construction project other than a small scale school construction project with a total cost of less than \$2,000,000.

Committee Amendment "A" (H-217)

This amendment strikes the bill and replaces it with a resolve that directs the Department of Education to convene a working group to study the opportunities and challenges presented to school administrative units with respect to implementing energy savings programs, including entering into agreements for energy conservation improvements, and to report to the Joint Standing Committee on Education and Cultural Affairs by January 10, 2014. The joint standing committee is authorized to submit a bill to the Second Regular Session of the 126th Legislature.

LD 667 An Act To Increase Funding to Schools PUBLIC 171

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER ALFOND	OTP ONTP	H-125 MAKER

This bill amends the law that provides for a proportional share reduction in the amount of local share revenues that municipalities must raise under the Essential Programs and Services Funding Act when the State does not fund the 55% state share required by law. The bill phases out the proportional share reduction over a 3-year period from fiscal year 2014-15 to fiscal year 2016-17.

House Amendment "A" (H-125)

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This amendment removes the emergency preamble and emergency clause and corrects a history.

Enacted Law Summary

Public Law 2013, chapter 171 amends the law that provides for a proportional share reduction in the amount of local share revenues that municipalities must raise under the Essential Programs and Services Funding Act when the State does not fund the 55% state share required by law. The law phases out the proportional share reduction over a 3-year period from fiscal year 2014-15 to fiscal year 2016-17.

LD 668 An Act To Encourage the Teaching of Agricultural Studies in Schools

PUBLIC 106

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY JOHNSON C	OTP-AM	H-88

This bill requires agriculture studies to be taught in elementary and secondary schools in the State for essential instruction and graduation requirements. The bill requires that agriculture studies address the importance of agriculture in the State's history and development, the connections between the farm and daily life and the economics of agriculture and its importance to the State's economy. The bill also requires the Department of Education to consult with the Maine Agriculture in the Classroom Council in developing the parameters for essential instruction and graduation requirements for agriculture studies.

Committee Amendment "A" (H-88)

This amendment replaces the bill. This amendment authorizes agricultural studies to be taught in and infused or integrated into the curriculum of elementary and secondary schools, both public and private. Agricultural studies may address, but need not be limited to, the importance of agriculture in the State's history and development, the connections between the farm and daily life, the economics of agriculture and its importance to the State's economy, the importance of knowing where food comes from and the ecology of growing food and the importance of eating healthy food and its role in combating childhood obesity.

This amendment also directs that, to the extent existing resources allow, the Commissioner of Education, the Commissioner of Agriculture, Conservation and Forestry and the Maine Agriculture in the Classroom Council implement outreach efforts to ensure that schools and teachers are aware of the educational materials, resources and training relating to agricultural studies available pursuant to the Maine Revised Statutes, Title 7, chapter 8-D.

Enacted Law Summary

Public Law 2013, chapter 106 authorizes agricultural studies to be taught in and infused or integrated into the curriculum of elementary and secondary schools, both public and private. Agricultural studies may address, but need not be limited to, the importance of agriculture in the State's history and development, the connections between the farm and daily life, the economics of agriculture and its importance to the State's economy, the importance of knowing where food comes from and the ecology of growing food and the importance of eating healthy food and its role in combating childhood obesity.

This law directs that, to the extent existing resources allow, the Commissioner of Education, the Commissioner of Agriculture, Conservation and Forestry and the Maine Agriculture in the Classroom Council implement outreach efforts to ensure that schools and teachers are aware of the educational materials, resources and training relating to agricultural studies available pursuant to the Maine Revised Statutes, Title 7, chapter 8-D.

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LD 669 An Act Requiring School Administrative Units To Adopt School Volunteer Policies ONTP

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

This bill requires each school board to adopt and implement by the beginning of the 2014-2015 school year policies governing the screening and assignment of school volunteers. The policies must be consistent with model policies developed by the Commissioner of Education. The model policies must be developed no later than July 1, 2014 by the commissioner in consultation with state and local law enforcement officials, school boards and appropriate school personnel.

LD 670 Resolve, To Encourage the Use of Career Interest and Aptitude Tests in Higher Education VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLAND CUSHING	OTP-AM	H-244

This bill requires the Maine Community College System and the University of Maine System to allow a student to receive priority in course registration if the student takes and submits prior to course registration, in accordance with procedures approved by the respective system, a career interest test.

Committee Amendment "A" (H-244)

This amendment strikes and replaces the bill with a resolve that directs the Education Coordinating Committee to review options that would allow a student enrolled in a postsecondary education program at the Maine Community College System, the University of Maine System or the Maine Maritime Academy to receive priority in course registration if the student takes and submits a career interest test prior to course registration, in accordance with procedures approved by the Maine Community College System, the University of Maine System or the Maine Maritime Academy.

LD 671 An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY MILLETT	OTP-AM ONTP	H-245

This bill requires that public charter schools and virtual public charter schools established in this State be operated as nonprofit organizations.

Committee Amendment "A" (H-245)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The bill requires that public charter schools and virtual public charter schools established in this State be operated as nonprofit organizations. The amendment retains these provisions and revises the definition of "education service provider" to provide that an education service provider must be a nonprofit, nonreligious organization.

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LD 672 An Act Relating to Exemption from Immunization for Schoolchildren

CARRIED OVER

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

This bill requires that a school health care provider provide to the parent of a child excepted from the immunization requirements for schoolchildren in the State information about the benefits and risks of immunization and sign a statement that the information has been provided to the parent.

Committee Amendment "A" (H-400)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, clarifies that a school health advisor or a designee of a school health advisor must provide to the parent of a child excepted from the State's immunization requirements for schoolchildren information consisting of vaccine information statements prepared by the United States Department of Health and Human Services, Centers for Disease Control and Prevention about the benefits and risks of immunization and sign a statement that the information has been provided to the parent. It requires the Commissioner of Education to establish procedures to reimburse school administrative units for 90% of the cost of assembling vaccine information statements and sending them to parents of children excepted from the immunization requirements. It also adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 673 Resolve, To Increase Awareness of Food Allergies in Public Schools

RESOLVE 42

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT JOHNSON C	OTP-AM	H-158

This bill requires a school superintendent who receives documentation that a student has a food allergy to send a food allergy awareness information sheet to all parents of students at the school asking them not to bring or send with their students that type of food to school and a brochure to the parent of the allergic student containing information to educate the parent on coping with food allergies at schools.

Committee Amendment "A" (H-158)

This amendment replaces the bill with a resolve that directs the Department of Education to seek to increase awareness of the seriousness of student food allergies, the resources that are available to help schools identify, address and respond to student food allergies, including training for teachers, best practices and the applicable laws.

Enacted Law Summary

Resolve 2013, chapter 42 directs the Department of Education to seek to increase awareness of the seriousness of student food allergies, the resources that are available to help schools identify, address and respond to student food allergies, including training for teachers, best practices and the applicable laws.

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LD 699 An Act To Allow Public Schools To Offer Classes Limited to Students of a Single Gender

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill adds single-gender classes to the pathways that may be used to provide learning opportunities for elementary and secondary school students in the State. The bill also specifies policies that elementary and secondary schools must adopt before offering single-gender classes. It also provides a definition of "single-gender class" in the Maine Revised Statutes, Title 20-A.

Committee Amendment "A" (S-27)

This amendment is the minority report and replaces the bill. This amendment provides that the Maine Human Rights Act does not prohibit single-sex classes that are permitted under the United States Department of Education regulations, 34 Code of Federal Regulations, Section 106.34(b).

LD 709 An Act To Require Students To Receive Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator prior to Graduation

ONTP

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

This bill requires that, as a condition of graduation from high school, beginning with the 2014-2015 school year, each student receive instruction and achieve proficiency in cardiopulmonary resuscitation and the use of an automated external defibrillator.

LD 715 An Act To Improve Access to Career and Technical Schools

CARRIED OVER

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

This bill provides for the reimbursement by the State of the actual transportation costs for career and technical education students who reside in a school administrative unit that is determined to be an isolated small unit pursuant to the provisions of the Essential Programs and Services Funding Act. Isolated small units must be reimbursed in the following fiscal year for the actual transportation costs for career and technical education students that are incurred in a fiscal year.

Committee Amendment "A" (H-223)

This amendment replaces the bill. The amendment provides that certain isolated small school administrative units are eligible for an adjustment under the school funding formula to reimburse the units for transportation costs expended for transporting students to and from a career and technical education center or a career and technical education region. To be eligible, a unit must receive the minimum state allocation based on the unit's special education costs. The reimbursement is based on actual net costs incurred during the base year under the funding

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formula. The amendment includes an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 723 An Act To Ensure the Proper Treatment of Bullying Situations in Schools ONTP

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

This bill modifies the law governing school policies on bullying to require that:

1. Policies governing written documentation be developed and established by each school board in consultation with teachers;
2. The policies include procedures for investigating and attempting to resolve an allegation of bullying involving a person without any prior history of bullying, under which the incident, if it can be informally and satisfactorily resolved among the affected individuals, does not require written documentation; and
3. Within 90 days after the effective date of this legislation, the Commissioner of Education modify the commissioner's model policy to address bullying and cyberbullying to make it consistent with the provisions of this legislation and provide the modified model policy to each school administrative unit in the State and post it on the publicly accessible portion of the Department of Education's website along with any training and instructional materials related to the policy that the commissioner determines necessary.

LD 729 An Act To Allow Charter Schools To Request Waivers from Certain Requirements PUBLIC 216

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G	OTP-AM	S-137

This bill allows, upon approval by the public charter school's authorizer, a public charter school to request from the Commissioner of Education a waiver of a civil rights or a health and safety requirement. The bill provides that the commissioner may take into consideration the financial hardship of the public charter school in carrying out the requirement in making a determination.

Committee Amendment "A" (S-137)

This amendment strikes and replaces the bill to clarify that the request from a public charter school for a waiver of one or more statutory requirements applicable to the public charter school may not include a request for a waiver of requirements established in the Maine Revised Statutes, Title 20-A, section 2412, subsection 5 related to civil rights and health and safety, student assessment and accountability, conflicts of interest and public records and proceedings, criminal history record checks and fingerprinting and special education.

Enacted Law Summary

Public Law 2013, chapter 216 allows, upon approval by the public charter school's authorizer, a public charter school to request from the Commissioner of Education a waiver of requirement established in state law, except that a public charter school may not include a request for a waiver of requirements established in the Maine Revised

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Statutes, Title 20-A, section 2412, subsection 5 related to civil rights and health and safety, student assessment and accountability, conflicts of interest and public records and proceedings, criminal history record checks and fingerprinting and special education.

LD 742 An Act To Amend the Regional School Unit Budget Validation Process ONTP

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

This bill amends the regional school unit budget validation process. Current law requires that, if the budget is not validated at the budget validation referendum, the process must be repeated until a budget is approved at a regional school unit budget meeting and validated at referendum and, if the budget is not approved and validated before July 1st of each year, then the latest budget approved at a regional school unit budget meeting and submitted to the voters for validation at a referendum in accordance with the Maine Revised Statutes, Title 20-A, section 1486 is automatically considered the budget for the ensuing year until a final budget is approved. This bill requires that, if the budget approved at the regional school unit budget meeting does not gain approval by voters at the budget validation referendum, the process must be repeated until a budget is validated at referendum, except that, when a regional school unit has conducted a minimum of 2 regional school unit budget meetings and 2 budget validation referenda prior to August 30th, the budget approved at the last regional school unit budget meeting becomes the budget for the fiscal year. If a regional school unit has not conducted 2 such cycles of budget meetings and referenda by August 30th, the regional school unit is required to conduct 2 complete budget approval cycles, if necessary, without a time limit, and, if the regional school unit conducts 2 full cycles of budget meetings and referenda and the budget is not validated at referendum, the budget approved at the last regional school unit budget meeting becomes the budget for the fiscal year.

LD 750 An Act To Make the Completion of an Internship a Requirement for High School Graduation ONTP

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

This bill requires completion of an internship for high school graduation.

LD 751 An Act To Limit the Effect of Standardized Tests on Teacher Evaluations ONTP

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

This bill provides that no more than 30% of an educator's total educator effectiveness rating may be based on the results of standardized tests.

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LD 772 An Act To Implement the Recommendations of the Task Force on Franco-Americans Regarding the Reporting of Franco-American Ethnicity Data ONTP

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

This bill requires the superintendent of each school administrative unit and the administrator of each private school to report to the Commissioner of Education the number of Franco-American students in their schools.

LD 773 Resolve, To Enhance the Study of Franco-American History in Schools ONTP

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

This resolve directs the Commissioner of Education to include Franco-American studies in the content standards and performance indicators for teaching social studies in Maine schools and provides a one-time appropriation of \$25,000 in fiscal year 2013-14.

LD 783 An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit CARRIED OVER

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

Under current law, until January 1, 2015, a municipality that wishes to withdraw from a regional school unit must approve that withdrawal by a majority vote, with the total number of votes cast at least equal to 50% of the total number of votes cast in that municipality for Governor in the last gubernatorial election. If the municipality is part of a school administrative district that was reformulated as a regional school unit pursuant to the school consolidation laws, a 2/3 approval is needed. Beginning January 1, 2015, any withdrawal must be approved by 2/3 of the voters, without any requirement regarding the total number of votes cast.

This bill allows a municipality to withdraw from a regional school unit by a majority vote and eliminates the requirement regarding the total number of votes cast. The bill requires that a facilitator to oversee negotiations be appointed if, after 90 days of its formation, the withdrawal committee that is selected by the municipality seeking to withdraw from the regional school unit fails to reach an agreement with the regional school unit.

Committee Amendment "A" (H-552)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, strikes the provision in the bill that requires that a facilitator to oversee negotiations must be appointed if, after 90 days of its formation, the withdrawal committee that is selected by the municipality seeking to withdraw from the regional school unit fails to reach an agreement with the regional school unit. The amendment also updates a section of law that was amended in Public Law 2013, chapter 167, Part A, section 2 to avoid a conflict. The amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-561)

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This amendment provides that if a municipality that is a member of a regional school unit withdraws from that regional school unit in accordance with the requirements set forth in the Maine Revised Statutes, Title 20-A, section 1466, subsection 9, any increase in administrative costs incurred by that municipality as a result of that withdrawal must be borne by that municipality.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-342)

This amendment incorporates the substance of House Amendment "A" to Committee Amendment "A" (H-561). In addition, this amendment retains until July 1, 2014, the existing law governing the number of votes required to withdraw from a regional school unit. This amendment provides that beginning July 1, 2014 a municipality may withdraw from a regional school unit by majority vote and eliminates the requirement regarding the total number of votes cast. This amendment also replaces the appropriations and allocations section in Committee Amendment "A."

This bill was recommitted to the Education and Cultural Affairs Committee and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 791 An Act To Improve Equity for Economically Disadvantaged Students Seeking To Transfer to an Approved Private School or a Public School

PUBLIC 356

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN JOHNSON C	OTP-AM OTP-AM	H-414

This bill provides that, if the Commissioner of Education decides to allow a student transfer that was not approved by the superintendents of the affected school administrative units, the commissioner is required to provide a written description of the basis of the commissioner's determination that the transfer is in the best interest of the student and the State is required to reimburse the receiving school administrative unit's actual costs for implementing the transfer order. The bill also provides that the commissioner's decision may be appealed by one or both of the superintendents to the State Board of Education.

Committee Amendment "A" (H-414)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, strikes and replaces the bill. It provides that a student may transfer from one school administrative unit to another under a so-called superintendents' agreement only if the receiving school administrative unit operates a public school that includes the grade level of the student whose parent requests the transfer.

Committee Amendment "B" (H-415)

This amendment, which is the minority report of the joint standing committee, strikes and replaces the bill to authorize the Commissioner of Education to reimburse families of economically disadvantaged students for tuition and transportation costs associated with attending approved private schools or public elementary or secondary schools in school administrative units other than those units in which those families reside.

Enacted Law Summary

Public Law 2013, chapter 356 provides that a student may transfer from one school administrative unit to another under a so-called superintendents' agreement only if the receiving school administrative unit operates a public school that includes the grade level of the student whose parent requests the transfer.

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LD 792 An Act To Ensure That Essential Programs and Services Targeted ONTP
Funding Follows the Secondary Student

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

This bill provides that a school administrative unit sending a secondary school student to another public school or a private school must pay to the receiving school, in addition to tuition, per-pupil amounts for cocurricular and extracurricular activities and targeted funds for implementation of a standards-based system and technology resources.

LD 821 An Act To Allocate the Balance of Funds Not Expended by the Task P & S 8
Force on Franco-Americans EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT THIBODEAU	OTP-AM	H-50

This bill authorizes the Executive Director of the Legislative Council to retain \$300 in the Task Force on Franco-Americans funding account and expend those funds to offset the costs associated with the Legislature's Franco-American Day.

This bill requires the Executive Director of the Legislative Council to pay \$1,110.50 to the Franco-American Center at the University of Maine, which represents the balance of funds contributed by outside sources to support the work of the Task Force on Franco-Americans, but not expended by the task force, no later than November 1, 2013.

Committee Amendment "A" (H-50)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2013, chapter 8 authorizes the Executive Director of the Legislative Council to retain \$300 in the Task Force on Franco-Americans funding account and expend those funds to offset the costs associated with the Legislature's Franco-American Day. It requires the Executive Director of the Legislative Council to pay \$1,110.50 to the Franco-American Center at the University of Maine, which represents the balance of funds contributed by outside sources to support the work of the Task Force on Franco-Americans, but not expended by the task force, no later than November 1, 2013.

Private and Special Law 2013, chapter 8 was enacted as an emergency measure effective May 14, 2013.

LD 822 An Act To Establish Invite Your Maine Legislator to School Month PUBLIC 103

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON MILLETT	OTP-AM	H-87

This bill establishes a special week each year in which schools are encouraged to invite Legislators to visit to promote increased knowledge among students of the legislative process and to improve citizen interest and

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participation in the legislative process.

Committee Amendment "A" (H-87)

This amendment strikes and replaces the bill to clarify the intent of the bill. This amendment establishes Invite Your Maine Legislator to School Month to encourage teachers and school administrators to invite Legislators to visit school classrooms and meet with teachers, school administrators and students to promote increased knowledge among Legislators of prekindergarten to grade 12 public education programs.

Enacted Law Summary

Public Law 2013, chapter 103 establishes Invite Your Maine Legislator to School Month to encourage teachers and school administrators to invite Legislators to visit school classrooms and meet with teachers, school administrators and students to promote increased knowledge among Legislators of prekindergarten to grade 12 public education programs.

LD 823 An Act To Require Institutions of Higher Learning To Comply with the ONTP
Federal Americans with Disabilities Act

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

This bill requires all institutions of higher learning that receive state or federal funds to install on every door allowing access to a room in or area of its educational facilities to which a student or a member of the general public is permitted access a working automatic door opener operated by a wall-mounted electronic push-button device that meets standards adopted by the Maine Human Rights Commission.

LD 843 An Act To Promote the Financial Literacy of High School Students PUBLIC 244

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT CAIN	OTP-AM OTP-AM	H-348

Current law requires the Commissioner of Education to develop a program of technical assistance that promotes the importance of financial literacy and encourages school administrative units to implement an integrated model for instruction in personal finance that may be used in secondary schools as part of the instruction in social studies or mathematics. This bill amends the system of learning results to require each student to study and become proficient in personal finance, including instruction in purchasing, using credit, budgeting, saving and investing, banking, simple contracts, state and federal income taxes, personal insurance policies and renting or purchasing a home. The bill takes effect beginning with the 2014-2015 school year and requires all secondary schools to include the personal finance course as part of the mathematics instruction required to obtain a high school diploma.

Committee Amendment "A" (H-348)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, strikes and replaces the bill to add course work in personal finance as part of the required subject of social studies and history that must be provided to all high school students as part of the state requirements for awarding a high school diploma.

The amendment also requires the Commissioner of Education to review the content standards and performance indicators for the content area of social studies, including student achievement of proficiency in personal finance, during the 2015-2016 school year as part of the commissioner's 5-year review cycle of the content standards and

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performance indicators required under the system of learning results.

Committee Amendment "B" (H-349)

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, strikes and replaces the bill to require the Commissioner of Education to review the content standards and performance indicators for the content area of social studies, including student achievement of proficiency in personal finance, during the 2015-2016 school year as part of the commissioner's 5-year review cycle of the content standards and performance indicators required under the system of learning results.

Enacted Law Summary

Public Law 2013, chapter 244 adds course work in personal finance as part of the required subject of social studies and history that must be provided to all high school students as part of the state requirements for awarding a high school diploma. The law also requires the Commissioner of Education to review the content standards and performance indicators for the content area of social studies, including student achievement of proficiency in personal finance, during the 2015-2016 school year as part of the commissioner's 5-year review cycle of the content standards and performance indicators required under the system of learning results.

LD 862 An Act To Assist York County Community College ONTP

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

This bill provides ongoing General Fund appropriations of \$2,000,000 per year beginning in fiscal year 2013-14 to the York County Community College.

LD 868 An Act To Expand Funding for Early Childhood Education ONTP

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

This bill amends the definitions of "elementary school" and "public preschool program" to include federally recognized Head Start agency programs in order to allow these programs to become eligible for federal E-rate funds.

LD 880 An Act To Change the Process for Student Transfers from an Alternative Organizational Structure ONTP

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

This bill gives a local school committee of an alternative organizational structure the authority to approve student transfer requests.

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LD 889 An Act To Adjust Funding Forwarded from School Districts to Charter Schools ONTP

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

This bill reduces the amount a school administrative unit in which a student who attends a public charter school resides must forward to that public charter school from 100% of the per-pupil allocation to 50% of the per-pupil allocation. It also provides that a school administrative unit is not required to send funds to a public charter school for certain students who were not enrolled in a public school before enrolling in a public charter school.

**LD 905 Resolve, Directing the Department of Education To Examine School Security RESOLVE 76
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS MILLETT	OTP-AM	H-227

This resolve directs the Department of Education to develop a plan that makes recommendations to school administrative units for security measures that can be taken to improve the security of school buildings and instructional information that can be given to administrators, teachers, students, parents and community leaders concerning proper procedures and measures to take in response to and preparation for an emergency or natural disaster.

Committee Amendment "A" (H-227)

This amendment changes the title and replaces the resolve. This amendment directs the Department of Education to gather information regarding the preparedness of schools to implement required emergency management plans and the present condition of school facilities in terms of facility security in the event of an emergency. The department, in consultation with security experts, is directed to evaluate school preparedness and facility security and develop recommendations for prudent measures that may be taken to improve preparedness and facility security. The department must report its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2014, and the committee is authorized to report out a bill relating to the subject matter of the report to the Second Regular Session of the 126th Legislature.

This amendment also adds an emergency preamble and emergency clause to the bill, as well as an appropriations and allocations section.

Enacted Law Summary

Resolve 2013, chapter 76 directs the Department of Education to gather information regarding the preparedness of schools to implement required emergency management plans and the present condition of school facilities in terms of facility security in the event of an emergency. The department, in consultation with security experts, is directed to evaluate school preparedness and facility security and develop recommendations for prudent measures that may be taken to improve preparedness and facility security. The department must report its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2014, and the committee is authorized to report out a bill relating to the subject matter of the report to the Second Regular Session of the 126th Legislature.

Resolve 2013, chapter 76 was finally passed as an emergency measure effective July 10, 2013.

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**LD 906 An Act To Permit a School Administrative Unit Discretion Concerning
Participation of Students from Charter Schools in School
Extracurricular and Interscholastic Activities**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN MILLETT	OTP-AM	

This bill allows a public charter school, at the discretion of the superintendent of the school administrative unit, to participate in school administrative unit-sponsored interscholastic and other activities and, at the discretion of the superintendent, a student of the public charter school to participate in a school's extracurricular activities.

Committee Amendment "A" (H-524)

This amendment provides that the superintendent of a school administrative unit may deny the request of a public charter school student to participate in an extracurricular or interscholastic activity only if the public charter school the student attends already provides that same activity or if the noncharter public school does not have the capacity to provide the student with the opportunity to participate in the activity. If approval for participation is withheld by the superintendent of the school administrative unit, the superintendent must provide a written explanation to the student or the student's parent or guardian stating the reason or reasons for the decision.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 944 Resolve, To Review the Impact of Unfunded Education Mandates and
Evaluate the Efficacy of Education Laws**

**RESOLVE 74
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY POULIOT	OTP-AM	S-295

This resolve directs the Commissioner of Education to establish a task force to review the effect of unfunded education mandates on school administrative units and career and technical regions in the State and to evaluate the efficacy of current education laws. The commissioner is directed to submit a report of the task force's findings and any suggested legislation to the Joint Standing Committee on Education and Cultural Affairs by January 10, 2014. The committee may submit a bill related to the report to the Second Regular Session of the 126th Legislature.

Committee Amendment "A" (S-295)

This amendment strikes and replaces the resolve to direct the Department of Education to conduct an analysis of current education laws and unfunded or underfunded federal or state education mandates that have resulted in an adverse impact on school administrative units and career and technical regions in the State. The department's analysis must include a summary of recent research and surveys conducted by state officials and pursuant to legislative studies and education stakeholder groups and must include an up-to-date list that identifies unfunded or underfunded federal or state education mandates, regulatory burdens and other education requirements that have resulted in an adverse impact on public schools in the State.

The amendment also directs the Commissioner of Education to establish a review committee to examine the list of unfunded education mandates, regulatory burdens and other education requirements identified under the department's analysis and to establish, by consensus, a list of priority recommendations regarding the unfunded or

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underfunded education mandates, regulatory burdens and other education requirements that should be repealed or amended by the Legislature. The commissioner is directed to submit a report of the findings and conclusions of the review committee, including any suggested legislation to address the review committee's recommendations, to the Joint Standing Committee on Education and Cultural Affairs by January 10, 2014. The committee may submit a bill related to the report to the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2013, chapter 74 directs the Department of Education to conduct an analysis of current education laws and unfunded or underfunded federal or state education mandates that have resulted in an adverse impact on school administrative units and career and technical regions in the State. The department's analysis must include a summary of recent research and surveys conducted by state officials and pursuant to legislative studies and education stakeholder groups and must include an up-to-date list that identifies unfunded or underfunded federal or state education mandates, regulatory burdens and other education requirements that have resulted in an adverse impact on public schools in the State.

The resolve also directs the Commissioner of Education to establish a review committee to examine the list of unfunded education mandates, regulatory burdens and other education requirements identified under the department's analysis and to establish, by consensus, a list of priority recommendations regarding the unfunded or underfunded education mandates, regulatory burdens and other education requirements that should be repealed or amended by the Legislature. The commissioner is directed to submit a report of the findings and conclusions of the review committee, including any suggested legislation to address the review committee's recommendations, to the Joint Standing Committee on Education and Cultural Affairs by January 10, 2014. The committee may submit a bill related to the report to the Second Regular Session of the 126th Legislature.

Resolve 2013, chapter 74 was finally passed as an emergency measure effective July 3, 2013.

LD 959 An Act To Require That Seed Money Generated at an Individual ONTP
College of the Maine Community College System Be Returned to That
College for the Purpose of Enhancement

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

This bill requires that seed money received as a result of the efforts of an individual college of the Maine Community College System be returned to and used to benefit that college.

LD 962 An Act To Increase Access to Higher Education ACCEPTED
MAJORITY
(ONTP) REPORT

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

This bill establishes a merit-based scholarship program for eligible students who graduate from high school in Maine and who are admitted to one of the institutions of the University of Maine System or the Maine Community College System. Students must have graduated in the top 25% of their classes in high school and family income must be less than \$30,000 a year. The scholarships are for the full or partial cost of tuition less any financial aid, awards or grants that reduce the level of tuition. Students must maintain a 3.0 grade point average in college in

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order to remain eligible for the scholarship. This scholarship program will be administered by the Finance Authority of Maine. The Finance Authority of Maine, which is given routine technical rule-making authority, may adjust these eligibility requirements to control expenditures or increase participation in the program.

Committee Amendment "A" (H-133)

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, modifies the Maine Merit Scholarship Program to replace income eligibility with eligibility based on expected family contribution. Expected family contribution is the standard that is used to determine financial need under various federal scholarship programs and under the Maine State Grant Program administered by the Finance Authority of Maine.

This amendment was not adopted.

LD 963 An Act To Expand Access to Early Postsecondary Education

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON LANGLEY	OTP-AM	H-545 S-328 GOODALL

This bill makes the following changes to the early postsecondary education programs statutes:

1. It creates a permanent Commission on Expanding Early Postsecondary Access for High School Students;
2. It clarifies that adult education students, home school students and students from private schools are eligible for state subsidy for postsecondary courses. It also clarifies that a student may be eligible if the parents, school administrative unit and postsecondary institution approve;
3. It requires high schools to grant academic credit for postsecondary courses rather than allowing discretion;
4. It requires postsecondary institutions to provide information to students on the transferability of academic credit between postsecondary institutions;
5. It requires the Department of Education to pay 50% of tuition for up to 12 credit hours in an academic year rather than only the first 3 credit hours up to a possible 6-credit-hour maximum;
6. It adds instructors of postsecondary education courses that are offered in secondary schools to the list of personnel that are subject to the fingerprinting and background check requirements; and
7. It requires career and technical education centers to serve as sites for the administration of assessment tests to determine college-level academic skills.

The bill also requires the Department of Education and the Commission on Expanding Early Postsecondary Access for High School Students to establish and maintain a single publicly accessible website with information on early postsecondary education programs and research as well as hyperlinks to those programs and the research.

Committee Amendment "A" (H-545)

This amendment makes several changes to the bill:

1. It adds the definition of "secondary school student" to the definitions in the Maine Revised Statutes, Title 20-A,

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chapter 208-A in order for the definition to apply to the entire chapter and clarifies that "secondary school student" includes a student enrolled in an adult education program or participating in an approved home instruction program;

2. It requires that in order to be eligible to receive state subsidy for postsecondary courses, a secondary school student must be a Maine resident;
3. It limits the total number of secondary school students enrolled in a postsecondary school course to no more than 1/3 of the total number of students enrolled in the course;
4. It requires the school administrative unit to inform a student enrolled in a postsecondary school course of the extent to which high school credit will be granted toward graduation requirements as a result of successfully completing the course;
5. In current law, the department pays 50% of the in-state tuition for the first 3 credit hours taken each semester. The amendment doubles the amount to 6 credits;
6. It reduces the percentage of total funding available that can be used to support secondary school students enrolled in summer term courses; and
7. It increases the membership of the Commission on Expanding Early Postsecondary Access for High School Students from 19 to 20.

Senate Amendment "A" To Committee Amendment "A" (S-328)

This amendment removes the Commission on Expanding Early Postsecondary Access for High School Students from the bill.

LD 994 An Act To Change the State's Share of Education Costs Including ONTP
Teacher Retirement Costs

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

This bill provides that the total cost of teacher retirement, including the normal cost and the actual unfunded liability, must be funded through the state and local cost-sharing formula for funding public education from kindergarten to grade 12. The bill also changes the target for the state share of the total costs of education from 55% to 52%.

LD 995 An Act To Establish a Moratorium on the Approval and Operation of CARRIED OVER
Virtual Public Charter Schools

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MACDONALD W	OTP ONTP	

This emergency 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.

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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 9 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 part-time students in grades 9 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, 2013 and authorizes the joint standing committee to report out a bill to the Second Regular Session of the 126th Legislature related to the recommendations included in this report.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1002 An Act Regarding the Required Local Contribution in the School Funding Formula

LEAVE TO WITHDRAW

Sponsor(s)
CAREY

Committee Report

Amendments Adopted

This bill modifies the provision of the essential programs and services school funding formula that provides that the state share of the total cost of funding public education from kindergarten to grade 12 is limited to the same proportion as the local school administrative unit raises of its required contribution to the total cost of education. The bill specifies that this limitation does not apply if a majority of the residents within that school administrative unit reside in municipalities eligible to receive funds from the Disproportionate Tax Burden Fund established under the State's municipal revenue sharing program.

LD 1003 Resolve, To Establish the Commission To Study Accessibility and Affordability of Higher Education

ONTP

Sponsor(s)
TREAT
CAIN

Committee Report
ONTP

Amendments Adopted

This resolve establishes the Commission To Study Accessibility and Affordability of Higher Education.

LD 1019 An Act To Protect the State's Property Rights in Maine State Museum Research

PUBLIC 205 EMERGENCY

Sponsor(s)
KESCHL
KATZ

Committee Report
OTP-AM

Amendments Adopted
H-188

This bill exempts from the Freedom of Access Act historical research that includes an individual's personally identifiable information such as medical, psychiatric, employment, counseling or law enforcement records or information directly related to that individual's parent or child. The bill also exempts from the Freedom of Access

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Act, unless authorized by the Maine State Museum's director, museum draft research, publications and exhibit materials that are not yet completed and publicly presented.

Committee Amendment "A" (H-188)

This amendment replaces the bill. This amendment:

1. Provides that draft research, publications and exhibit materials of the Maine State Museum are confidential and not public records until publication or presentation to the public or the Museum Director authorizes earlier release; and
2. Provides that personal information obtained by the Maine State Museum in the course of a historical research project is confidential and not a public record until the individual authorizes its release or dies. It also provides that the Museum Director may, at the request of the individual, designate that the information remain confidential for up to 25 years after the death of the individual in order to protect the privacy of the individual or the privacy of the parent or child of the individual.

Enacted Law Summary

Public Law 2013, chapter 205:

1. Provides that draft research, publications and exhibit materials of the Maine State Museum are confidential and not public records until publication or presentation to the public or the Museum Director authorizes earlier release; and
2. Provides that personal information obtained by the Maine State Museum in the course of a historical research project is confidential and not a public record until the individual authorizes its release or dies. It also provides that the Museum Director may, at the request of the individual, designate that the information remain confidential for up to 25 years after the death of the individual in order to protect the privacy of the individual or the privacy of the parent or child of the individual.

Public Law, chapter 205 was enacted as an emergency measure effective July 15, 2013.

**LD 1027 An Act To Provide an Improved Process for Voter Approval of
Withdrawal from a Regional School Unit**

**LEAVE TO
WITHDRAW**

Sponsor(s)

PARRY
LANGLEY

Committee Report

Amendments Adopted

This bill amends the laws concerning withdrawal of a municipality from a regional school unit by:

1. Directing the Commissioner of Education to determine the terms of a withdrawal agreement if a withdrawal committee cannot reach agreement within 150 days after formation of the committee; and
2. Until January 1, 2015, allowing a revote at any time for approval of a withdrawal agreement if the agreement was defeated upon a municipal vote but received at least 45% of the votes cast.

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LD 1036 An Act To Amend the Social Work Education Loan Repayment Program

CARRIED OVER

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

This bill amends the Social Work Education Loan Repayment Program to allow the Finance Authority of Maine to provide debt relief directly to the applicant or to make loan repayments to the lender. This bill also increases the number of applicants who may be eligible for loan relief from 3 applicants to 40 applicants per year, decreases the maximum amount of debt relief to \$1,000 and provides an ongoing appropriation of \$20,000 per year.

Committee Amendment "A" (H-111)

This amendment is the majority report and clarifies that the Social Work Education Loan Repayment Program may provide repayments in the amount of up to \$1,000 for each applicant each year.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1055 An Act To Create a Maine Financial Education Portal

ONTP

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

This bill expands the financial literacy program operated by the Commissioner of Education, in consultation with the Finance Authority of Maine, the Office of Securities within the Department of Professional and Financial Regulation, Jobs for Maine's Graduates, organizations representing banks, credit unions and financial professionals and other interested organizations promoting personal finance initiatives, to require the development and maintenance of a publicly accessible website that serves as a portal to program information on financial literacy resources and services statewide.

LD 1056 An Act To Require Local Voter Approval for Charter Schools

ONTP

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

This bill requires that any approval of an application to establish a public charter school by the Maine Charter School Commission after the effective date of this legislation does not take effect unless submitted to and approved by the voters in an area wide referendum that includes the entire community proposed to be served by the public charter school, including all municipalities in which the public charter school would be authorized to engage in student recruitment.

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LD 1057 An Act Related to Public Funding of Charter Schools

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUSIAK	OTP-AM OTP-AM	H-529

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend several funding requirements for public charter schools established in the Maine Revised Statutes, Title 20-A, chapter 112. The bill proposes that:

1. The Department of Education establish a new program budget account for funding the operation of public charter schools. Under current law, local school administrative units must provide funding for students who reside within the school administrative unit but who enroll in a public charter school. This bill proposes to require that the Commissioner of Education recommend an annual amount of state funding for students enrolled in public charter schools, but that funding that supports student enrollment or the operation of public charter schools may not come from state or local resources allocated through the General Purpose Aid for Local Schools program;
2. The amount of state funding provided by the Department of Education for a student enrolled in a public charter school may not exceed the combined level of federal, state and local per-pupil funding that would have been provided for the student had the student remained in attendance in the student's local school. Public charter schools may not discriminate among potential students who wish to attend the school based upon the combined level of federal, state and local per-pupil funding that would follow the student from the student's sending school administrative unit;
3. Virtual public charter schools may not receive state or local funding, except that state and local resources allocated through the General Purpose Aid for Local Schools program must be provided by the sending school administrative unit to the virtual public charter school for a student who experiences education disruption as defined in the Maine Revised Statutes, Title 20-A, section 5161, subsection 9 and who enrolls in a virtual public charter school; and
4. School administrative units not be responsible for the transportation costs for a student who resides within the school administrative unit but who enrolls in a public charter school, and school administrative units not be responsible for providing transportation for students who are enrolled in a public charter school and who also attend a career and technical education program that is supported by public funds raised by the school administrative unit. Public charter school students may access transportation to the career and technical education program only from a noncharter public secondary school or another location where career and technical education students gather to access transportation to the career and technical education program.

Committee Amendment "A" (H-529)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, establishes provisions to fund public charter schools that are authorized by the Maine Charter School Commission beginning in fiscal year 2014-15. The amendment establishes provisions that calculate the total allocation of funds to be provided under the General Purpose Aid for Local Schools program for public charter schools that are authorized by the commission.

The amendment also provides that, beginning in fiscal year 2014-15, the Commissioner of Education's recommendations for funding levels under the Essential Programs and Services Funding Act must include funding level computations for the total allocation of funds to public charter schools authorized by the commission. The amendment also provides that the commissioner may expend and disburse funds for the public charter schools authorized by the commission in accordance with provisions of the Maine Revised Statutes, Title 20-A, chapter 112

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and Title 20-A, section 15683-B.

Committee Amendment "B" (H-530)

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, establishes provisions to fund public charter schools that are authorized by the Maine Charter School Commission beginning in fiscal year 2014-15. The amendment establishes provisions that calculate the total allocation of funds to be provided under the General Purpose Aid for Local Schools program for public charter schools that are authorized by the commission.

The amendment also provides that, beginning in fiscal year 2014-15, the Commissioner of Education's recommendations for funding levels under the Essential Programs and Services Funding Act must include funding level computations for the total allocation of funds to public charter schools authorized by the commission in accordance with provisions of the Maine Revised Statutes, Title 20-A, section 15683-B.

LD 1083 Resolve, Directing the Department of Education To Develop a Process ONTP
To Provide Alternative Pathways To Learning for Certain High School
Students

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

This resolve directs the Commissioner of Education to review the issues presented when secondary school students, after repeated school interventions and individualized, targeted efforts, continue to be habitually disruptive in the classroom. The resolve directs the commissioner to examine the impact of the presence of such students on the rest of the classroom and the school community and develop a process to identify secondary school students who, because of the students' recurring discipline issues, might benefit from exemption from the laws governing compulsory school attendance. The resolve directs the commissioner to identify potential options for alternative pathways to successful learning for such students, including but not limited to trade apprenticeships, internships and independent learning leading to high school equivalency certification, and examine ways to ensure that information regarding these alternative pathways is made available to such students.

LD 1093 An Act To Clarify the Criteria of the Health Professions Loan Program VETO
as It Affects Physicians Practicing Neurology-psychiatry SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN GRAHAM	OTP-AM	S-119

This bill is a concept draft pursuant to Joint Rule 208. The purpose of this bill is to clarify the criteria in the Health Professions Loan Program administered by the Finance Authority of Maine for designating underserved areas and populations and the criteria for designating eligibility of specialty physicians to practice in underserved areas to include neurologists-psychiatrists.

Committee Amendment "A" (S-119)

This amendment replaces the bill. This amendment specifies that neurology-psychiatry is an underserved specialty for purposes of loan forgiveness under the Health Professions Loan Program. This amendment makes the provision retroactive to January 1, 2012.

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LD 1096 An Act To Amend the Laws Governing Students Experiencing Education Disruption

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-243 S-347 HILL

This bill makes the following changes to the laws governing students who experience an education disruption.

1. It redefines "education disruption" to eliminate disruption caused by homelessness or foster care and adds enrollment in three or more schools or educational programs in a single school year.
2. It modifies the standards for diplomas issued by the Department of Education to students who experience education disruption to require achievement of the content standards of the system of learning results only, eliminating the requirement the student meet any other standards that are set forth in the school work recognition plan or specified by the school attended by the student.
3. It modifies the process by which diplomas are issued by the Department of Education to provide that the student applies to the commissioner and supplies evidence of achievement, that the commissioner forms a review team to review the evidence and make recommendations to the commissioner and the commissioner then makes the final determination.
4. It modifies the law governing school work recognition plans. It designates a responsible school for preparing the school work recognition plan and certain other materials. It removes a provision allowing the plan to be developed through email or teleconferencing, a provision providing that a plan is not required if an existing plan such as an individualized education plan or a transition plan addresses school completion, and the requirement that the plan include any local diploma requirements beyond state learning results. It establishes the process and responsibility for school work recognition plans in cases where the disruption is caused by enrollment in 3 or more schools or educational programs in a single school year.

This bill also modifies the law governing excusable absences from compulsory attendance to include the new definition of "education disruption", thus eliminating from excusable absences those resulting from disruptions caused by homelessness or foster care and disruptions from an interim placement that results in an absence of less than 10 days.

Committee Amendment "A" (S-243)

This amendment:

1. Removes the provision of the bill that alters the law governing compulsory attendance and excused absences, leaving in place the current law;
2. Amends the bill's definition of "education disruption" to include homelessness and foster care placement and identifies the school in which the student is enrolled or entitled to enroll as the responsible school for developing a school work recognition plan; and
3. Repeals a provision of law that is replaced by new provisions included in the bill.

Senate Amendment "A" To Committee Amendment "A" (S-347)

This amendment adds a mandate preamble.

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LD 1098 An Act To Encourage Teacher Input in Education Policy

**LEAVE TO
WITHDRAW**

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

This bill provides that teacher planning and preparation periods, class sizes and staffing levels are not educational policies that are not subject to collective bargaining.

**LD 1100 An Act To Update and Revise the Laws Governing the Maine Arts
Commission**

PUBLIC 181

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT MAKER	OTP-AM	S-98

This bill modifies laws governing the Maine Arts Commission (MAC) as follows.

1. It removes language providing for the State Treasurer to invest, in accordance with laws governing trust funds, any funds given to the MAC as endowment funds; it provides that the Director of the MAC, with the approval of the commission, may expend endowment principal and interest to further the educational objectives of the MAC's programs.
2. It repeals the Maine Student Artist Awards Program, the arts outreach program and the law establishing the Arts in Education Program.
3. It rewrites the general duties of the MAC under the Arts in Education subchapter to direct the MAC to provide leadership in developing and sustaining an agenda for arts education throughout the State in partnership with federal, state and local entities; lead efforts to make the arts a part of the core education for all students from kindergarten to grade 12 and to increase arts opportunities outside the school setting; conduct research on arts education for elementary and secondary schools; and operate arts education and outreach programs to combine the presentation of art with arts education.

It leaves in place the requirement that the MAC work with schools to identify common educational goals. It also repeals the following duties: to provide funding to 1/3 of the schools in the State each year on a 3-year rotating basis; to use professional artists in developing a process for achieving learning results; to invite school systems, through their superintendents, to participate in the program; to provide training, information and seed money to each local arts education committee composed of school personnel and residents of the school district to develop a 3-year plan to increase arts education opportunities; and to promote artist residencies, professional development for teachers, curriculum development and advocacy and information projects.

Committee Amendment "A" (S-98)

This amendment:

1. Retains current law, proposed to be repealed by the bill, that provides that funds, if given to the Maine Arts Commission as an endowment, must be invested by the Treasurer of State according to the laws governing the investment of trust funds. It also provides that endowment funds may be used only for the purposes for which the endowment is established in accordance with the intent of the donor; and

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2. Retains current law that requires the Maine Arts Commission to establish the Arts in Education Program, but changes its name to the Arts Education Program and removes unnecessary descriptive language: this program is described in a section of law not amended by the bill.

Enacted Law Summary

Public Law 2013, chapter 181 modifies laws governing the Maine Arts Commission (MAC) as follows.

It provides that the Director of the MAC, with the approval of the commission, may expend endowment principal and interest to further the educational objectives of the MAC's programs as long as the endowment funds are used only for the purposes for which the endowment is established in accordance with the intent of the donor.

It repeals the Maine Student Artist Awards Program and the MAC's arts outreach program. It retains current law that requires the MAC to establish the Arts in Education Program, but changes its name to the Arts Education Program and removes unnecessary descriptive language.

It rewrites the general duties of the MAC under the Arts in Education subchapter to direct the MAC to provide leadership in developing and sustaining an agenda for arts education throughout the State in partnership with federal, state and local entities; lead efforts to make the arts a part of the core education for all students from kindergarten to grade 12 and to increase arts opportunities outside the school setting; conduct research on arts education for elementary and secondary schools; and operate arts education and outreach programs to combine the presentation of art with arts education.

It leaves in place the requirement that the MAC work with schools to identify common educational goals. It also repeals the following duties: to provide funding to 1/3 of the schools in the State each year on a 3-year rotating basis; to use professional artists in developing a process for achieving learning results; to invite school systems, through their superintendents, to participate in the program; to provide training, information and seed money to each local arts education committee composed of school personnel and residents of the school district to develop a 3-year plan to increase arts education opportunities; and to promote artist residencies, professional development for teachers, curriculum development and advocacy and information projects.

LD 1106 An Act To Develop a Grant Program To Establish a Teacher-led School Model

PUBLIC 303

Sponsor(s)
MOONEN
LANGLEY

Committee Report
OTP

Amendments Adopted

This bill provides for the creation, submission, review and approval of innovation plans to establish teacher-led schools. The bill allows one or more public schools within a school administrative unit to initiate the creation of an innovation plan for the creation and operation of a teacher-led school for submission to its school board. The bill also permits a school board to initiate and collaborate with one or more of the public schools it operates to create an innovation plan. The bill provides that a school board may obtain waivers of laws, rules and local policy requirements from the Commissioner of Education that are considered necessary for a teacher-led school to implement an innovation plan. The bill also allows for grants from the Fund for the Efficient Delivery of Educational Services for the costs associated with establishing a teacher-led school.

Enacted Law Summary

Public Law 2013, chapter 303 provides for the creation, submission, review and approval of innovation plans to establish teacher-led schools. The law allows one or more public schools within a school administrative unit to initiate the creation of an innovation plan for the creation and operation of a teacher-led school for submission to its

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school board. The law also permits a school board to initiate and collaborate with one or more of the public schools it operates to create an innovation plan. The law provides that a school board may obtain waivers of laws, rules and local policy requirements from the Commissioner of Education that are considered necessary for a teacher-led school to implement an innovation plan. The law also allows for grants from the Fund for the Efficient Delivery of Educational Services for the costs associated with establishing a teacher-led school.

LD 1123 An Act To Allow the Town of Bancroft To Withdraw from Its Regional School Unit without Penalty LEAVE TO WITHDRAW

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

This bill exempts the Town of Bancroft from school reorganization requirements and associated penalties for withdrawal from its regional school unit because the Town of Bancroft has filed legislation with the Legislature for approval to deorganize.

LD 1128 An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MCCABE	OTP-AM OTP-AM	S-227

This bill requires that any person, group or organization, prior to filing an application for a public charter school with the Maine Charter School Commission, must hold at least 3 public hearings in the region that would be affected by the operation of the public charter school. The organizers must also meet the following requirements:

1. Provide the public with the best estimates possible regarding the impact on funding, student enrollment, courses and teachers in both the public schools and the proposed public charter school;
2. Announce to the persons who attend a public hearing that they have the right to provide the Maine Charter School Commission with their opinions and concerns about the proposed plan to operate a public charter school in the region in which they reside;
3. Hold a vote to determine if the persons who attend a public hearing are in favor of the organizers' proposed plan to operate a public charter school in the region in which the persons reside; and
4. Provide the Maine Charter School Commission with an objective summary of the public comments presented at each public hearing, the discussions that occurred between organizers and the persons who attended the public hearings and the result of the vote held at the public hearings.

The bill provides that the Maine Charter School Commission may accept an application for a public charter school only if the organizers of the proposed public charter school meet each of the requirements and if the majority of the persons that attended the public hearings held by the organizers voted in favor of the proposed plan to operate a public charter school in the region.

Finally, the bill requires the Commissioner of Education to review the current funding laws and rules for public charter schools and to submit proposed legislation that provides options for funding public charter schools, including but not limited to establishing a new General Fund program account to pay for public charter schools and

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establishing an adjustment to the state share of the total allocation or authorizing a miscellaneous cost for the General Purpose Aid for Local Schools program as set forth in the Maine Revised Statutes, Title 20-A, chapter 606-B so that the State allocates funds for operating public charter schools in a manner that results in all municipalities sharing the costs of public charter schools.

Committee Amendment "A" (S-227)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, amends the bill to provide that any person, group or organization, prior to filing an application for a public charter school with the Maine Charter School Commission, must hold at least one public hearing in the region that would be affected by the operation of the public charter school. The amendment strikes the provision in the bill that would have required organizers to hold a vote to determine if the persons who attend a public hearing are in favor of the organizers' proposed plan to operate a public charter school in the region. In addition to the remaining public hearing requirements included in the bill that must be met by organizers before the commission may accept the organizers' applications, the organizers must also meet the following requirements:

1. Send an invitation to each public hearing held by the organizers to the school board members of each of the school administrative units located in the catchment area that would be affected by the operation of the public charter school;
2. Invite written feedback from the local school boards located in the catchment area that would be affected by the operation of the public charter school, including the results of a nonbinding advisory vote held by the local school board on the question of whether the local school board members favor the organizers' proposed plan to operate a public charter school in the region; and
3. Provide the commission with an objective summary of the public comments presented at each public hearing, the discussions that occurred between the organizers and the persons who attended the public hearings, the feedback from the local school boards located in the catchment area that would be affected by the operation of the public charter school and the result of the nonbinding advisory votes held by local school boards located in the catchment area to determine if the local school board members are in favor of the organizers' proposed plan to operate a public charter school in the region. The amendment also strikes the provision in the bill that requires the Commissioner of Education to review the current funding laws and rules for public charter schools and to submit proposed legislation that provides options for funding public charter schools.

Committee Amendment "B" (S-228)

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, strikes the bill title and the bill and replaces the bill with a resolve that directs the Maine Charter School Commission to review the provisions in statutes and rules related to the opportunities for public input in the public charter school application process, including the commission's procedures for reviewing and evaluating public charter school applications. The amendment provides that, prior to issuing a request for proposals after the effective date of this resolve, the commission must make changes that provide for additional opportunities for public input in the public charter school application process and the commission's procedures for reviewing and evaluating public charter school applications.

LD 1129 An Act To Promote Innovation in Public Schools

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MAKER	OTP-AM	S-291 H-548 MACDONALD W

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This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to require the Department of Education to establish a website by the spring of 2013 where various educational and teaching models can be reviewed by school districts and to develop an annual summer seminar where school districts can learn about different education and teaching models.

Committee Amendment "A" (S-291)

This amendment strikes and replaces the bill with a resolve that provides for the implementation of standards-based learning models across the State as a means to significantly improve the success rate of Maine students and to foster education opportunities and growth. The amendment directs the Department of Education to establish a website to post exemplary models and best practices of deeper learning educational models and resources that can enable school administrative units to transition to a standards-based system of education that includes proficiency-based standards for awarding a high school diploma. In addition, the Department of Education is required to hold a statewide conference no later than June 20, 2014 as a means of educating the entire State about standards-based or deeper learning models, as well as a series of teleconferences between October 20, 2013 and June 20, 2014 that will provide support for school systems throughout the State as they implement standards-based learning or deeper learning models.

House Amendment "A" To Committee Amendment "A" (H-548)

This amendment requires the Commissioner of Education to hold an annual conference for school board members, superintendents, school administrators, educators and others, in order to share best practices and showcase innovative approaches to teaching and learning and post materials from the conference on the department's publicly accessible website. The Department of Education is required to hold the statewide conferences from 2014 to 2018 about standards-based or deeper learning models. The amendment also directs the Department of Education to post on its publicly accessible website exemplary models and best practices of deeper learning educational models and resources that can enable school administrative units to transition to a standards-based system of education that includes proficiency-based standards for awarding a high school diploma. In addition, the department is required to hold a series of teleconferences between October 20, 2013 and June 20, 2014 that will provide support for school systems throughout the State as they implement standards-based learning or deeper learning models.

LD 1130 An Act To Create a Virtual School Managed by the State

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to establish a state-managed virtual school, which would:

1. Be designed to allow the State to maintain direct oversight over and apply stringent quality controls to the management of the school;
2. Use current in-state talent and, to the extent possible, rely on content prepared and shared by teachers within the State;
3. Be designed to best deliver services to students and schools in the most cost-efficient manner; and
4. Focus on maximizing the delivery of course content and material to rural schools throughout the State.

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LD 1131 An Act To Improve Professional Development Opportunities for Teachers and Other Public School Employees

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill establishes the Fund for Professional Development in Education with an appropriation of \$2,000,000 to support up to 50% of the cost of up to an additional 10 days annually of professional development for teachers and other education professionals. The fund is administered by the Commissioner of Education, who must approve funding if a school administrative unit demonstrates that the professional development for which funding is requested will improve teaching or educational services provided to students, the school administrative unit will provide at least 50% of the funding and the school administrative unit has entered into an agreement with the teachers regarding the timing and components of the professional development activities.

Committee Amendment "A" (S-192)

This amendment is the minority report of the committee. The amendment clarifies that before a school administrative unit enters into an agreement with teachers and other education professionals regarding the professional development activities for which funding is sought from the Commissioner of Education, the school administrative unit must consult with teachers and other education professionals regarding their needs and preferences for the professional development activities that will improve teaching and educational services provided to students.

LD 1132 An Act To Achieve Economic Growth by Enhancing Science, Technology, Engineering and Mathematics Education and To Meet Workforce Needs

PUBLIC 410

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN NELSON	OTP-AM	S-207 S-366 HILL

This bill authorizes and provides funding for the Science, Technology, Engineering and Mathematics Council to establish the office of executive director to provide leadership and management expertise that will assist the council in achieving its goals.

Committee Amendment "A" (S-207)

This amendment strikes and replaces the bill to make the following changes to the Science, Technology, Engineering and Mathematics Council.

1. Like the bill, it authorizes the council to establish the office of executive director to provide leadership and management expertise to assist the council in meeting its goals, but further allows the council to enter into an agreement, to the extent that public and private funds are available, to contract with an executive director.
2. It adds the Maine Maritime Academy to the entities that jointly provide staff support to the council.
3. It authorizes the council to receive and expend funds from public and private sources to carry out the council's duties.

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4. It reduces the General Fund appropriation from \$250,000 to \$50,000 in each year of the biennium and provides that funds do not lapse but are carried forward for the purposes of the council.

Senate Amendment "A" To Committee Amendment "A" (S-366)

This amendment strikes the appropriations and allocations section in Committee Amendment "A" and replaces it with one-time funds for the Science, Technology, Engineering and Mathematics Council to carry out the duties of the council and to establish the office of executive director.

Enacted Law Summary

Public Law 2013, chapter 410 authorizes the Science, Technology, Engineering and Mathematics Council to establish the office of executive director to provide leadership and management expertise that will assist the council in achieving its goals. The law accomplishes the following:

1. It allows the council to enter into an agreement, to the extent that public and private funds are available, to contract with an executive director;
2. It adds the Maine Maritime Academy to the entities that jointly provide staff support to the council;
3. It authorizes the council to receive and expend funds from public and private sources to carry out the council's duties; and
4. It provides one-time funding, in the amount of \$5,000 in fiscal year 2013-14 and \$50,000 in fiscal year 2014-15, to the council to carry out the duties of the council and to establish the office of executive director.

LD 1143 An Act To Develop Young Readers

DIED IN CONCURRENCE

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON ALFOND	OTP-AM ONTP	H-381 S-350 HILL

The purpose of this bill is to facilitate the development of young readers by:

1. Requiring the Commissioner of Education to establish a program to encourage the early exposure of infants and children in the State to books and reading. The bill directs the commissioner to coordinate the Department of Education's efforts with those of any other agency of government, individual, group, foundation or corporation that has established a program to encourage early reading and authorizes the acceptance of any funds for these purposes from any other agency of government, individual, group, foundation or corporation; and
2. Requiring that beginning with the 2017-2018 school year, school units that offer kindergarten programs provide full-day kindergarten programs.

Committee Amendment "A" (H-381)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, changes the title of the bill and strikes the section of the bill that directs the Commissioner of Education to establish and coordinate an early reader program.

Senate Amendment "A" To Committee Amendment "A" (S-350)

This amendment adds a mandate preamble.

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LD 1144 An Act To Further Ensure Effective Teaching and School Leadership

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUSIAK	OTP-AM ONTP	H-254

This bill makes several changes related to the implementation of the performance evaluation and professional growth system provisions established in the Maine Revised Statutes, Title 20-A, chapter 508.

1. It removes 2 of the data elements that the Department of Education is required to collect in order to evaluate the performance of educator preparation programs.
2. It requires the Department of Education to amend or adopt rules regarding the implementation procedures related to the qualifications and preparation that trained evaluators must have in order to participate in the performance evaluation of teachers and school principals.
3. It amends the provisions requiring targeted funds for implementing the performance evaluation and professional growth systems for teachers and principals to require that, beginning with the 2013-2014 school year, the Commissioner of Education provide state funding, outside of the funding provided to school administrative units through the general purpose aid for local schools program, to implement performance evaluation and professional growth systems for teachers and principals.
4. It provides that school administrative units are not required to implement the performance evaluation and professional growth systems for teachers and principals until the Legislature funds the state share of the total cost of funding public education from kindergarten to grade 12 at the 55% level required by the Essential Programs and Services Funding Act. It also provides that targeted educator evaluation funds may be provided only if general purpose aid for local schools exceeds the required 55% state share.

Committee Amendment "A" (H-254)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, makes 2 changes to the bill related to the performance evaluation and professional growth system provisions established in the Maine Revised Statutes, Title 20-A, chapter 508:

1. It removes the provision in the bill that provides that school administrative units would not be required to implement the performance evaluation and professional growth systems for teachers and principals until the Legislature funds the state share of the total cost of funding public education from kindergarten to grade 12 at the 55% level required by the Essential Programs and Services Funding Act; and
2. It removes the provision in the bill that provides that targeted educator evaluation funds would be provided only if general purpose aid for local schools exceeds the required 55% state share.

LD 1160 An Act To Reduce Obesity among Schoolchildren

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT MACDONALD W	OTP-AM ONTP	S-255

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This bill requires a student from kindergarten to grade 5 to participate in a minimum of 30 minutes of daily physical activity at school. A physical activity period may not be denied as punishment or discipline. The bill does not prohibit a teacher from restricting a student's participation in physical activity if that participation presents a danger to the student or to others or if the restriction is consistent with the student's individual education plan. A teacher may provide an alternative physical activity for a student behaving inappropriately during a physical activity period. The bill prohibits a public school from using food as a reward or punishment for a student's behavior or performance in kindergarten to grade 12.

Committee Amendment "A" (S-81)

This amendment, which is the majority report, provides that the prohibition on the use of food as a reward or punishment for behavior or performance of a student does not apply if such use is consistent with the student's individual education plan. This amendment also adds a mandate preamble to the bill.

Senate Amendment "A" To Committee Amendment "A" (S-121)

This amendment strikes the provisions in the bill and Committee Amendment "A" regarding the use of food as a reward or punishment.

Committee of Conference Amendment "A" (S-255)

This committee of conference amendment incorporates the changes made by Committee Amendment "A" and Senate Amendment "A" to Committee Amendment "A" and makes a change to the requirement that students participate in daily physical activity. It makes the following changes to the bill.

1. It adds a mandate preamble.
2. It requires students from kindergarten to grade 5 to participate in a minimum of 30 minutes of daily physical activity on average at school. The bill requires these students to participate in a minimum of 30 minutes of physical activity at school every day.
3. It strikes the provisions regarding the use of food as a reward or punishment.

**LD 1184 Resolve, Requiring Rulemaking Regarding Special Education
Requirements and Review of School Administrative Units That Do Not
Operate Any Schools**

RESOLVE 70

Sponsor(s)
DILL
SAVIELLO

Committee Report
OTP-AM

Amendments Adopted
H-399

This bill provides that the responsibility for compliance with special education requirements for children with disabilities resides with the school the student attends if the school administrative unit in which the student resides does not own, lease or otherwise operate any schools.

Committee Amendment "A" (H-399)

This amendment replaces the bill with a resolve. The amendment directs the Department of Education to amend its rules governing special education to establish a process for the department to review sending school units with respect to children with disabilities who reside within the sending school unit who attend a receiving school.

Enacted Law Summary

Resolve 2013, chapter 70 directs the Department of Education to amend its rules governing special education to

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establish a process for the department to review sending school units with respect to children with disabilities who reside within the sending school unit who attend a receiving school.

LD 1185 An Act To Enhance Efforts To Use Locally Produced Food in Schools

CARRIED OVER

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

This bill requires a school administrative unit to report on its use of local foods in its school meal programs. It requires the Department of Education to make the reporting available to the public and to publish a list of schools that meet benchmarks for increasing the use of local foods. It also requires the Department of Education to establish rules to implement the provisions.

Committee Amendment "A" (H-233)

This amendment provides that school administrative units must determine and report at least annually the percentage of food purchased, grown or otherwise acquired for use in its elementary schools and secondary schools that is grown, raised or caught in the State as well as the percentage of dairy products purchased for use in its elementary schools and secondary schools that is produced in the State. It also adds an effective date of July 1, 2014.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1231 An Act To Amend the Compulsory School Attendance Laws

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT CAIN	OTP-AM ONTP	H-432

This bill amends the laws related to compulsory school attendance in order to improve the enforcement of federal and state requirements pertaining to compulsory school attendance in the State. The bill:

1. Changes the law regarding compulsory school age by:

A. Providing that a child who enrolls in a public day school before the child is 7 years of age is required to remain in attendance at a public day school or at an equivalent instruction alternative to attendance at a public day school in accordance with the Maine Revised Statutes, Title 20-A, section 5001-A, subsection 3; and

B. Changing the age when a child may stop attending school from 17 to 18 years of age;

2. Directs the Commissioner of Education to provide guidance to school boards, superintendents, principals and other school officials pertaining to the enforcement of the compulsory school attendance laws that require children to be enrolled from 7 years of age to 18 years of age in a public school or an equivalent instruction alternative. The enforcement guidance provided must clarify that a child who enrolls in a school administrative unit before the child is 7 years of age as allowed under Title 20-A, section 5201, subsection 2, paragraph B is required to remain in attendance at a public school or at an equivalent instruction alternative in accordance with Title 20-A, section

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5001-A; and

3. Directs the Commissioner of Education to provide guidance to school boards, superintendents, principals and other school officials regarding enforcement of federal and state laws related to student eligibility for certain federal and state welfare benefits and supplemental security income for children with disabilities.

Committee Amendment "A" (H-432)

This amendment, which is the majority report for the Joint Standing Committee on Education and Cultural Affairs, strikes and replaces the bill to change the compulsory school attendance laws to provide that a child who enrolls in a public day school before the child is 7 years of age is required to remain in attendance at a public day school or at an equivalent instruction alternative to attendance at a public day school unless the child's parent provides school officials with a written notice of intent to withdraw the child from school and a written assurance that the child will be enrolled in a school before the child reaches 7 years of age.

LD 1235 An Act Regarding School Construction

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MACDONALD W	OTP-AM	S-239 S-312 MILLETT

This bill requires the State Board of Education to amend its rules regarding major capital school construction projects to allow a school administrative unit to begin the school construction planning process without being penalized on any of the Department of Education's school construction priority lists.

Committee Amendment "A" (S-239)

This amendment replaces the bill. The amendment requires the State Board of Education to adopt or amend the rules regarding major capital school construction projects to allow the top 20 school administrative units in the Department of Education's rating system used to develop any priority lists for funding school construction projects to begin the school construction planning process without being penalized under the rating system. The bill requires this without any limit. The amendment also strikes outdated provisions from the rule-making statute.

Senate Amendment "A" To Committee Amendment "A" (S-312)

This amendment:

1. Changes from 20 to 12 the number of school administrative units that may begin the school construction preplanning process without being penalized under the Department of Education's rating system;
2. Specifies that "school construction preplanning process" includes working with the department and the State Board of Education on a collaborative process with interested stakeholders and community members to develop a unified vision for the school construction project;
3. Specifies that costs associated with the development of conceptual drawings by an architect may be reimbursable as a project cost, consistent with department rules, for projects approved by the department; and
4. Provides that a school administrative unit that engages in school construction preplanning may not be accorded any preference in the development by the department of any future priority lists for funding school construction projects.

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LD 1241 An Act To Protect School Athletes from Head Injuries

ONTP

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

This bill requires all students participating in field hockey, lacrosse, snowboarding or skiing as part of an activity of an elementary or secondary school, beginning with the 2014-2015 school year, to wear protective headgear. This bill also requires the Commissioner of Education to convene a working group to study the injuries that occur to students participating in field hockey and lacrosse and determine measures, including the use of protective equipment, that may be taken to avoid injuries. The working group is required to report its findings to the Joint Standing Committee on Education and Cultural Affairs, which may submit legislation to the Second Regular Session of the 126th Legislature.

LD 1261 An Act To Improve Access for Maine Students to Postsecondary Education

ONTP

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

This bill provides a full tuition waiver at any campus of the Maine Community College System or the University of Maine System for Maine high school students who graduate in the top 10% of their graduating class and who meet financial need qualifications.

LD 1290 An Act To Encourage High School Students To Complete Community Service

PUBLIC 176

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE VALENTINO	OTP-AM ONTP	H-148

This bill requires a high school student to complete community service as specified by the high school attended by the student in order to graduate.

Committee Amendment "A" (H-148)

This amendment replaces the bill. Current law provides that high school students must be allowed to demonstrate achievement of diploma standards by presenting multiple types of evidence. This amendment adds community service to the multiple types of evidence.

Enacted Law Summary

Public Law 2013, chapter 176 modifies a provision of law that provides that high school students must be allowed to demonstrate achievement of diploma standards by presenting multiple types of evidence. This law adds community service to the multiple types of evidence.

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LD 1291 An Act Regarding the Effect on Collective Bargaining Agreements of Failure To Validate a School Budget

DIED BETWEEN HOUSES

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

This bill was acted upon without reference to committee.

This bill provides that a public employer may not enter into a collective bargaining agreement that covers teachers employed by a school administrative unit unless the voters of the school administrative unit have approved the collective bargaining agreement as part of the process for approval of the budget for the school administrative unit.

LD 1300 An Act To Promote and Expand Awareness of the Educational Opportunity Tax Credit

PUBLIC 417

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRANT ALFOND	OTP-AM OTP-AM	H-238

This bill modifies the Job Creation Through Educational Opportunity Program. The bill:

1. Amends the educational opportunity tax credit for education loans. Under current law the credit is refundable if the student (opportunity program participant) obtains an associate degree or bachelor's degree in science, technology, engineering or mathematics (STEM). Under the bill, the STEM limitation is removed for participants who receive an associate degree. The bill also makes the credit refundable for employers; currently the credit is refundable only for the student participant;
2. Requires the Department of Education to contract with a private nonprofit corporation in the amount of at least \$20,000 annually to market the program throughout the State, targeting high schools, postsecondary educational institutions and organizations of parents, teachers and other relevant audiences;
3. Requires the Department of Education annually to notify superintendents of schools about the program and requires the superintendents to publicize the availability of the program among parents, students and school staff;
4. Requires the Department of Labor to require that state and local workforce investment boards and the Competitive Skills Scholarship Program include in their plans and programs efforts to promote and increase awareness of the program; and
5. Requires the University of Maine, Maine Community College System and Maine Maritime Academy to provide information about the program as part of, but not limited to, federally required entrance and exit interviews of student and directs the Department of Education to encourage all other postsecondary educational institutions in the State to do same.

Committee Amendment "A" (H-238)

This amendment, which is the majority report, removes the provisions of the bill that modify the educational opportunity tax credit and modifies the provisions of the bill regarding promotion of the Job Creation Through Educational Opportunity Program. The amendment:

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1. Requires the Department of Education to notify superintendents annually about the program and encourage the superintendents to publicize the availability of the program among students, parents and school staff;
2. Retains the requirement in the bill that the Department of Labor require that publicly funded workforce development programs, including state and local workforce investment boards and the Competitive Skills Scholarship Program, include within their plans and programs efforts to promote and increase awareness of the program;
3. Directs the Maine Community College System, the University of Maine System and the Maine Maritime Academy to make reasonable efforts to inform students about the program;
4. Directs the Finance Authority of Maine, instead of the Department of Education as in the bill, to contract with a private nonprofit corporation in the amount of at least \$20,000 annually to market the program throughout the State; and
5. Adds an appropriations and allocations section.

Committee Amendment "B" (H-239)

This amendment, which is the minority report, removes the provisions of the bill that modify the educational opportunity tax credit and modifies the provisions of the bill regarding promotion of the Job Creation Through Educational Opportunity Program. The amendment requires the Department of Education, the Department of Labor and the Finance Authority of Maine to collaborate with postsecondary educational institutions, school superintendents and others to develop and implement efforts to promote and publicize the program. If, as a result of such collaboration, it is determined that it would be advantageous for the State to contract with a private nonprofit corporation to market the program, the Finance Authority of Maine may seek appropriate funding for such a contract and, upon receipt of sufficient funding, may contract with a private nonprofit corporation to market the program throughout the State.

Enacted Law Summary

Public Law 2013, chapter 417 modifies the Job Creation Through Educational Opportunity Program. Public Law 2013, chapter 417:

1. Requires the Department of Education to notify superintendents annually about the program and encourage the superintendents to publicize the availability of the program among students, parents and school staff;
2. Requires the Department of Labor to require that publicly funded workforce development programs, including state and local workforce investment boards and the Competitive Skills Scholarship Program, include within their plans and programs efforts to promote and increase awareness of the program;
3. Directs the Maine Community College System, the University of Maine System and the Maine Maritime Academy to make reasonable efforts to inform students about the program; and
4. Directs the Finance Authority of Maine to contract with a private nonprofit corporation in the amount of at least \$20,000 annually to market the program throughout the State.

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LD 1301 An Act To Create the Maine Education Investment Board

ONTP

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

This bill establishes the Maine Education Investment Board. The board consists of the Commissioner of Education or the commissioner's designee, members of various sectors of the State's publicly supported educational entities and 2 public members. The board shall develop and enter into annual achievement compacts with the State's educational entities that receive public funds from the department and oversee the progress of the entities under those compacts to ensure that all public school students in this State reach the education outcomes established for the State from kindergarten to postsecondary education. The compacts must include strategies for streamlined transitions between grades and school systems, strategies to ensure that public school students meet the requirements for graduation and goals for high school and college graduation rates, strategies to ensure availability of high-quality career and technical education courses and fair measures for assessing teacher quality. The board shall also work on strategic projects assigned by the commissioner.

LD 1321 An Act To Promote Healthy School Lighting

ONTP

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

This bill requires all public schools to install and maintain, for all new or replacement classroom lighting, lighting that meets color rendition standards adopted by rule by the Department of Education. Standards adopted by the department must ensure that the lighting has a color rendering index value of 90 or higher as determined in accordance with procedures and standards established by the International Commission on Illumination or as verified by the United States Department of Energy.

LD 1322 An Act To Amend the Laws Governing the Withdrawal of a Municipality from a Regional School Unit

ONTP

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

This emergency bill provides for a process of so-called final offer arbitration as a means to resolving a dispute between a withdrawal committee and the directors of the regional school unit board regarding an agreement for withdrawal for a municipality that seeks to withdraw from a regional school unit. The bill requires that, in the event that a withdrawal committee and the directors of the regional school unit board are unable to reach agreement on the provisions of an agreement for withdrawal, the Commissioner of Education, in consultation with the parties, shall appoint an arbitrator to assist the parties in the settlement of the dispute related to the agreement for withdrawal between the parties.

Current law requires that the total number of votes cast for and against the withdrawal agreement must equal or exceed 50% of the municipal votes cast for a candidate for Governor in the last gubernatorial election. This bill eliminates that requirement while still maintaining the requirement that the withdrawal agreement is approved by a majority vote. Finally, the bill removes changes made by Public Law 2011, chapter 678, Part J that would have

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reinstated the 2/3 vote requirement for approving a withdrawal agreement on January 1, 2015.

LD 1330 An Act To Establish in Law a Method for Alternative Certification of Teachers

CARRIED OVER

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

This bill establishes an alternative pathway to teacher certification. Under this bill, programs that prepare persons for alternative certification are certified by the Commissioner of Education. The programs must provide targeted course work in teaching, mentoring or student teaching experience, classroom preparation and student assessments. Graduates of these programs are eligible to obtain professional teacher certificates. The bill also requires the State Board of Education to establish minimum standards of performance for these programs and, by October 31, 2016, to develop minimum standards of performance for all teacher preparation programs.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1332 An Act To Increase the College Graduation Rate in Maine

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create a college scholarship fund for postsecondary students who have left school after making considerable progress towards completion of their undergraduate degrees and who are unable to return without financial assistance. The fund would be established and administered by the State, with initial funding of equal amounts from the State, universities in this State and the private sector.

LD 1346 An Act To Ensure That Charter Schools Are Funded by the State

ONTP

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

This bill establishes a moratorium on the authorization of new public charter schools until the State provides at least 55% of the total cost of funding public education from kindergarten to grade 12 as set out in the Essential Programs and Services Funding Act. The bill amends the current collective bargaining provisions in the public charter school laws to clarify that teachers employed by a public charter school authorized by the Maine Charter School Commission retain the choice of whether or not to establish a collective bargaining unit and whether or not to become a member of a collective bargaining unit established for the public charter school.

The bill also provides that teachers employed by a public charter school authorized by a local school board or a collaborative of local school boards may choose to bargain collectively as follows.

1. Teachers who are employees of a start-up public charter school have the same rights as other teachers in public education to organize and bargain collectively.

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2. Teachers who are employees of a noncharter public school converting to a public charter school remain public employees for all purposes, unless a majority of teachers employed by the conversion public charter school vote to be represented in alternative ways.

3. Teachers who are employees of a start-up public charter school or a noncharter public school converting to a public charter school may collectively bargain as a separate bargaining unit or as part of an existing school administrative unit collective bargaining unit as determined by a majority of the teachers employed by the start-up public charter school or noncharter public school converting to a public charter school.

**LD 1347 An Act To Improve the School Administrative Unit Consolidation Laws
by Allowing a Regional School Unit To Dissolve Itself**

**LEAVE TO
WITHDRAW**

Sponsor(s)

PARRY

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to improve the school administrative unit consolidation laws by allowing for the dissolution of a regional school unit at the end of any school year. The bill provides the following process for the dissolution of a regional school unit.

1. A member municipality of a regional school unit may petition to hold a vote on the dissolution of the regional school unit.
2. If a majority of the voters in the municipality approve the petition, the petition must be presented to the regional school unit board and the Commissioner of Education. The commissioner shall contact the regional school unit board, municipal officers of the participating municipalities and representatives of the group that filed the petition to establish a dissolution committee, which must prepare a dissolution agreement for submission to the voters of the member municipalities in the regional school unit.
3. Each member municipality of the regional school unit may independently decide whether the member municipality wants to participate in the referendum vote to dissolve the regional school unit.
4. A majority of the member municipalities within the regional school unit must approve the decision to hold the referendum vote on the question on the dissolution of the regional school unit.
5. The regional school unit may be dissolved only if a majority of voters in a majority of the member municipalities within the regional school unit votes to approve the referendum question to dissolve the regional school unit.
6. If a majority of voters in a majority of the member municipalities within the regional school unit votes to approve the referendum question on the dissolution of the regional school unit, the regional school unit must be dissolved and the board of directors of the regional school unit and a dissolution committee comprised of members representing each of the member municipalities in the regional school unit must develop and execute a dissolution agreement.
7. The dissolution agreement must provide for the disposition of all real and personal property and other monetary assets.
8. The dissolution agreement must address the outstanding indebtedness of the regional school unit as follows:
 - A. Outstanding indebtedness may not include debt service for school property, including real estate, facilities

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and any other infrastructure debt that is the sole responsibility of a member municipality within the regional school unit; and

B. Except for the provisions in paragraph A, outstanding indebtedness must be apportioned to each member municipality of the regional school unit based on the percentage of resident students that each member municipality has of the total student resident count in the regional school unit.

9. The member municipalities of the dissolved regional school unit may not be penalized for dissolving the regional school unit.

10. The member municipalities of the dissolved regional school unit may join another existing regional school unit or alternative organizational structure or may form an alternative organizational structure with another school administrative unit or with other units.

11. A member municipality of the dissolved regional school unit that tuitions a majority of its resident students to another school administrative unit or a private school that is approved to receive publicly funded students is exempt from any requirements established for the minimum number of students under the school administrative unit consolidation law and may form its own municipal school unit. A municipal school unit formed under this exemption must continue to provide school choice to parents of students who reside in the member municipality.

LD 1349 An Act To Amend the Appointment Process for the Maine Charter School Commission

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFELD	OTP-AM	H-454

This bill proposes to change the process by which public charter schools and virtual public charter schools are authorized. The bill designates the Legislature as the sole authorizer of public charter schools and virtual public charter schools in the State. It amends the duties of the Maine Charter School Commission to include recommending to the Legislature approval or denial of public charter school applications. The bill requires the commission to enter into charter contracts with charter schools authorized by the Legislature. It assigns oversight and monitoring of public charter schools to the commission and requires the commission to recommend to the authorizer that the contract of a public charter school or virtual public charter school be renewed or not renewed. The bill also makes the commission responsible for performance compliance.

Committee Amendment "A" (H-454)

This amendment changes the title of the bill and strikes and replaces the bill to change the process by which the four public members of the Maine Charter School Commission are nominated and appointed to the commission. The amendment shifts the authority for appointing the public members to the entire State Board of Education. The amendment also requires that the appointment of a public member to the commission is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate.

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LD 1350 An Act Regarding School Administrator Effectiveness

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN MACDONALD W	OTP-AM ONTP OTP-AM	S-258 S-358 HILL

This bill requires school administrative units to develop and implement performance evaluation and professional growth systems for administrators. A performance evaluation and professional growth system must meet certain criteria, be consistent with rules adopted by the Department of Education and be approved by the department. Every year the school board must use the system to analyze the performance of the school administrative unit's administrators.

Committee Amendment "A" (S-258)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, strikes and replaces the bill. It provides that each school board shall implement a system to annually evaluate the performance and effectiveness of the superintendent. The system established by school boards must be consistent with nationally recognized principles and standards of professional practice.

Committee Amendment "B" (S-259)

This amendment, which is one of the minority reports of the Joint Standing Committee on Education and Cultural Affairs, makes the following changes to the bill.

1. It changes the definition of "administrator" to exclude a special education director or curriculum coordinator.
2. It removes language that provides that receipt of summative effectiveness ratings indicating that an administrator is ineffective for 2 consecutive years constitutes just cause for termination of an administrator's contract.
3. It removes language that provides that measurements of student learning and growth must be a significant factor in the determination of the rating of an administrator.

Senate Amendment "A" To Committee Amendment "A" (S-358)

This amendment adds a mandate preamble.

LD 1353 An Act To Further Reduce Student Hunger

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND BECK	OTP-AM	S-70 S-359 HILL

This bill requires, beginning with the 2013-2014 school year, that a School Administrative Unit (SAU) with at least one public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year to participate in the federal summer food service program during the following summer vacation or to opt out in accordance with the following:

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1. If the SAU operates a summer educational or recreational program, the SAU must operate a federal summer food service program in the area served by that school on days that the school operates the summer educational or recreational program. The school administrative unit may collaborate with a service institution to operate the federal summer food service program;
2. If the SAU does not operate a summer educational or recreational program, the SAU must collaborate with a service institution (a public or private nonprofit school, a municipal or county government, a public or private nonprofit higher education institution or a private nonprofit summer camp) to operate a federal summer food service program, if there is a service institution that provides food service to children in the summer in the area served by the public school; and
3. An SAU may opt out of these requirements if the governing body of the SAU determines by vote, after notice and a public hearing, that it would be financially or logistically impracticable to operate a program. If the SAU chooses not to operate a program, it must notify parents of children in the SAU of its decision and the reasons for its decision.

Committee Amendment "A" (S-70)

This amendment removes the requirement that if a school administrative unit chooses not to operate a federal summer food service program, it must notify parents of children in the school administrative unit of its decision and the reasons for its decision.

Senate Amendment "A" To Committee Amendment "A" (S-359)

This amendment adds a mandate preamble.

LD 1361 An Act To Strengthen the Teaching of Writing and Mathematics and Improve Maine High School Graduates' College and Career Readiness

CARRIED OVER

Sponsor(s)
NELSON

Committee Report

Amendments Adopted

The purpose of this bill is to strengthen the teaching of writing and mathematics in public schools in the State, to improve literacy and mathematics education and to improve Maine high school graduates' college and career readiness. The bill does the following.

1. It establishes a standards-based approach to assessing the proficiency and competency of new teachers and teachers seeking a renewal of a professional teacher certificate in order to prepare teachers and ensure that school administrative units are prepared to implement the Common Core State Standards in English language arts and mathematics.
2. It requires the Education Coordinating Committee to conduct a review of college placement tests, including the ACCUPLACER test, used by the University of Maine System, the Maine Community College System, the Maine Maritime Academy and secondary schools in the State to determine a high school graduate's college readiness.
3. It requires the Board of Trustees of the University of Maine System to establish graduation requirements that ensure that graduates of any baccalaureate degree program within the system can demonstrate writing competencies that are appropriate to the demands of careers that require a baccalaureate degree.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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**LD 1366 An Act To Require Public Schools To Offer Instruction Related to
Cardiopulmonary Resuscitation and the Use of an Automated External
Defibrillator**

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM DUTREMBLE	OTP-AM	H-164

This bill requires that, as a condition of graduation from high school, beginning with the 2014-2015 school year, each student receive instruction and achieve proficiency in cardiopulmonary resuscitation and the use of an automated external defibrillator.

Committee Amendment "A" (H-164)

This amendment:

1. Removes the requirement that every student develop proficiency in cardiopulmonary resuscitation and the use of an automated external defibrillator as part of the system of learning results; and
2. 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 1394 An Act To Make Parents More Aware of Eating Disorders

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill directs the Department of Education, seeking the assistance of the Department of Health and Human Services, school boards, school superintendents, the National Eating Disorders Association, the National Association of School Nurses and the Maine Chapter of the American Academy of Pediatrics, to develop and implement policies for providing parents educational information regarding eating disorders. A school board must annually provide parents of kindergarten to grade 12 students with educational information regarding eating disorders.

Committee Amendment "A" (S-66)

This amendment, which is the minority report, replaces the bill with a resolve that directs the Department of Education, through training programs it provides to school nurses and other school personnel, to disseminate information about the seriousness of student eating disorders and the resources that are available to help schools identify, address and respond to eating disorders.

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**LD 1412 An Act To Create an Educational Collaborative Partnership To
Implement a Program That Enables Career and Technical Education
Students To Earn College Credits while Attending High School**

**PUBLIC 318
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY CHAPMAN	OTP-AM	S-286

This bill establishes a collaborative of publicly supported educational institutions in the State, including career and technical education programs, a public secondary school, a private secondary school approved for the receipt of public funds under the Maine Revised Statutes, Title 20-A, chapter 117, subchapter 2 that enrolls 60% or more publicly funded students and public postsecondary institutions in the State, to implement a program that enables career and technical education students to earn college credits while attending high school. The program runs for 3 years, beginning with students in their junior year in high school, enabling students to earn an associate degree following one year of postsecondary education and saving students time and money in obtaining that degree.

The educational collaborative will develop and implement a cohort-based learning pathway that enables career and technical education students to earn academic credits during their junior and senior years of high school that are equivalent to about a year of college. The program includes opportunities for students to attend up to 3 summer career academies held at an area business, a career and technical education program or a public postsecondary education institution in the State. The students will then move into a degree program at a community college or university campus and graduate with an associate degree within one year after receiving their high school diplomas.

Committee Amendment "A" (S-286)

This amendment clarifies the provisions of the bill that authorize the establishment of collaborative partnerships of publicly supported educational institutions in the State, including career and technical education programs, publicly supported secondary schools and public postsecondary institutions in the State, to implement a program that enables career and technical education students to earn college credits while attending high school. The amendment refines the composition and the duties of the collaborative board in forming a dual enrollment career and technical education program, including providing oversight of collaborative agreements between the participating members of the collaborative partnership and contracting with service providers for providing technical assistance in developing and implementing dual enrollment programs. The amendment also clarifies the roles and responsibilities of the collaborative partnership in developing and implementing a cohort-based learning pathway that enables career and technical education students to earn academic credits during their junior and senior years of high school that are equivalent to about a year of college. The amendment also refines the student eligibility requirements for participation in the dual enrollment career and technical education program.

Enacted Law Summary

Public Law 2013, chapter 318 establishes a collaborative of publicly supported educational institutions in the State, including career and technical education programs, publicly supported secondary schools and public postsecondary institutions in the State, to implement a program that enables career and technical education students to earn college credits while attending high school. The program runs for 3 years, beginning with students in their junior year in high school, enabling students to earn an associate degree following one year of postsecondary education and saving students time and money in obtaining that degree.

The educational collaborative will develop and implement a cohort-based learning pathway that enables career and technical education students to earn academic credits during their junior and senior years of high school that are equivalent to about a year of college. The program includes opportunities for students to attend up to 3 summer career academies held at an area business, a career and technical education program or a public postsecondary education institution in the State. The students will then move into a degree program at a community college or

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university campus and graduate with an associate degree within one year after receiving their high school diplomas.
Public Law 2013, chapter 318 was enacted as an emergency measure effective June 21, 2013.

LD 1431 An Act To Support School Nutrition and Expand the Local Foods Economy **CARRIED OVER**

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

This bill requires the Department of Agriculture, Conservation and Forestry and the Department of Education to administer programs to support the expansion and coordination of the use of fresh local foods in public school food service programs. The Department of Agriculture, Conservation and Forestry is directed to provide grants in 2 phases for the identification of local food suppliers and the establishment of local food hubs to connect local food producers with public school food service programs and facilitate the operation of local food programs in schools. The bill also directs 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. The bill also provides a bond issue in the amount of \$12,000,000 to be used to develop up to 10 local food hubs.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1441 An Act To Align the Formation of Governing Boards of Career and Technical Education Regions with That of Other Public Schools **ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill requires the members of the cooperative boards of career and technical education regions to be elected. Currently, members are appointed by the school boards of units within a region. This bill requires the State Board of Education to establish by rule election procedures and standards that the school boards of the units within each region must then choose among and adopt. The procedures and standards are required to be as similar as possible to those provided for the election of directors of school administrative districts. The bill provides for a transition period to allow for the adoption of rules by the state board, adoption of procedures by each region and the holding of the necessary elections.

Committee Amendment "A" (H-313)

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

LD 1481 An Act To Ensure the Success of Maine Students **ONTP**

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

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This bill establishes a moratorium on the authorization of new public charter schools until all of the following conditions are met:

1. The State provides at least 55% of the total cost of funding public education from kindergarten to grade 12 as defined by the Essential Programs and Services Funding Act; and
2. The State Board of Education finds that:
 - A. The research on public charter schools in the United States clearly and incontrovertibly demonstrates that public charter schools reliably improve education for students in a sustainable manner without increasing the cost to the statewide public education system and with no adverse effect on those students who are unable to attend a public charter school;
 - B. The existing public charter schools in Maine have improved education for students in a sustainable manner without increasing the cost to the statewide public education system and with no adverse effect on those students who are unable to attend a public charter school;
 - C. There is a clear and demonstrable need for additional public charter schools in Maine; and
 - D. The existing kindergarten to grade 12 public school facilities in Maine are entirely safe and conducive to learning.

LD 1502 An Act To Expand Student Access to Certain Career Information and Opportunities

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill requires school boards to allow implementation of the armed services vocational aptitude battery career exploration program developed by the United States Department of Defense. The program consists of aptitude testing, completion of a student interest inventory and use of career exploration guides and activities.

Committee Amendment "A" (H-312)

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, incorporates a fiscal note.

LD 1503 An Act To Ensure Student Access to Postsecondary Military Options

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE CUSHING	ONTP OTP-AM	H-311 S-365 HILL

This bill requires publicly supported secondary schools and secondary public charter schools to provide uniformed recruiters for the United States Armed Forces or the Maine National Guard the same access to secondary school students as other postsecondary and career recruiters.

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The bill creates a statewide school accountability system by strengthening the existing school approval law. Under existing law, the commissioner is authorized to determine whether schools meet basic school approval standards, including the standard requiring all units to prepare and implement a comprehensive education plan aligned with the system of learning results, focused on the learning of all students and oriented to continuous improvement. This bill requires a school administrative unit that is identified as needing assistance to create a school improvement plan to correct any aspects of the school that do not comply with school approval standards in statute and rule. The bill sets forth specific strategies that may be included in a school improvement plan and calls for additional strategies if the school fails to improve after 2 years. It also provides school choice for students whose school loses basic school approval.

Committee Amendment "A" (H-558)

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, amends the bill to make the following changes.

1. It removes the provisions that provide school choice for students whose school loses basic school approval.
2. It inserts a reference in the school assistance provisions amended by the bill to the provision that authorizes the Commissioner of Education to develop major substantive rules to implement the purposes of the laws regarding standards and assessment of student performance in the Maine Revised Statutes, Title 20-A, chapter 222.
3. It provides that a school administrative unit may file an appeal to the State Board of Education of a decision by the Department of Education to withdraw basic school approval due to the failure of the school administrative unit to participate in the development or implementation of a school improvement plan.

LD 1522 An Act To Protect Children from Exposure on the Internet without Parental Consent

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill expands the restrictions on information regarding students that may be published by a public school on the Internet to include video and other images from which a student can be identified. The bill also extends the Internet restrictions that apply to public schools to apply to after-school programs, programs provided to students pursuant to an agreement with a public school and child care facilities.

Committee Amendment "A" (H-455)

This amendment, which is the minority report for the Joint Standing Committee on Education and Cultural Affairs, amends the bill to remove videos of students from the images from which a student can be identified that a public school is restricted from publishing on the Internet without first obtaining written parental consent to provide the image.

LD 1524 An Act To Address the Burden Placed on Students as a Result of Requirements To Take Remedial Courses

ONTP

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

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Under current law, the University of Maine System, the Maine Community College System and the Maine Maritime Academy are required to report on the number of remedial courses taken by students from each school administrative unit in the subjects of English language arts and mathematics. This bill requires those institutions to report the cost to the students of those remedial courses, by school administrative unit, and requires the Commissioner of Education to reduce state subsidy to the school administrative units and to pay those funds to the higher education institution. Those higher education institutions are required to use the funds to reduce or eliminate the cost of remedial courses to their students and to report to the Commissioner of Education and the Legislature how those funds were used to achieve the reduction or elimination of costs.

LD 1526 An Act To Include Debt Service for Local School Construction Projects ONTP
in the Required Local Share of Education Funding

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

This bill includes in debt services for purposes of the school funding formula locally funded major capital projects for school construction that are not approved by the State Board of Education.

**LD 1529 An Act To Expand School Choice for Maine Students ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill expands the publicly funded educational choices available to Maine students in several ways. It allows colleges and universities to authorize public charter schools and removes the 10-school limit on public charter schools authorized by the Maine Charter School Commission. The bill also allows private sectarian schools to receive public funds as long as they comply with standards applicable to other private schools.

The bill allows funding to be used to enable economically disadvantaged students to take advantage of school choice options available under current law. The funds may be used to pay for transportation and tuition for students who transfer to other public or private schools and to pay for room and board costs of a student attending a public charter school that is beyond a reasonable commuting distance from the student's home. Currently, this funding may be used only for students enrolled in the Maine Academy of Natural Sciences, which is designated as the State's Center of Excellence for At-risk Students.

Committee Amendment "A" (S-313)

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, incorporates a fiscal note.

LD 1530 An Act To Establish a Process for the Implementation of Universal CARRIED OVER
Voluntary Prekindergarten Education

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

Joint Standing Committee on Education and Cultural Affairs

This bill requires implementation of universal voluntary prekindergarten education by the 2017-2018 school year. The Commissioner of Education is required to establish a stakeholder group to work with the commissioner and interested parties to establish a plan to implement the requirement. The stakeholder group is required to develop standards for prekindergarten education programs, recommend uniform statewide procedures for screening children and assessing program performance and recommend best practices to coordinate early childhood education programs with child care providers. The commissioner is required to submit a report of the work of the stakeholder group to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2014, and the committee is authorized to submit a bill to the Second Regular Session of the 126th Legislature regarding the report. The bill also clarifies the role of the State Board of Education with regard to prekindergarten education, changes the compulsory age for school attendance from 7 years of age to 5 years of age beginning July 1, 2016 and provides that funding provided to a school administrative unit for prekindergarten purposes may not be used for other purposes. The bill provides that the Commissioner of Education must provide implementation grants and provides funds for those grants and for a position in the Department of Education to oversee early childhood education programs.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1533 An Act To Establish the Maine Online Learning Collaborative

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-302

This bill amends the laws governing the Maine Online Learning Program by:

1. Including an online learning provider's demonstrated experience in collaborating with schools to develop innovative practices related to online learning as a basis for approval of the online learning provider by the Department of Education;
2. Requiring an online learning provider to reapply for approval annually;
3. Allowing courses offered by online learning providers to be of varying lengths and worth varying amounts of credit;
4. Requiring an online learning provider to use surveys approved by the department to gauge the satisfaction of its students with the online learning provider and the courses offered by that online learning provider and the department to provide the results of these surveys to the Legislature; and
5. Establishing the Maine Online Learning Program Reimbursement Fund to provide funds to a school administrative unit for the cost of courses provided by an online learning provider to students in that school administrative unit. The bill establishes eligibility requirements, guaranteed reimbursement allocations, dollar amount limits and procedures for carrying over unused allocations. The fund is funded by a transfer of the balance of funds remaining in the Maine Learning Technology Fund.

Committee Amendment "A" (S-302)

This amendment adds an emergency preamble and an emergency clause to the bill and amends the laws governing the Maine Online Learning Program by adding 2 provisions to the goals of the program that would enable students to meet the standards of the system of learning results and that would augment the capacity of teachers who are certified in the State to provide high-quality online and blended learning experiences for students. The amendment strikes the provisions in the bill that propose to establish the Maine Online Learning Program Reimbursement Fund

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and replaces the fund with provisions to authorize the Department of Education to establish the Maine Online Learning Collaborative, a partnership with a statewide consortium consisting of Maine school administrative units, public charter schools and approved private secondary schools that enroll 60% or more publicly funded students and other educational organizations to collaboratively develop a high-quality online learning program to commence in the 2014-2015 school year that provides students in grades 9 to 12 access to part-time digital learning through online and hybrid courses that are taught by Maine certified teachers. The amendment requires the Department of Education to develop approval criteria and a process for approving online learning providers to implement online learning programs with the Maine Online Learning Collaborative; and provides that the request for proposals must be reviewed and approved by the joint standing committee of the Legislature having jurisdiction over education and cultural affairs before the request for proposals is publicized by the department. The amendment also adds an appropriations and allocations section.

**LD 1540 An Act To Fix and Improve the System Used To Evaluate or Rate
Public Schools in Maine**

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT MACDONALD W	OTP-AM ONTP	S-306

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to provide that if the Department of Education or any other state agency uses a system to evaluate or rate public schools:

1. The department or other state agency shall give notice to the public that such a system will be used, shall give an opportunity for the public and interested parties to provide input regarding the development of the system and shall convene a task force on the development and implementation of the system that includes but is not limited to representatives of the following stakeholder groups:

- A. Teachers;
- B. School boards;
- C. Superintendents;
- D. Parents; and
- E. Students;

2. The system must include:

- A. Accurate measures of student progress over at least 5 years;
- B. Rates of postsecondary school attendance and enlistment in the United States Armed Forces over at least 5 years;
- C. A peer group comparison that takes into account, but is not limited to, utilization of special education services, the number of students eligible for free or reduced-price meals, local and county unemployment data and median household income;
- D. School attendance rates;
- E. Graduation rates; and

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F. Interviews with parents of students, members of governing boards of school administrative units, teachers and other education leaders about the overall school environment; and

3. The 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.

Committee Amendment "A" (S-306)

This amendment, which is the majority report for the Joint Standing Committee on Education and Cultural Affairs, strikes and replaces the concept draft with an emergency bill that proposes to accomplish the following initiatives:

1. It provides that, beginning with the 2014-2015 school year and only after the adoption of major substantive rules by the Department of Education, 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 Department of Education Rule Chapter 132: Learning Results: Parameters for Essential Instruction;

2. It provides that, until those rules are adopted, notwithstanding Title 20-A, section 6214 or any other provision of law, neither the department nor any other state agency may take any action based on the school grades reported on May 1, 2013 by the Commissioner of Education as part of a school performance grading system;

3. 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 program until the final adoption of department rules adopted in accordance with Title 20-A, section 6214, subsection 3. It also provides that this provision 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. It also provides that the rules must be consistent with the recommendations reported by the task force to develop a system to evaluate or rate the performance of public schools in the State;

4. 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 or rate the performance of public schools in this State;

5. 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 November 1, 2013 and authorizes the joint standing committee to report out a bill to the Second Regular Session of the 126th Legislature related to the recommendations included in this report; and

6. It provides that the department must file provisionally adopted major substantive rules by January 10, 2014 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 2014-2015 school year.

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LD 1542 Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education

DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-507
	OTP-AM	H-546 MACDONALD W
	OTP-AM	

This resolve provides for legislative review of Chapter 180: Performance Evaluation and Professional Growth Systems, a major substantive rule of the Department of Education that was filed outside the legislative rule acceptance period.

Committee Amendment "A" (H-507)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that final adoption of Chapter 180: Performance Evaluation and Professional Growth Systems, a late-filed major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule. The specific changes are related to the following provisions of the rule:

1. The section concerning the use of measures of student learning and growth that are considered to be a significant factor in determining the summative effectiveness rating of an educator;
2. The section concerning the determination of the teacher of record for specific students; and
3. The section concerning the requirement that school administrative units must collaborate with educators and other education stakeholders in developing, implementing and reviewing a performance evaluation and professional development system.

The amendment also provides that the Maine Educator Effectiveness Council is authorized to continue to meet to review specified unresolved issues related to Department of Education rule Chapter 180, and that the Commissioner of Education must submit a report on the work of the council, including recommendations regarding proposed changes to the education statutes or Chapter 180, to the Joint Standing Committee on Education and Cultural Affairs by December 6, 2013. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 126th Legislature.

Committee Amendment "B" (H-508)

This amendment is one of 2 minority reports of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that final adoption of Chapter 180: Performance Evaluation and Professional Growth Systems, a late-filed major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule in the section concerning the determination of the teacher of record for specific students. The amendment also provides that the Maine Educator Effectiveness Council is authorized to continue to meet to review specified unresolved issues related to Department of Education rule Chapter 180, and that the Commissioner of Education must submit a report on the work of the council, including recommendations regarding proposed changes to the education statutes or Chapter 180, to the Joint Standing Committee on Education and Cultural Affairs by December 6, 2013. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 126th Legislature.

Committee Amendment "C" (H-509)

This amendment is one of 2 minority reports of the Joint Standing Committee on Education and Cultural Affairs.

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The amendment provides that final adoption of Chapter 180: Performance Evaluation and Professional Growth Systems, a late-filed major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule. The specific changes are related to the following provisions of the rule:

1. The section concerning the use of measures of student learning and growth that are considered to be a significant factor in determining the summative effectiveness rating of an educator;
2. The section concerning the determination of the teacher of record for specific students;
3. The section concerning the requirement that school administrative units must collaborate with educators and other education stakeholders in developing, implementing and reviewing a performance evaluation and professional development system; and
4. The section concerning the requirement that school administrative units must form a steering committee to review and refine the performance evaluation and professional development system.

The amendment also provides that the Maine Educator Effectiveness Council is authorized to continue to meet to review specified unresolved issues related to Department of Education rule Chapter 180, and that the Commissioner of Education must submit a report on the work of the council, including recommendations regarding proposed changes to the education statutes or Chapter 180, to the Joint Standing Committee on Education and Cultural Affairs by December 6, 2013. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 126th Legislature.

House Amendment "A" To Committee Amendment "A" (H-546)

This amendment amends Committee Amendment "A" to provide greater detail regarding the permissible elements of a professional evaluation and professional growth system; to provide that educator effectiveness ratings may not be used for a reduction in force or nonrenewal of a contract unless all educators in the school administrative unit have received a rating and to require that members of a local education association be part of the initial group of stakeholders collaborating to develop the professional evaluation and professional growth evaluation system.

LD 1551 An Act Regarding the Board of Trustees of the Maine Public Broadcasting Corporation

**PUBLIC 367
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-263

This bill amends the law establishing the membership of the board of trustees of the Maine Public Broadcasting Corporation and requires the current board of trustees to amend the bylaws of the corporation by January 1, 2014 to establish the number, terms and qualifications of trustees of the corporation and the method and manner of their selection consistent with Maine nonprofit corporation laws. The members of the current board serve until the new board is selected.

Committee Amendment "A" (S-263)

This amendment adds an emergency preamble and emergency clause to the bill and provides that, beginning January 1, 2014, the membership of the board of trustees of the Maine Public Broadcasting Corporation must include one member representing the University of Maine System appointed by the Board of Trustees of the University of Maine System and one member to be appointed by the Governor, who is subject to review by the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to confirmation by the Senate. The amendment also provides that the chair of the board of trustees of the Maine Public Broadcasting Corporation must provide a report including the proposed changes to the bylaws related to the corporation's board of

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trustees to the Joint Standing Committee on Education and Cultural Affairs by December 13, 2013.

Enacted Law Summary

Public Law 2013, chapter 367 amends the law establishing the membership of the board of trustees of the Maine Public Broadcasting Corporation and requires the current board of trustees to amend the bylaws of the corporation by January 1, 2014 to establish the number, terms and qualifications of trustees of the corporation. The law provides that, beginning January 1, 2014, the membership of the board of trustees of the Maine Public Broadcasting Corporation must include one member representing the University of Maine System appointed by the Board of Trustees of the University of Maine System and one member to be appointed by the Governor, who is subject to review by the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to confirmation by the Senate.

The law also provides that the chair of the board of trustees of the Maine Public Broadcasting Corporation must provide a report including the proposed changes to the bylaws related to the corporation's board of trustees to the Joint Standing Committee on Education and Cultural Affairs by December 13, 2013.

Public Law 2013, chapter 367 was enacted as an emergency measure effective June 26, 2013.

LD 1560 An Act To Allow Further Review of the Report Defining Cost PUBLIC 347
Responsibility for Deaf and Hard-of-hearing Students Receiving
Services from the Maine Educational Center for the Deaf and Hard of
Hearing and the Governor Baxter School for the Deaf

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 2011, chapter 683. The bill amends section 11 of that law to extend the deadline for the joint standing committee to report out a bill. The bill allows the joint standing committee to report out a bill related to the report presented pursuant to section 11 to the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2013, chapter 347 is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 2011, chapter 683. The law amends section 11 of that law to extend the deadline for the joint standing committee to report out a bill. The law allows the joint standing committee to report out a bill related to the report presented pursuant to section 11 to the Second Regular Session of the 126th Legislature.

LD 1566 An Act Regarding School Budgets DIED IN
CONCURRENCE

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT	OTP-AM ONTP	S-329

This bill permits a school board of a school administrative unit that requires a budget validation referendum to approve a budget to spend state funds that become available for fiscal year 2013-14 after the budget for the school administrative unit has been approved by the budget validation referendum without the need to submit the decision to an additional referendum.

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Committee Amendment "A" (S-329)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes and replaces the bill to provide that, for fiscal year 2013-14 only, after the budget for a school administrative unit for that fiscal year has been approved by a budget validation referendum and the school board of a school administrative unit declares that an emergency exists, it may call a special budget meeting for the purpose of obtaining the approval of the legislative body of the school administrative unit to expend the additional state funding or to reduce its warrant to the assessors of member municipalities for the collection of taxes to cover the municipalities' share of the school administrative unit's costs. The amendment also clarifies that the legislative body of a school administrative unit has the authority to decide how to expend additional state funding without the need to submit the decision made at a special budget meeting to an additional budget validation referendum.

LD 1573 An Act To Extend the Authorization for the Maine Education Effectiveness Council

**VETO
SUSTAINED**

Sponsor(s)

ALFOND

Committee Report

Amendments Adopted

This bill was acted upon without reference to committee.

This bill authorizes the Maine Education Effectiveness Council to continue meeting, if it so desires, until 2 weeks after the convening of the Second Regular Session of the 126th Legislature.

Joint Standing Committee on Education and Cultural Affairs

SUBJECT INDEX

Administration, Department of Education, State Board, and School Governance

Enacted

LD 244	An Act To Amend the Student Membership Criteria of the State Board of Education	PUBLIC 15 EMERGENCY
LD 485	An Act To Amend and Clarify Certain Education Laws	PUBLIC 167
LD 530	An Act To Ensure That the Standard of a Student's Best Interest Is Applied to Superintendent Agreements for Transfer Students	PUBLIC 337
LD 944	Resolve, To Review the Impact of Unfunded Education Mandates and Evaluate the Efficacy of Education Laws	RESOLVE 74 EMERGENCY

Not Enacted

LD 301	An Act To Remove Unnecessary Agenda from the School Day	ONTP
LD 772	An Act To Implement the Recommendations of the Task Force on Franco-Americans Regarding the Reporting of Franco-American Ethnicity Data	ONTP
LD 1055	An Act To Create a Maine Financial Education Portal	ONTP
LD 1301	An Act To Create the Maine Education Investment Board	ONTP
LD 1502	An Act To Expand Student Access to Certain Career Information and Opportunities	MAJORITY (ONTP) REPORT
LD 1503	An Act To Ensure Student Access to Postsecondary Military Options	DIED BETWEEN HOUSES
LD 1530	An Act To Establish a Process for the Implementation of Universal Voluntary Prekindergarten Education	CARRIED OVER

Adult Education

Enacted

LD 442	Resolve, To Ensure the Continued Accessibility and Affordability of a High School Equivalency Exam for Maine Residents	RESOLVE 49
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Alternative Education, Charter Schools and School Choice

Enacted

LD 61	An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled	PUBLIC 400
LD 92	An Act Relating to Private School Student Participation in Public School Cocurricular, Interscholastic and Extracurricular Activities	PUBLIC 428
LD 439	An Act To Improve Maine's Charter School Laws	PUBLIC 272
LD 729	An Act To Allow Charter Schools To Request Waivers from Certain Requirements	PUBLIC 216
LD 791	An Act To Improve Equity for Economically Disadvantaged Students Seeking To Transfer to an Approved Private School or a Public School	PUBLIC 356

Alternative Education, Charter Schools and School Choice

Not Enacted

LD 233	An Act To Require the Department of Education To Report on the Costs and Sources of Funding of Charter Schools	LEAVE TO WITHDRAW
LD 481	Resolve, To Review the Laws Governing the Funding of Virtual Public Charter Schools	CARRIED OVER
LD 533	An Act To Eliminate the Requirement That Local Funding Follow a Pupil to a Charter School	ONTP
LD 671	An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations	VETO SUSTAINED
LD 880	An Act To Change the Process for Student Transfers from an Alternative Organizational Structure	ONTP
LD 889	An Act To Adjust Funding Forwarded from School Districts to Charter Schools	ONTP
LD 906	An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities	CARRIED OVER
LD 995	An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools	CARRIED OVER
LD 1056	An Act To Require Local Voter Approval for Charter Schools	ONTP
LD 1057	An Act Related to Public Funding of Charter Schools	VETO SUSTAINED
LD 1128	An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools	VETO SUSTAINED
LD 1346	An Act To Ensure That Charter Schools Are Funded by the State	ONTP
LD 1349	An Act To Amend the Appointment Process for the Maine Charter School Commission	VETO SUSTAINED
LD 1481	An Act To Ensure the Success of Maine Students	ONTP
LD 1529	An Act To Expand School Choice for Maine Students	MAJORITY (ONTP) REPORT

Career and Technical Education

Enacted

LD 193	An Act To Authorize InterCoast Career Institute To Grant the Degree of Associate Degree in Applied Science	P & S 14
LD 370	Resolve, To Create a Working Group To Identify Elementary School and Middle School Applied Learning Opportunities	RESOLVE 22
LD 1412	An Act To Create an Educational Collaborative Partnership To Implement a Program That Enables Career and Technical Education Students To Earn College Credits while Attending High School	PUBLIC 318 EMERGENCY

Not Enacted

LD 464	An Act To Change Compensation for Career and Technical Education Region Cooperative Board Meeting Attendance	CARRIED OVER
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Career and Technical Education

Not Enacted

LD 715	An Act To Improve Access to Career and Technical Schools	CARRIED OVER
LD 1441	An Act To Align the Formation of Governing Boards of Career and Technical Education Regions with That of Other Public Schools	MAJORITY (ONTP) REPORT

Cultural Affairs

Enacted

LD 160	An Act To Amend the Laws Pertaining to Archaeological Sites	PUBLIC 89
LD 532	An Act To Amend the Laws Governing the Maine State Library	PUBLIC 82
LD 1019	An Act To Protect the State's Property Rights in Maine State Museum Research	PUBLIC 205 EMERGENCY
LD 1100	An Act To Update and Revise the Laws Governing the Maine Arts Commission	PUBLIC 181
LD 1551	An Act Regarding the Board of Trustees of the Maine Public Broadcasting Corporation	PUBLIC 367 EMERGENCY

Curriculum, Instruction, Textbooks and Testing

Enacted

LD 178	Resolve, To Provide Consistency in Rules of the Department of Education Regarding Visual and Performing Arts Requirements for High School Graduation	RESOLVE 38
LD 668	An Act To Encourage the Teaching of Agricultural Studies in Schools	PUBLIC 106
LD 843	An Act To Promote the Financial Literacy of High School Students	PUBLIC 244
LD 1290	An Act To Encourage High School Students To Complete Community Service	PUBLIC 176

Not Enacted

LD 665	An Act To Facilitate the Transition to a Standards-based Educational System	ONTP
LD 669	An Act Requiring School Administrative Units To Adopt School Volunteer Policies	ONTP
LD 750	An Act To Make the Completion of an Internship a Requirement for High School Graduation	ONTP
LD 773	Resolve, To Enhance the Study of Franco-American History in Schools	ONTP
LD 963	An Act To Expand Access to Early Postsecondary Education	HELD BY GOVERNOR
LD 1096	An Act To Amend the Laws Governing Students Experiencing Education Disruption	HELD BY GOVERNOR
LD 1129	An Act To Promote Innovation in Public Schools	VETO SUSTAINED
LD 1143	An Act To Develop Young Readers	DIED IN CONCURRENCE

Curriculum, Instruction, Textbooks and Testing

Not Enacted

LD 1361	An Act To Strengthen the Teaching of Writing and Mathematics and Improve Maine High School Graduates' College and Career Readiness	CARRIED OVER
LD 1510	An Act To Ensure Statewide School Accountability and Improvement	MAJORITY (ONTP) REPORT
LD 1540	An Act To Fix and Improve the System Used To Evaluate or Rate Public Schools in Maine	DIED IN CONCURRENCE

Education - Other

Enacted

LD 466	An Act To Amend the Laws Governing Awarding a High School Diploma to Veterans	PUBLIC 281
LD 821	An Act To Allocate the Balance of Funds Not Expended by the Task Force on Franco-Americans	P & S 8 EMERGENCY
LD 822	An Act To Establish Invite Your Maine Legislator to School Month	PUBLIC 103
LD 1132	An Act To Achieve Economic Growth by Enhancing Science, Technology, Engineering and Mathematics Education and To Meet Workforce Needs	PUBLIC 410

Not Enacted

LD 699	An Act To Allow Public Schools To Offer Classes Limited to Students of a Single Gender	MAJORITY (ONTP) REPORT
LD 868	An Act To Expand Funding for Early Childhood Education	ONTP
LD 1522	An Act To Protect Children from Exposure on the Internet without Parental Consent	MAJORITY (ONTP) REPORT

Health, Nutrition and Safety

Enacted

LD 609	An Act To Increase Suicide Awareness and Prevention in Maine Public Schools	PUBLIC 53
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Not Enacted

LD 528	An Act To Require Parental Consent for a School To Conduct Mental Health or Behavioral Screening on a Student	ONTP
LD 672	An Act Relating to Exemption from Immunization for Schoolchildren	CARRIED OVER
LD 1160	An Act To Reduce Obesity among Schoolchildren	DIED BETWEEN HOUSES
LD 1185	An Act To Enhance Efforts To Use Locally Produced Food in Schools	CARRIED OVER
LD 1241	An Act To Protect School Athletes from Head Injuries	ONTP
LD 1321	An Act To Promote Healthy School Lighting	ONTP
LD 1353	An Act To Further Reduce Student Hunger	HELD BY GOVERNOR

Health, Nutrition and Safety

Not Enacted

LD 1366	An Act To Require Public Schools To Offer Instruction Related to Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator	VETO SUSTAINED
LD 1394	An Act To Make Parents More Aware of Eating Disorders	MAJORITY (ONTP) REPORT
LD 1431	An Act To Support School Nutrition and Expand the Local Foods Economy	CARRIED OVER

Online Learning Programs and Courses

Not Enacted

LD 1130	An Act To Create a Virtual School Managed by the State	ONTP
LD 1533	An Act To Establish the Maine Online Learning Collaborative	VETO SUSTAINED

Postsecondary Education Finance and Student Aid

Enacted

LD 112	An Act To Make Changes to the Educators for Maine Program	PUBLIC 7
LD 113	An Act To Make Changes to the Maine College Savings Program	PUBLIC 4
LD 351	An Act To Authorize the Provision of Insurance on Student Loans	PUBLIC 34 EMERGENCY
LD 1300	An Act To Promote and Expand Awareness of the Educational Opportunity Tax Credit	PUBLIC 417

Not Enacted

LD 384	An Act To Allow Spouses and Children of Veterans Killed in the Line of Duty To Receive the State Tuition Waiver	ONTP
LD 531	An Act To Allow Students To Audit Classes at University of Maine System Campuses	ONTP
LD 623	An Act To Promote the Attainment of Higher Education Degrees	ONTP
LD 862	An Act To Assist York County Community College	ONTP
LD 959	An Act To Require That Seed Money Generated at an Individual College of the Maine Community College System Be Returned to That College for the Purpose of Enhancement	ONTP
LD 962	An Act To Increase Access to Higher Education	MAJORITY (ONTP) REPORT
LD 1003	Resolve, To Establish the Commission To Study Accessibility and Affordability of Higher Education	ONTP
LD 1036	An Act To Amend the Social Work Education Loan Repayment Program	CARRIED OVER
LD 1093	An Act To Clarify the Criteria of the Health Professions Loan Program as It Affects Physicians Practicing Neurology-psychiatry	VETO SUSTAINED
LD 1261	An Act To Improve Access for Maine Students to Postsecondary Education	ONTP

Postsecondary Education Finance and Student Aid

Not Enacted

LD 1332	An Act To Increase the College Graduation Rate in Maine	ONTP
LD 1524	An Act To Address the Burden Placed on Students as a Result of Requirements To Take Remedial Courses	ONTP

Postsecondary Education Governance and Coordination

Enacted

LD 409	Resolve, To Establish a Veteran-to-farmer Training Pilot Program	RESOLVE 69
LD 422	An Act Regarding Enrollment and Graduation Rates of First-generation Higher Education Students	PUBLIC 166

Not Enacted

LD 670	Resolve, To Encourage the Use of Career Interest and Aptitude Tests in Higher Education	VETO SUSTAINED
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Safe Schools and Student Conduct

Enacted

LD 243	Resolve, To Direct the Department of Education To Amend Its Rules Regarding Restraint of Students	RESOLVE 8 EMERGENCY
LD 673	Resolve, To Increase Awareness of Food Allergies in Public Schools	RESOLVE 42
LD 905	Resolve, Directing the Department of Education To Examine School Security	RESOLVE 76 EMERGENCY

Not Enacted

LD 93	An Act To Require Public Secondary Schools To Offer a Course in Gun Safety and Handling	ONTP
LD 529	Resolve, Directing the Department of Education To Develop Safety Standards for School Access	ONTP
LD 709	An Act To Require Students To Receive Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator prior to Graduation	ONTP
LD 723	An Act To Ensure the Proper Treatment of Bullying Situations in Schools	ONTP
LD 823	An Act To Require Institutions of Higher Learning To Comply with the Federal Americans with Disabilities Act	ONTP
LD 1083	Resolve, Directing the Department of Education To Develop a Process To Provide Alternative Pathways To Learning for Certain High School Students	ONTP

School Budgets

Not Enacted

LD 383	An Act To Increase Public Awareness Regarding School Budget Elections	MAJORITY (ONTP) REPORT
LD 417	An Act To Ensure That All Voters Are Able To Vote in Regional School Unit Budget Elections	ONTP
LD 521	An Act To Change the Budget Approval Process for Alternative Organizational Structures	VETO SUSTAINED
LD 638	An Act To Require That School Budget Referenda Be Held on the Same Day as Primary Elections	ONTP

School Budgets

Not Enacted

LD 742	An Act To Amend the Regional School Unit Budget Validation Process	ONTP
LD 1291	An Act Regarding the Effect on Collective Bargaining Agreements of Failure To Validate a School Budget	DIED BETWEEN HOUSES
LD 1566	An Act Regarding School Budgets	DIED IN CONCURRENCE

School Construction, Facilities and Buses

Enacted

LD 91	An Act To Raise the School Construction Bond Cap	PUBLIC 44
LD 322	Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the State Board of Education	RESOLVE 34 EMERGENCY

Not Enacted

LD 462	An Act To Dedicate Funds for Emergency Back-up Power for Schools	ONTP
LD 666	Resolve, To Create a Working Group To Survey Maine Schools on the Costs and Benefits of Contracting for Energy Conservation Improvements	DIED ON ADJOURNMENT
LD 1235	An Act Regarding School Construction	VETO SUSTAINED
LD 1526	An Act To Include Debt Service for Local School Construction Projects in the Required Local Share of Education Funding	ONTP

School District Reorganization

Not Enacted

LD 783	An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit	CARRIED OVER
LD 1027	An Act To Provide an Improved Process for Voter Approval of Withdrawal from a Regional School Unit	LEAVE TO WITHDRAW
LD 1123	An Act To Allow the Town of Bancroft To Withdraw from Its Regional School Unit without Penalty	LEAVE TO WITHDRAW
LD 1322	An Act To Amend the Laws Governing the Withdrawal of a Municipality from a Regional School Unit	ONTP
LD 1347	An Act To Improve the School Administrative Unit Consolidation Laws by Allowing a Regional School Unit To Dissolve Itself	LEAVE TO WITHDRAW

School Finance

Enacted

LD 130	An Act To Stabilize Education Funding by Reducing the Impact of Changes in Property Valuation	PUBLIC 203
LD 667	An Act To Increase Funding to Schools	PUBLIC 171

Not Enacted

School Finance

Not Enacted

LD 18	An Act To Fund Public Education for Kindergarten to Grade 12 at 55%	ONTP
LD 25	An Act To Exclude Certain State-funded Costs from the State Share of the Total Cost of Funding Public Education	CARRIED OVER
LD 56	An Act To Ensure Equity in School Costs Borne by Municipalities within Consolidated School Units	ONTP
LD 194	An Act To Ensure That a Curtailment in School Funding Is Shared by All Institutions	ONTP
LD 195	An Act To Fund Education by Providing Equal State Funding for Each Student	ONTP
LD 299	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the State Share of Education Funding To Be at Least Fifty-five Percent of the Total Cost and One Hundred Percent of the Cost of Special Education	ONTP
LD 300	An Act To Protect School Administrative Units and Taxpayers	CARRIED OVER
LD 367	An Act To Repeal the Repeal Provision in the Law That Limits the Reduction of State Subsidy for Education	ONTP
LD 369	An Act To Redesign Maine's School Funding Model	CARRIED OVER
LD 615	An Act To Protect School Administrative Units from a Sudden Decrease in Funding due to Reduced Enrollments	ONTP
LD 792	An Act To Ensure That Essential Programs and Services Targeted Funding Follows the Secondary Student	ONTP
LD 994	An Act To Change the State's Share of Education Costs Including Teacher Retirement Costs	ONTP
LD 1002	An Act Regarding the Required Local Contribution in the School Funding Formula	LEAVE TO WITHDRAW

Special Education Programs and Finance

Enacted

LD 34	An Act To Implement the Recommendations of the Government Oversight Committee and the Office of Program Evaluation and Government Accountability Regarding Child Development Services	PUBLIC 338
LD 323	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 52 EMERGENCY
LD 1184	Resolve, Requiring Rulemaking Regarding Special Education Requirements and Review of School Administrative Units That Do Not Operate Any Schools	RESOLVE 70
LD 1560	An Act To Allow Further Review of the Report Defining Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf	PUBLIC 347

Not Enacted

LD 595	An Act To Exempt School Administrative Units That Do Not Directly Serve Children with Disabilities from Certain Reporting Requirements	ONTP
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Teachers and Administrators

Enacted

Teachers and Administrators

Enacted

LD 1106 An Act To Develop a Grant Program To Establish a Teacher-led School Model PUBLIC 303

Not Enacted

LD 6 An Act Regarding the Authority of a School Board To Elect a School Superintendent VETO
SUSTAINED

LD 751 An Act To Limit the Effect of Standardized Tests on Teacher Evaluations ONTP

LD 1098 An Act To Encourage Teacher Input in Education Policy LEAVE TO
WITHDRAW

LD 1131 An Act To Improve Professional Development Opportunities for Teachers and Other Public School Employees MAJORITY
(ONTP) REPORT

LD 1144 An Act To Further Ensure Effective Teaching and School Leadership VETO
SUSTAINED

LD 1330 An Act To Establish in Law a Method for Alternative Certification of Teachers CARRIED OVER

LD 1350 An Act Regarding School Administrator Effectiveness DIED IN
CONCURRENCE

LD 1542 Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education DIED BETWEEN
HOUSES

LD 1573 An Act To Extend the Authorization for the Maine Education Effectiveness Council VETO
SUSTAINED

Truants, Dropouts and Homeless Students

Not Enacted

LD 1231 An Act To Amend the Compulsory School Attendance Laws VETO
SUSTAINED

Tuition Rates for Non-resident Students

Enacted

LD 1505 An Act Regarding Insured Value Factor Payments for Public Tuition Students Attending a Private School PUBLIC 418

STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

July 2013

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Joint Standing Committee on Environment and Natural Resources

LD 7 An Act To Equalize the Premiums Imposed on the Sale of Motor Vehicle Oil ACCEPTED MAJORITY (ONTP) REPORT

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

This bill amends the law relating to the waste motor oil revenue fund by equalizing the premium for all motor vehicle oil, regardless of the container size, at 35¢ per gallon.

Committee Amendment "A" (H-44)

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

This amendment was not adopted.

LD 28 An Act To Reduce Air Pollution from Trains LEAVE TO WITHDRAW

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

This bill prohibits the operation of diesel-powered locomotives in a manner that causes or contributes to air pollution in the State and prohibits the unnecessary idling of diesel-powered locomotives for longer than 30 minutes. It also directs the Department of Environmental Protection to submit to the United States Environmental Protection Agency a revision to the state implementation plan that incorporates these provisions, and delays the prohibition until 30 days after notification from the department that the United States Environmental Protection Agency has approved the revision.

LD 105 An Act To Allow Motor Fuel Containing Five Percent Ethanol To Be Sold in the State DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE MASON G	ONTP OTP	

This bill allows a distributor, blender or retail dealer of gasoline in the State to sell, consign or distribute, in addition to any other gasoline offered, gasoline containing only 5% ethanol.

LD 115 An Act To Join in a Prohibition on Motor Fuel Containing Corn-based Ethanol PUBLIC 249

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE MASON G	OTP ONTP	S-105 MASON G

Joint Standing Committee on Environment and Natural Resources

This bill prohibits the sale of motor fuel that contains corn-based ethanol if at least two other New England states pass a similar prohibition.

Senate Amendment "A" (S-105)

This amendment changes the number of states required for the corn-based ethanol prohibition to take effect from two other New England states to ten states or a number of states with a collective population of 30,000,000.

Enacted Law Summary

Public Law 2013, chapter 249 prohibits the sale of motor fuel that contains corn-based ethanol if at least 10 states or a number of states with a collective population of 30,000,000 pass a similar prohibition.

LD 124 An Act To Amend the Bottle Redemption Laws ONTP

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

This bill allows the Department of Agriculture, Conservation and Forestry to license up to two redemption centers for a municipality with a population of no more than 5,000 upon approval by the governing body of the municipality. Currently, department rules allow only one redemption center to be licensed in a municipality with a population of 5,000 or less.

LD 141 Resolve, Directing the Department of Environmental Protection To RESOLVE 43
Develop Quantitative Odor Management Standards

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE CUSHING	OTP-AM ONTP	H-144 S-89 SAVIELLO

This resolve requires the Department of Environmental Protection to adopt odor management standards that can be quantitatively measured for septage and wastewater treatment sludge processing facilities.

Committee Amendment "A" (H-144)

This amendment, which is the majority report of the committee, adds a date by which the Department of Environmental Protection is required to adopt rules under the resolve (March 15, 2014). The amendment also directs the department to submit a summary of the rules to the Joint Standing Committee on Environment and Natural Resources by March 30, 2014.

Senate Amendment "A" (S-89)

This amendment clarifies that the rules required by the resolve are directed at facilities that process wastewater treatment sludge from publicly owned treatment works and facilities that process septage.

Enacted Law Summary

Resolve 2013, chapter 43 requires the Department of Environmental Protection to adopt rules containing odor management standards that can be quantitatively measured for facilities that process wastewater treatment sludge from publicly owned treatment works and facilities that process septage. The department is required to adopt the rules by March 15, 2014 and to submit a summary of the rules to the Joint Standing Committee on Environment and Natural Resources by March 30, 2014.

Joint Standing Committee on Environment and Natural Resources

LD 157 An Act To Modify Administration of the Fund Insurance Review Board

PUBLIC 22

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

This bill changes the duties of the Fund Insurance Review Board to require that the board will no longer consult with or contract for assistance with the Finance Authority of Maine but rather with the Department of Environmental Protection.

Enacted Law Summary

Public Law 2013, chapter 22 changes the duties of the Fund Insurance Review Board to require that the board will no longer consult with or contract for assistance with the Finance Authority of Maine but rather with the Department of Environmental Protection.

LD 261 An Act To Provide That a Distributor, Blender or Retail Dealer of Motor Fuel May Not Be Required To Sell, Consign or Distribute Motor Fuel Containing Ten Percent or More Ethanol

ONTP

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

This bill provides that a distributor, blender or retail dealer of motor fuel may not be required to sell, consign or distribute motor fuel containing 10% or more ethanol.

LD 331 Resolve, To Expand Economic Development in the Town of Orrington by Releasing Certain Riverfront Land from State-imposed Environmental Restrictions

CARRIED OVER

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

This resolve directs the Department of Environmental Protection to release all department-imposed development restrictions on certain portions of the former HoltraChem Manufacturing Company site that are not targeted for cleanup and remediation under clean-up orders of the Commissioner of Environmental Protection and the Board of Environmental Protection.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

Joint Standing Committee on Environment and Natural Resources

LD 336 An Act Relating to Clean Water Certification by the Department of Environmental Protection

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill adds an additional step to the process for Department of Environmental Protection and Maine Land Use Planning Commission approval of water quality certifications for existing and proposed hydropower projects. The bill requires the department or commission to submit provisionally approved water quality certifications to the Legislature for review and approval by the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters and the Legislature. The review process is similar to legislative review of major substantive rules. The provisions of the bill apply retroactively to August 1, 2011.

Committee Amendment "A" (H-208)

This amendment, which is the minority report of the committee, replaces the bill. The amendment requires the Department of Environmental Protection to notify the public, municipalities, interested persons and applicable state agencies whenever the department accepts an application for a water quality certification for an existing or proposed hydropower project under the licensing jurisdiction of the Federal Energy Regulatory Commission, receives a substantial revision to an application or makes a substantial revision to a draft decision of the department. The amendment requires the department to hold a public meeting if one is requested and it directs the department to adopt major substantive rules to define "substantial revision." It also adds an appropriations and allocations section.

This amendment was not adopted.

LD 365 An Act To Define "Contaminant" in the Laws Governing Toxic Chemicals in Children's Products

ONTP

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

This bill amends the laws governing toxic chemicals in children's products to define the term "contaminant" as used in those laws.

LD 373 An Act To Provide Clarity to Priority Chemical Reporting Requirements

PUBLIC 232

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

This bill amends the current law regarding the reporting requirement for children's products that contain priority chemicals by requiring that manufacturers or distributors provide notice within 30 days to the Department of Environmental Protection when the product is sold in the State after the initial 180-day reporting period ends.

Enacted Law Summary

Joint Standing Committee on Environment and Natural Resources

Public Law 2013, chapter 232 amends the current law regarding the reporting requirement for children's products that contain priority chemicals by requiring that manufacturers or distributors provide notice within 30 days to the Department of Environmental Protection when the product is sold in the State after the initial 180-day reporting period ends.

LD 432 An Act To Amend the Gifting of Land Exemption under the Subdivision ONTP
Laws

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

This bill amends the subdivision law exemption for gifts to relatives by removing the requirement that the donor of the gifted property must have held the property for a continuous period of 5 years prior to the division by gift. The bill also provides that if property that is exempt from the subdivision law pursuant to the gifts to relatives exemption is transferred within 10 years of when the property was acquired by the donor, a lot is created for purposes of the subdivision law.

LD 437 An Act To Amend the State General Permit Process for Tidal Power To PUBLIC 177
Remove a Conflict with a Federal Permit Requirement

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU MAKER	OTP-AM	S-62

Currently, an applicant for a general permit for a tidal energy demonstration project must file an application with the Department of Environmental Protection that contains a copy of an environmental assessment issued by the Federal Energy Regulatory Commission that includes a finding of no significant environmental impact. This bill allows the department to accept an application prior to the FERC's issuance of a finding of no significant environmental impact. The bill also requires the department to notify an applicant within 60 days of its acceptance of the application for processing or within 30 days of the FERC's issuance of a finding of no significant environmental impact, whichever occurs later.

Committee Amendment "A" (S-62)

This amendment corrects terminology in the bill related to the Department of Environmental Protection's acceptance of an application for a general permit for a tidal energy demonstration project as complete for processing.

Enacted Law Summary

Public Law 2013, chapter 177 allows the Department of Environmental Protection to accept an application for a tidal energy demonstration project as complete for processing prior to the Federal Energy Regulatory Commission's issuance of a finding of no significant environmental impact. It also requires the department of notify an applicant within 60 days of its acceptance of the application as complete for processing or within 30 days of the FERC's issuance of a finding of no significant environmental impact, whichever occurs later.

LD 453 An Act To Prohibit the Sale of Gasoline That Contains Corn-based PUBLIC 69
Ethanol as an Additive at a Level Greater than 10 Percent by Volume

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONG SAVIELLO	OTP-AM	H-56

Joint Standing Committee on Environment and Natural Resources

This bill prohibits the sale of gasoline that contains ethanol as an additive at a level greater than 10% by volume, if at least 2 other New England states enact laws that prohibit such sales.

Committee Amendment "A" (H-56)

This amendment clarifies that the ethanol referred to in the bill is corn-based ethanol.

Enacted Law Summary

Public Law 2013, chapter 69 prohibits the sale of gasoline that contains corn-based ethanol as an additive at a level greater than 10% by volume, if at least 2 other New England states enact laws that prohibit such sales.

LD 470 An Act Regarding Working Waterfront Projects

PUBLIC 231

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH MAZUREK	OTP-AM	H-302

This bill defines "working waterfront activity" and "working waterfront land" for the purpose of exempting working waterfront activities from certain provisions under the Natural Resources Protection Act. The bill also provides flexibility under the mandatory shoreland zoning laws for the clearing of land associated with working waterfront activities and project sites requiring remediation due to contamination.

Committee Amendment "A" (H-302)

This amendment replaces the bill. It amends the standards for clearing of vegetation in the laws governing shoreland zoning and provides exceptions to those standards. It amends the Natural Resources Protection Act by amending the definition in the bill of "working waterfront activity" and exempting from compensation requirements working waterfront activities on working waterfront land that is part of a brownfields program or a voluntary response action program.

Enacted Law Summary

Public Law 2013, chapter 231 amends the standards for clearing of vegetation in the laws governing shoreland zoning and provides exceptions to those standards. It amends the Natural Resources Protection Act by adding a definition of "working waterfront activity" and exempting from compensation requirements working waterfront activities on working waterfront land that is part of a brownfields program or a voluntary response action program.

LD 596 An Act To Help Small Businesses and Promote Tourism by Allowing the Construction of a Deck over a River within a Downtown Revitalization Project

PUBLIC 140

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY DUTREMBLE	OTP-AM	H-137

This bill provides that construction of a platform or walkway or deck over a river or marshland may be exempt from the Department of Environmental Protection's rules relative to significant wildlife habitat under certain conditions, including if the affected municipal government finds that the platform, walkway or deck would not negatively affect any significant wildlife habitat and the project is approved by local referendum.

Committee Amendment "A" (H-137)

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This amendment replaces the bill. The amendment allows the construction of a deck of up to 700 square feet in area over a river without meeting certain otherwise applicable water and wetland setback requirements if the proposed deck will be located within a downtown revitalization project and is either attached to or accessory to a use in a structure that was built prior to 1971.

Enacted Law Summary

Public Law 2013, chapter 140 allows the construction of a deck of up to 700 square feet in area over a river without meeting certain otherwise applicable water and wetland setback requirements if the proposed deck will be located within a downtown revitalization project and is either attached to or accessory to a use in a structure that was built prior to 1971.

LD 641 An Act To Exempt Agriculture, Timber Harvesting and Public Employees from Certain Oversight in Shoreland Areas

**PUBLIC 242
EMERGENCY**

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

This bill provides for an exemption from the current law governing excavation activity in a shoreland zone. Current law requires an excavation contractor conducting excavation activity in a shoreland area to ensure that a person certified in erosion control practices is present at the site during earth-moving activity of one cubic yard or more. The bill provides that farmers using normal tilling practices are exempt from that requirement.

Committee Amendment "A" (S-164)

This amendment replaces the bill. It exempts persons engaged in agriculture or timber harvesting and certain municipal, state and federal employees from the law requiring that a person certified in erosion control practices be present during certain earth-moving activity in a shoreland area. It also adds a definition of "agriculture" to the laws governing mandatory shoreland zoning.

Enacted Law Summary

Public Law 2013, chapter 242 exempts persons engaged in agriculture or timber harvesting and certain municipal, state and federal employees from the law requiring that a person certified in erosion control practices be present during certain earth-moving activity in a shoreland area. It also adds a definition of "agriculture" to the laws governing mandatory shoreland zoning.

Public Law 2013, chapter 242 was enacted as an emergency measure effective June 12, 2013.

LD 642 An Act To Exempt All-terrain Vehicle Trail Management from Storm Water Management Requirements

PUBLIC 43

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

Current law exempts from review by the Department of Environmental Protection for a storm water permit a project that involves the development, construction and maintenance of the statewide snowmobile trail system as long as certain criteria are met. This bill extends that same exemption to all-terrain vehicle trails.

Enacted Law Summary

Current law exempts from review by the Department of Environmental Protection for a storm water permit a project

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that involves the development, construction and maintenance of the statewide snowmobile trail system as long as certain criteria are met. Public Law 2013, chapter 43 extends that same exemption to all-terrain vehicle trails.

LD 674 An Act To Clarify the Natural Resources Protection Act ONTP

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

This bill changes to 75 feet the setback for significant vernal pool habitat, high and moderate value inland waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas. It also provides a mechanism to compensate landowners for the property value losses incurred as a result of more stringent setback or buffer zone regulations.

LD 694 An Act To Clarify Solid Waste Policy Relating to State-owned Disposal Facilities PUBLIC 243

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN DILL	OTP-AM	S-220

This bill:

1. Amends the declaration of policy in the laws governing waste management to provide that the Legislature finds that the highest and best use of a state-owned solid waste facility is for those permitted special wastes that cannot be handled by waste reduction, reuse and recycling;
2. Provides that a change in the type or volume of waste accepted by a facility requires approval by the Department of Environmental Protection and a public benefit determination;
3. Amends the laws governing public benefit determinations for solid waste disposal facilities; and
4. Applies to licenses or permits pending on the effective date of the Act.

Committee Amendment "A" (S-220)

This amendment replaces the bill. It provides that the Department of Environmental Protection may not process or act on an application for a new, modified or amended solid waste license for a solid waste disposal facility acquired by the State after January 1, 2007 until the facility has applied for and received a public benefit determination from the department. It provides that a solid waste disposal facility owned by the State before January 1, 2007 is deemed to hold a public benefit determination for the licensed disposal capacity at the facility on the effective date of the Act. In addition, for such facilities owned by the State before January 1, 2007, it authorizes the department to require an application for a modified public benefit determination if the department finds that a material change in the underlying facts or circumstances has occurred or is proposed. The amendment also clarifies that, regardless of the date of state ownership, the department may not process or act upon any application to expand a facility until the facility has applied for and received a public benefit determination.

Enacted Law Summary

Public Law 2013, chapter 243 provides that the Department of Environmental Protection may not process or act on an application for a new, modified or amended solid waste license for a solid waste disposal facility acquired by the State after January 1, 2007 until the facility has applied for and received a public benefit determination from the

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department. It provides that a solid waste disposal facility owned by the State before January 1, 2007 is deemed to hold a public benefit determination for the licensed disposal capacity at the facility on the effective date of the Act. In addition, for such facilities owned by the State before January 1, 2007, it authorizes the department to require an application for a modified public benefit determination if the department finds that a material change in the underlying facts or circumstances has occurred or is proposed. It also clarifies that, regardless of the date of state ownership, the department may not process or act upon any application to expand a facility until the facility has applied for and received a public benefit determination.

LD 695 An Act To Amend the Site Location of Development Laws

PUBLIC 183

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOYLE BLACK	OTP-AM OTP ONTP	S-91

This bill exempts from review under the laws governing site location of development new construction at or modification of an existing licensed development that is permitted if the additional disturbed area not to be revegetated does not exceed 20,000 square feet ground area in any calendar year and does not exceed 40,000 square feet ground area in total and the construction or modification does not involve a division of the parcel of land. The permittee is required to annually notify the Department of Environmental Protection of any new construction or modification undertaken during the previous 12 months. At the time of the annual notification, the permittee is required to provide to the department certified development plans for the new construction or modification that was undertaken pursuant to the exemption.

Committee Amendment "A" (S-91)

The bill exempts from review under the laws governing site location of development new construction at or modification of an existing licensed development that is permitted if the additional disturbed area not to be revegetated does not exceed 20,000 square feet ground area in any calendar year and does not exceed 40,000 square feet ground area in total and the construction or modification does not involve a division of the parcel of land. This amendment is the majority report of the committee and changes the square footage limits to 10,000 square feet ground area in any calendar year and 20,000 square feet ground area in total.

Enacted Law Summary

Public Law 2013, chapter 183 exempts from review under the laws governing site location of development new construction at or modification of an existing licensed development that is permitted if the additional disturbed area not to be revegetated does not exceed 10,000 square feet ground area in any calendar year and does not exceed 20,000 square feet ground area in total and the construction or modification does not involve a division of the parcel of land. The permittee is required to annually notify the Department of Environmental Protection of any new construction or modification undertaken during the previous 12 months. At the time of the annual notification, the permittee is required to provide to the department certified development plans for the new construction or modification that was undertaken pursuant to the exemption.

LD 735 Resolve, Directing the Department of Environmental Protection To Add a Flame Retardant to the Lists of Chemicals of Concern and of High Concern

ONTP

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

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This resolve directs the Department of Environmental Protection to add chlorinated tris, which is a flame retardant chemical, to the list of chemicals of concern and the list of chemicals of high concern, pursuant to the Maine Revised Statutes, Title 38, sections 1693 and 1693-A, respectively, unless the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Environmental Protection in concurrence with the Maine Center for Disease Control and Prevention, respectively, determines that chlorinated tris does not meet the statutory criteria.

**LD 793 An Act Clarifying the Department of Environmental Protection's
Authority Relating to Compensation for Development Activity under
the Natural Resources Protection Act**

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill prohibits the Department of Environmental Protection from requiring one form of compensation for damages to wetlands or certain bird habitats resulting from a proposed development activity under the Natural Resources Protection Act if the applicant proposing the activity prefers an alternative form of compensation.

Committee Amendment "A" (H-143)

This amendment, which is the minority report of the committee, replaces the bill. The amendment clarifies that the Department of Environmental Protection may not require compensation in the form of restoration, enhancement, creation or preservation if an applicant provides a compensation fee and may not require a compensation fee if an applicant chooses to provide compensation in the form of restoration, enhancement, creation or preservation.

This amendment was not adopted.

**LD 794 An Act To Amend Setback Requirements and Standards Related to
Species Migration under the Laws Regulating Development near Vernal
Pools**

CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws regulating significant vernal pool habitat to account for species migration patterns. The bill proposes to change the area that is regulated as significant vernal pool habitat and the standards for development within the area regulated. Currently, pursuant to rules of the Department of Environmental Protection adopted pursuant to the Natural Resources Protection Act, the area regulated as significant vernal pool habitat includes the vernal pool depression and the area within a 250-foot radius of the spring or fall high-water mark of the depression.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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LD 824 Resolve, Directing the Department of Environmental Protection To ONTP
Develop a Rural Land Use Development Process

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

This resolve directs the Department of Environmental Protection to develop a rural land use development process that would exempt from state regulation the development in rural areas of certain land within significant wildlife habitat.

LD 825 Resolve, To Study Climate Change and Implement the VETO
Recommendations of the Department of Environmental Protection SUSTAINED
Report on Climate Change

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NOON GRATWICK	OTP-AM ONTP	H-374

This resolve directs the Department of Environmental Protection to resume its study on climate change pursuant to Resolve 2009, chapter 16 and to submit a completed plan with necessary implementing legislation by February 27, 2015 to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters. The joint standing committee is authorized to submit a bill to the First Regular Session of the 127th Legislature.

Committee Amendment "A" (H-374)

This amendment is the majority report of the committee and replaces the resolve. The amendment directs staff with planning expertise within the Department of Agriculture, Conservation and Forestry, within existing resources, to participate in a work group with other state agencies and interested parties to develop a plan to address high-priority recommendations provided in the report titled "People and Nature Adapting to a Changing Climate: Charting Maine's Course." The amendment directs the work group to submit a preliminary report by March 15, 2014 and a final report by January 15, 2015 to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters. The joint standing committee is authorized to report out a bill to the First Regular Session of the 127th Legislature.

LD 844 Resolve, To Require a Study of the Availability of Food Packaging ONTP
without Bisphenol A

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

This resolve requires the Department of Environmental Protection to determine practical and economically feasible food packaging alternatives that do not contain bisphenol A. The department is required to submit its findings to the Joint Standing Committee on Environment and Natural Resources, which may report out legislation to the Second Regular Session of the 126th Legislature in accordance with the department's recommendations.

Joint Standing Committee on Environment and Natural Resources

LD 845 An Act To Change the Classification of the Lower Androscoggin River

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill changes from Class C to Class B the classification of the lower Androscoggin River from the Worumbo Dam in Lisbon Falls to a line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay.

**LD 877 An Act To Establish Separate Geospatial Data Accounts for Use by the
Maine Library of Geographic Information Board**

PUBLIC 122

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-64
KESCHL	ONTP	S-87 SAVIELLO

This bill establishes the Geospatial Data Reserve Fund. The fund will be used to continue projects established by the Maine Library of Geographic Information Board. Money in the fund used to purchase geospatial data must be matched by funding from other sources.

Committee Amendment "A" (S-64)

This amendment adds an appropriations and allocations section to the bill.

Senate Amendment "A" To Committee Amendment "A" (S-87)

This amendment eliminates the Geospatial Data Reserve Fund established by the bill. Instead, this amendment specifies that separate accounts must be established for use by the Office of Information Technology, Maine Library of Geographic Information Board. The amendment also replaces the appropriations and allocations section that appears in Committee Amendment "A."

Enacted Law Summary

Public Law 2013, chapter 122 establishes within the Office of Information Technology separate accounts to be administered by the Maine Library of Geographic Information Board. The funds will be used to continue projects established by the board. Money in the accounts used to purchase geospatial data must be matched by funding from other sources.

**LD 902 Resolve, Regarding Legislative Review of Portions of Chapter 882:
Designation of Bisphenol A as a Priority Chemical and Regulation of
Bisphenol A in Children's Products, a Major Substantive Rule of the
Department of Environmental Protection**

**RESOLVE 44
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a major substantive rule of the Department of

Joint Standing Committee on Environment and Natural Resources

Environmental Protection.

Enacted Law Summary

Resolve 2013, chapter 44 provides for legislative review of portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a major substantive rule of the Department of Environmental Protection.

Resolve 2013, chapter 44 was finally passed as an emergency measure effective June 4, 2013.

LD 907 An Act To Encourage Recycling

ONTP

Sponsor(s)

STANLEY

Committee Report

ONTP

Amendments Adopted

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

This bill proposes to impose a fee of \$15 per ton on the disposal of solid waste at solid waste disposal facilities and solid waste processing facilities. The fee is also imposed on the movement of solid waste from one solid waste facility to another solid waste facility. Under the bill, no category of solid waste may be exempted from the fee and the fee must be paid to the State. Revenue from the fee must be distributed as follows.

1. The first priority must be given to providing grants to municipalities for costs related to the fee:
 - A. For recyclable materials, a municipality may receive grants equal to 1.3 times the fee paid by the municipality for disposal of the recyclable materials;
 - B. For all other materials, a municipality may receive grants equal to the fee paid by the municipality for disposal of the materials; and
 - C. The total grants awarded to municipalities may not exceed the total revenue collected from the \$15 per ton fee.
2. Revenue in excess of municipal grants must be distributed to school districts. The amount distributed to each school district must be computed by dividing the revenue from the fee in excess of grants to municipalities by the total number of students in prekindergarten to 12th grade in the State and multiplying the quotient by the number of students in the school district.

LD 966 An Act To Clarify an Exemption to the Municipal Subdivision Laws

PUBLIC 126

Sponsor(s)

MORIARTY
KATZ

Committee Report

OTP

Amendments Adopted

This bill amends the subdivision law exemption for transfers to abutting landowners. The bill provides that a parcel of land created by a division that is transferred to an owner abutting that parcel is not subject to municipal subdivision review and regulation.

Enacted Law Summary

Joint Standing Committee on Environment and Natural Resources

Public Law 2013, chapter 126 amends the subdivision law exemption for transfers to abutting landowners. It provides that a parcel of land created by a division that is transferred to an owner abutting that parcel is not subject to municipal subdivision review and regulation.

LD 1028 Resolve, Authorizing a Visual Impact Assessment of Roxbury Pond and Webb Lake ONTP

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

This resolve directs the Department of Environmental Protection to authorize a visual impact assessment be done by an independent 3rd party to review the scenic and visual attributes of Roxbury Pond in the Town of Roxbury, Oxford County and Webb Lake in the Town of Weld, Franklin County.

LD 1050 An Act Requiring the Labeling of Food Packaging That Contains Bisphenol A ACCEPTED MAJORITY (ONTP) REPORT

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

This bill requires that products containing bisphenol A, or BPA, that are designed to hold or contain products that are ingested or consumed by humans must be labeled as containing BPA.

Committee Amendment "A" (H-210)

This amendment is the minority report of the committee. It adds an appropriations and allocations section.

This amendment was not adopted.

LD 1058 Resolve, Directing the Department of Environmental Protection To Set the Motor Vehicle Fuel Volatility Level for the State ONTP

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

This bill directs the Department of Environmental Protection to adopt rules to allow gasoline with a Reid Vapor Pressure of 9.0 psi to be sold in all counties of the State year-round.

LD 1059 An Act To Protect Maine's Environment and Natural Resources Jeopardized by Mining ACCEPTED MAJORITY (ONTP) REPORT

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

Joint Standing Committee on Environment and Natural Resources

This bill repeals changes to the mining laws enacted in 2012 and scheduled to take effect June 1, 2014 and authorizes the Maine Land Use Planning Commission and the Department of Environmental Protection to adopt emergency rules as necessary.

Committee Amendment "A" (H-375)

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

This amendment was not adopted.

LD 1080 An Act To Improve Efficiency in the Collection of Beverage Containers

PUBLIC 275

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

This bill:

1. Requires that collections from redemption centers be made by a distributor or commingling group of distributors every 15 days and requires additional pickups to be made when the redemption center has more than 10,000 beverage containers from that distributor or group of distributors;
2. Establishes a process for audits of plastic bags containing beverage containers submitted for acceptance to a distributor; and
3. Provides that the licensing provisions apply to all licensed redemption centers, notwithstanding any other provision of law to the contrary.

Committee Amendment "A" (S-116)

This amendment strikes the provision in the bill that establishes a process for audits of plastic bags containing beverage containers submitted for acceptance to a distributor and adds a requirement that the Department of Agriculture, Conservation and Forestry adopt rules for conducting audits on containers presented to distributors by redemption centers as ready for redemption. The amendment strikes the provision in the bill relating to the counting of all redemption centers when calculating the number of centers in a municipality. The amendment retains the provisions in the bill requiring that collections from redemption centers be made every 15 days and additional pickups be made when the redemption center has more than 10,000 beverage containers. The amendment also adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2013, chapter 275 requires that collections from redemption centers be made by a distributor or commingling group of distributors every 15 days and requires additional pickups to be made when the redemption center has more than 10,000 beverage containers from that distributor or group of distributors. It also requires the Department of Agriculture, Conservation and Forestry to adopt rules for conducting audits on containers presented to distributors by redemption centers as ready for redemption.

Joint Standing Committee on Environment and Natural Resources

**LD 1102 An Act Regarding Reconstruction of Residential Structures on Sand
Dunes**

**PUBLIC 277
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL WELSH	OTP-AM	S-132

This bill provides standards for the reconstruction in a frontal sand dune of an existing residential structure whose entire footprint is in a back dune on the same lot.

Committee Amendment "A" (S-132)

This amendment amends the bill's emergency preamble and replaces the rest of the bill. It repeals Public Law 2011, chapter 538, section 15 and directs the Department of Environmental Protection to repeal rules adopted pursuant to that law. The bill provides statutory standards for certain reconstruction in a coastal sand dune. The amendment strikes the statutory standards proposed in the bill and instead authorizes the department to adopt new rules and identifies the standards the department must use in that rulemaking.

Enacted Law Summary

Public Law 2013, chapter 277 repeals Public Law 2011, chapter 538, section 15 and directs the Department of Environmental Protection to repeal rules adopted pursuant to that law. Chapter 277 also authorizes the department to adopt new rules and identifies the standards the department must use in that rulemaking.

Public Law 2013, chapter 277 was enacted as an emergency measure effective June 18, 2013.

LD 1121 An Act To Promote the Production of Maine Beverages

PUBLIC 259

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES	OTP-AM	H-397

This bill expands the exemption from the returnable beverage container laws for small brewers and small bottlers of water to all manufacturers of beverages who produce no more than 50,000 gallons of product.

Committee Amendment "A" (H-397)

This amendment, which replaces the bill, retains in the returnable beverage container laws the exemptions for small bottlers and brewers and adds an exemption for small manufacturers.

Enacted Law Summary

Public Law 2013, chapter 259 retains in the returnable beverage container laws the exemptions for small bottlers of water and small brewers and adds an exemption for manufacturers who produce no more than 50,000 gallons of product in a calendar year.

**LD 1135 An Act To Provide Consistency in the Regulation of Motorized
Recreational Gold Prospecting**

PUBLIC 260

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK SAVIELLO	OTP-AM	H-373

Joint Standing Committee on Environment and Natural Resources

This bill exempts motorized recreational gold prospecting from the permit requirements of the Natural Resources Protection Act. It identifies criteria that must be met in order to undertake the activity without a permit. The bill directs the Department of Environmental Protection and the Maine Land Use Planning Commission to each adopt rules identifying specific waters in which the activity is not allowed.

Committee Amendment "A" (H-373)

This amendment changes the horsepower and hose size of the equipment that may be used in motorized recreational gold prospecting. It strikes the provision of the bill that identifies waters where motorized recreational gold prospecting is prohibited and replaces it with authorization for the Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission to adopt rules identifying specific waters in which the activity is not allowed. The amendment also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill related to motorized recreational gold prospecting to the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2013, chapter 260 exempts motorized recreational gold prospecting from the permit requirements of the Natural Resources Protection Act if specified criteria are met. It authorizes the Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission to adopt rules identifying specific waters in which the activity is not allowed. It also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill related to motorized recreational gold prospecting to the Second Regular Session of the 126th Legislature.

LD 1178 An Act To Encourage the Use of Biofuels in the State

PUBLIC 124

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

This bill requires that a seller of biomass-based diesel blend or biodiesel blend provide documentation of the amount of biofuel in the blended products at the time of sale. It provides that a transferee of these blended products is not liable for failing to verify the accuracy of the information included in any transfer document or for any other liability arising from the transferee's reliance on such information.

Enacted Law Summary

Public Law 2013, chapter 124 requires that a seller of biomass-based diesel blend or biodiesel blend provide documentation of the amount of biofuel in the blended products at the time of sale. It provides that a transferee of these blended products is not liable for failing to verify the accuracy of the information included in any transfer document or for any other liability arising from the transferee's reliance on such information.

LD 1181 An Act To Further Strengthen the Protection of Pregnant Women and Children from Toxic Chemicals

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-310
EVES	OTP-AM	S-353 HILL

This bill amends the laws governing toxic chemicals in children's products. The bill defines "contaminant" and adds a publication of an authoritative state agency to the definition of "credible scientific evidence." The bill

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requires the Commissioner of Environmental Protection to name 2 additional priority chemicals annually beginning January 1, 2014, unless the criteria for such designation is not met. The bill requires reporting of chemical use for chemicals of high concern in children's products. The bill requires assessments of safer alternatives to priority chemicals in children's products by manufacturers or distributors. The bill repeals the exemption of food and beverage packaging not intended for children under 3 years of age. The bill authorizes the Board of Environmental Protection to require product labeling if it cannot make the findings necessary to prohibit sale of a children's product containing a priority chemical. The bill requires the department to amend its existing priority chemical rules to require alternatives assessments for reported uses of nonylphenol ethoxylates, and to require reporting of bisphenol A use in food can packaging.

Committee Amendment "A" (S-310)

This amendment is the majority report of the committee and replaces the bill. The amendment does the following.

1. It adds a publication of an authoritative state agency to the definition of "credible scientific evidence."
2. It authorizes the Department of Environmental Protection to specify by rule the practical quantification limit for a chemical based on standard industry practice and credible scientific evidence.
3. It establishes a process for considering revisions to the lists of chemicals of concern, chemicals of high concern and priority chemicals.
4. It authorizes the Department of Environmental Protection to adopt rules to require reporting of chemical use for chemicals of high concern in children's products.
5. It authorizes the Department of Environmental Protection to contract for an independent alternatives assessment for priority chemicals without first requesting one from manufacturers or distributors of children's products.
6. It requires manufacturers and distributors of food and beverage products with annual sales greater than \$1,000,000,000 to report their use of priority chemicals in containers and packaging to the Department of Environmental Protection by January 1, 2014 and annually thereafter.
7. It directs the Department of Environmental Protection to establish a 30-day period each year during which persons may submit information on the topic of toxic chemicals in children's products.
8. It requires the annual publication of the list of chemicals of high concern on the Department of Environmental Protection's publicly accessible website.
9. It authorizes the Department of Environmental Protection to publish on the department's publicly accessible website a list of children's products that do not contain priority chemicals or chemicals of high concern.
10. It directs the Department of Environmental Protection to consult with the Department of Health and Human Services, Maine Center for Disease Control and Prevention by January 3, 2014 to review information regarding chemicals in children's products and consider appropriate actions. It also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill relating to a briefing by the department on the laws governing toxic chemicals in children's products.
11. It adds an appropriations and allocations section.

Committee Amendment "B" (S-311)

This amendment is the minority report of the committee and replaces the bill. The amendment does the following.

1. It authorizes the Department of Environmental Protection to specify by rule an alternatives analysis threshold for

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a chemical for the purpose of determining the de minimis level of the chemical.

2. It establishes a process for considering revisions to the lists of chemicals of high concern and priority chemicals.
3. It establishes a process for petitioning for removal of a chemical from the list of chemicals of high concern.
4. It authorizes the Department of Environmental Protection to contract for an independent alternatives assessment for priority chemicals without first requesting one from manufacturers or distributors of children's products.
5. It directs the Department of Environmental Protection to establish a 30-day period each year during which persons may submit information on the topic of toxic chemicals in children's products.
6. It requires the annual publication of the list of chemicals of high concern on the Department of Environmental Protection's publicly accessible website.
7. It directs the Department of Environmental Protection to consult with the Department of Health and Human Services, Maine Center for Disease Control and Prevention by January 3, 2014 to review information regarding chemicals in children's products and consider appropriate actions. It also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill relating to a briefing by the department on the laws governing toxic chemicals in children's products.
8. It adds an appropriations and allocations section.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-353)

This amendment eliminates the fiscal impact of Committee Amendment "A" on the Department of Environmental Protection by:

1. Deleting the mandate that the department respond to petitions from industry to establish alternative reporting thresholds for chemicals in products;
2. Deleting the mandate that the department respond to information submitted in support of adding chemicals to the lists of chemicals of concern, chemicals of high concern and priority chemicals;
3. Deleting the mandate that the department expand its education and assistance program and consult with the Maine Center for Disease Control and Prevention to review available information and consider further actions on chemicals in children's products;
4. Preventing the department from exercising its expanded discretionary authority before July 1, 2015 to adopt rules to require manufacturers and distributors to report to the State on their use of chemicals of high concern in children's products;
5. Limiting the scope of reporting of priority chemicals in food and beverage packaging to only the largest manufacturers by deleting "distributors" from the reporting requirements; and
6. Requiring the department to carry out the remaining provisions of the bill within existing resources and through use of its existing authority to assess fees on product manufacturers and distributors.

Joint Standing Committee on Environment and Natural Resources

LD 1302 An Act To Amend the Maine Metallic Mineral Mining Act To Protect Water Quality

DIED BETWEEN HOUSES

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

This bill makes changes to the Maine Metallic Mineral Mining Act.

1. It prohibits the Department of Environmental Protection from issuing a permit for surface or open pit mining in a sulfide ore body unless the applicant has previously operated a mining operation that meets certain conditions. It also requires the department to submit a report to the joint standing committee of the Legislature having jurisdiction over metallic mineral mining matters recommending whether or not the prohibition should be repealed. The report must be submitted within 3 months after the department has issued a permit for surface or open pit mining of a sulfide ore body.
2. It amends the approval criteria related to water quality by requiring that discharges of pollutants from the mining operation will not violate applicable water quality standards and it prohibits the issuance of a permit if the mining operation will result in the contamination of groundwater or surface water requiring treatment beyond 10 years after cessation of mining operations.
3. It amends the standards for monitoring groundwater.
4. It requires financial assurance to be fulfilled through creation of a trust fund.

Committee Amendment "A" (H-304)

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

1. Includes a definition of "activity unit";
2. Provides that a mining area may include more than one activity unit;
3. Requires that compliance monitoring wells be located as close as physically practicable to an activity unit being monitored for groundwater contamination;
4. Removes a directive to the Department of Environmental Protection to establish standards for monitoring groundwater as close as practicable to any mining area that may pose a threat to groundwater;
5. Amends approval criteria to provide that discharges to groundwater may occur within an activity unit. It strikes the current law that provides that discharges to groundwater may occur within a mining area, but such discharges may not result in contamination of groundwater beyond each mining area;
6. Requires an application to include assurance that the mining operation will meet all state and federal environmental requirements without requiring water treatment beyond 10 years after closure;
7. Adds to the approval criteria to require that the department find the mining operation is designed to meet all state and federal environmental requirements without requiring water treatment beyond 10 years after closure;
8. Requires an application to include a waste rock management plan;

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9. Adds to the approval criteria to require that the department find the mining operation is designed to ensure that waste rock is not used in the construction of roads;
10. Requires an application to include information related to the number and types of jobs expected to be created;
11. For an application for a mining operation in a sulfide ore body, requires an application to include information related to 3 responsible mining operations;
12. Requires an application to include an estimate of the costs to close the mining operation, including estimated costs sufficient for the department to undertake the activities and measures specified in the financial assurance requirements, and a 3rd-party verification of the adequacy of the estimate;
13. Amends the financial assurance provisions to require that financial assurance must be provided before any construction may begin;
14. Provides that the financial assurance instruments must provide the total amount of the required financial assurance upon demand of the State to cover the costs for activities necessary for the investigation, monitoring, closure, treatment, remediation, reclamation, operation and maintenance and any other necessary environmental protection measures;
15. Requires a permittee to provide the department with notice prior to the expiration of a financial assurance instrument and the renewal and execution of an instrument; and
16. Requires the establishment of a standby trust fund, except when a trust is the financial assurance instrument used.

This amendment was not adopted.

Committee Amendment "B" (H-305)

This amendment is the minority report of the committee and replaces the bill. The amendment authorizes the Department of Environmental Protection to use outside parties to review applications for mining permits. It requires an applicant to submit a mining operations closure plan that demonstrates to the satisfaction of the department that applicable environmental requirements will be met without requiring more than 30 years of active water treatment for water discharged from the site. It specifies that a waste rock management plan must be submitted with an application.

This amendment was not adopted.

LD 1308 An Act To Establish a Stewardship Program for Architectural Paint

PUBLIC 395

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM ONTP	S-270 S-296 SAVIELLO

This bill establishes a product stewardship program for architectural paints sold in the State. Under the program, consumers are able to return their unused architectural paint to designated locations throughout the State for recycling and proper disposal. The collection, transportation and recycling of paint is managed by architectural paint manufacturers or a designated representative organization. The program is financed by a stewardship assessment on architectural paint sold in the State.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (S-270)

This amendment is the majority report of the committee. It amends provisions in the bill related to paint stewardship plans, approval of paint stewardship plans, a paint stewardship assessment and operation of a paint stewardship program. The changes include:

1. Provisions authorizing the Commissioner of Environmental Protection to approve a plan that does not meet the geographic coverage requirement in the bill;
2. Provisions related to universal waste requirements;
3. Additional annual reporting requirements;
4. Provisions for proprietary information to be designated as confidential. The provisions provide that proprietary information submitted to the Department of Environmental Protection must be handled by the department in the same manner as confidential information is handled under the Maine Revised Statutes, Title 38, section 1310-B. Although section 1310-B, in part, governs the handling of confidential hazardous waste information, the reference to section 1310-B in the amendment is not intended to limit the applicability of the confidentiality provisions in the amendment to hazardous waste information but to provide a process for how proprietary information is to be handled; and
5. An exemption from requirements in other laws related to product stewardship programs.

The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-296)

This amendment specifies that the annual fee set by the Department of Environmental Protection for the paint stewardship program must cover the actual costs of the program, including administration. This amendment also caps the fee at the greater of \$82,000 per year and 1% of total program costs. The amendment also replaces the appropriations and allocations section in Committee Amendment "A."

Enacted Law Summary

Public Law 2013, chapter 395 establishes a product stewardship program for architectural paints sold in the State. Under the program, consumers are able to return their unused architectural paint to designated locations throughout the State for recycling and proper disposal. The collection, transportation and recycling of paint is managed by architectural paint manufacturers or a designated representative organization. The program is financed by a stewardship assessment on architectural paint sold in the State.

LD 1324 An Act To Protect Local Communities When a Mining Project Is Terminated

**ACCEPTED
MAJORITY
(ONTP) REPORT**

Sponsor(s)
KRUGER

Committee Report
ONTP
OTP-AM

Amendments Adopted

This bill returns to the Mining Oversight Fund the purposes of corrective action that were removed in amendments to the laws governing the fund, which was originally called the Mining Corrective Action Fund, that take effect in 2014, to assist municipalities remediating environmental problems that occur at mine sites following termination of mining operations.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (H-303)

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

This amendment was not adopted.

LD 1335 An Act To Implement Recommendations of the Department of Environmental Protection Concerning Product Stewardship in Maine

PUBLIC 315

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-470

This bill is reported out by the Joint Standing Committee on Environment and Natural Resources pursuant to the Maine Revised Statutes, Title 38, section 1773. The bill incorporates the recommendations of the Department of Environmental Protection. The Joint Standing Committee on Environment and Natural Resources has not taken a position on the substance of the recommendations or the bill. The committee is reporting the bill out for the sole purpose of turning the department's proposal into a printed bill that can be referred to the committee for an appropriate public hearing and subsequent processing in the normal course. The committee is taking this action to ensure clarity and transparency in the legislative review of the department's proposal. The bill establishes a framework for the implementation of product stewardship programs. The bill provides that a product stewardship program established for products designated by the Legislature for inclusion in a product stewardship program must be established and implemented in accordance with the provisions of the bill.

The bill also makes changes to the law concerning the recycling of cellular telephones. It repeals the requirement that retailers that sell cellular telephones accept used cellular telephones from any person. It also removes reporting requirements that ended in February 2013.

Committee Amendment "A" (H-470)

This amendment changes the reporting dates for reports related to the thermostat collection and recycling program and the mercury-added lamp recycling program and authorizes the department to include the reports in the product stewardship report in the bill. The amendment clarifies the provision in the bill related to the confidentiality of proprietary information that provides that proprietary information submitted to the Department of Environmental Protection must be handled by the department in the same manner as confidential information is handled under the Maine Revised Statutes, Title 38, section 1310-B. Although section 1310-B, in part, governs the handling of confidential hazardous waste information, the reference to section 1310-B in the amendment is not intended to limit the applicability of the confidentiality provisions in the amendment to hazardous waste information but to provide a process for how the proprietary information is to be handled. The amendment also strikes the provisions in the bill that repeal the requirement for retailers to collect used cell phones and a related report and instead requires the report to be included with the product stewardship report in the bill.

Enacted Law Summary

Public Law 2013, chapter 315 establishes a framework for the implementation of product stewardship programs. It provides that a product stewardship program established for products designated by the Legislature for inclusion in a product stewardship program must be established and implemented in accordance with the provisions of chapter 315. It also changes the reporting dates for reports related to the thermostat collection and recycling program and the mercury-added lamp recycling program and authorizes the department to include those reports and a report related to the collection system for used cellular telephones in the product stewardship report required pursuant to chapter 315.

Joint Standing Committee on Environment and Natural Resources

LD 1340 An Act To Ensure Maine's Preparedness for Hazardous Oil Spills

PUBLIC 349

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING-SPITZ BOYLE	OTP-AM ONTP	H-301

This bill amends the laws governing the Maine Coastal and Inland Surface Oil Clean-up Fund to:

1. Require a person transporting crude oil by rail or highway to pay an assessment of 3¢ per barrel of crude oil being transported; currently, the assessment is imposed only on a person transporting refined oil; and
2. Authorize the Commissioner of Environmental Protection, through rulemaking, to impose a surcharge of up to 50% of the assessment if the balance in the fund is reduced to \$2,000,000 or less and the surcharge is necessary to avoid a shortfall. The surcharge remains in place until the balance in the fund reaches \$5,000,000.

Committee Amendment "A" (H-301)

This amendment is the majority report of the committee. It strikes the provision in the bill that authorizes the Commissioner of Environmental Protection to impose a surcharge of up to 50% of the assessment paid on the transportation and transfer of oil in the State.

Enacted Law Summary

Public Law 2013, chapter 349 amends the laws governing the Maine Coastal and Inland Surface Oil Clean-up Fund to require a person transporting crude oil by rail or highway to pay an assessment of 3¢ per barrel of crude oil being transported; currently, the assessment is imposed only on a person transporting refined oil.

LD 1359 An Act To Update and Simplify Maine Gasoline Requirements

**PUBLIC 221
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	S-107

This bill, beginning January 1, 2014, requires a retailer who sells gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County to sell only reformulated gasoline in those counties. It also directs the Department of Environmental Protection to study the feasibility of the use of a single type of gasoline throughout the State and report to the Joint Standing Committee on Environment and Natural Resources by December 4, 2013. The committee may report out a bill on the subject matter of the department's report to the Second Regular Session of the 126th Legislature.

Committee Amendment "A" (S-107)

This amendment adds an emergency preamble and clause. The amendment changes, from January 1, 2014 to May 1, 2014, the date on and after which retailers who sell gasoline in 7 southern counties may sell only reformulated gasoline, and makes a technical change to the section number to remove a conflict with recently enacted law. The amendment retains the requirement that the Department of Environmental Protection study the feasibility of the use of a single type of gasoline throughout the State.

Enacted Law Summary

Public Law 2013, chapter 221, beginning May 1, 2014, requires a retailer who sells gasoline in York,

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Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County to sell only reformulated gasoline in those counties. It also directs the Department of Environmental Protection to study the feasibility of the use of a single type of gasoline throughout the State and report to the Joint Standing Committee on Environment and Natural Resources by December 4, 2013. The committee may report out a bill on the subject matter of the department's report to the Second Regular Session of the 126th Legislature.

Public Law 2013, chapter 221 was enacted as an emergency measure effective June 11, 2013.

LD 1362 Resolve, To Establish a Moratorium on the Transportation of Tar Sands

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN GRATWICK	OTP-AM	H-428 H-543 CHIPMAN

This resolve establishes a 2-year moratorium on the transportation of petroleum products derived from bituminous sands, also known as tar sands, and directs the Department of Environmental Protection to study the potential effects on the State of the transportation of petroleum products derived from bituminous sands, including the effects on the health and safety of the public and the environment and the potential cost of remediation of an oil spill.

Committee Amendment "A" (H-428)

This amendment replaces the resolve. Currently, the Department of Environmental Protection is conducting a department-initiated review of the environmental and public health and safety risks associated with unrefined bituminous tar sands oil. This amendment requires the department to continue that review and specifies areas upon which the review must be focused. The department is directed to report by January 31, 2014 on the progress of the review to the Joint Standing Committee on Environment and Natural Resources, and the joint standing committee is authorized to submit a bill to the Second Regular Session of the 126th Legislature. The amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-543)

This amendment provides that the Department of Environmental Protection shall continue its current review of the handling and transportation of unrefined bituminous tar sands oil and changes the elements that are subject to review. The amendment provides that the department provide a briefing to the Joint Standing Committee on Environment and Natural Resources rather than a report. The amendment also strikes the appropriations and allocations section in Committee Amendment "A."

LD 1363 Resolve, To Ensure Landfill Capacity and Promote Recycling

RESOLVE 46

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN PATRICK	OTP-AM ONTP	H-182

This bill amends the definition of waste generated in the State by providing that residue and bypass must have been generated from waste that originated in the State to be considered waste generated in the State. The bill also allows municipalities to enact ordinances with respect to solid waste facilities that contain standards that are stricter than state law. The bill also imposes a one-year moratorium on the issuance of licenses for expanded landfills. It directs the Department of Environmental Protection to study and identify best practices to reduce the amount of solid waste disposed in landfills, increase recycling of solid waste and generate revenue from recycling for municipalities. The department is required to report its findings to the Joint Standing Committee on Environment and Natural

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Resources.

Committee Amendment "A" (H-182)

This amendment is the majority report of the committee and replaces the bill with a resolve. The amendment imposes a moratorium on the issuance of licenses to expand solid waste disposal facilities that are landfills until after April 30, 2014. The moratorium applies to applications filed after the effective date of the legislation.

Enacted Law Summary

Resolve 2013, chapter 46 imposes a moratorium on the issuance of licenses to expand solid waste disposal facilities that are landfills until after April 30, 2014. The moratorium applies to applications filed after the effective date of chapter 46.

LD 1427 An Act To Establish a Resource and Development Coordinating Council VETO SUSTAINED

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

This bill establishes the Resource and Development Coordinating Council to promote interagency coordination of the State's activities regarding natural resource management, land use and development and to identify and coordinate the resolution of policy and program conflicts among government agencies. The council submits a report every 2 years to the Governor and the joint standing committee of the Legislature having jurisdiction over natural resources matters.

LD 1430 An Act To Clarify the Permitted Use of Aquatic Pesticides PUBLIC 193

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

This bill addresses a federal court decision under which all discharges of pesticides to waters of the United States are now required to obtain a National Pollutant Discharge Elimination System permit. Previously certain discharges of pesticides were exempt as long as the application of the pesticide was managed in accordance with the Federal Insecticide, Fungicide and Rodenticide Act. This bill allows the Department of Environmental Protection to issue permits for certain discharges of pesticides to waters where discharges are currently generally prohibited: Class AA, A, SA and GPA waters, tributaries of Class GPA waters and waters having a drainage area of less than 10 square miles. The discharges of pesticides that may be approved under this bill are discharges that are:

1. Unintended and an incidental result of the spraying of pesticides;
2. Applied in compliance with federal labeling restrictions; and
3. Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

Enacted Law Summary

Public Law 2013, chapter 193 allows the Department of Environmental Protection to issue permits for certain discharges of pesticides to waters where discharges are currently generally prohibited: Class AA, A, SA and GPA waters, tributaries of Class GPA waters and waters having a drainage area of less than 10 square miles. The

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discharges of pesticides that may be approved under this bill are discharges that are:

1. Unintended and an incidental result of the spraying of pesticides;
2. Applied in compliance with federal labeling restrictions; and
3. Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

LD 1483 An Act To Promote and Enhance State Policy To Preserve and Support Existing Methods of Disposal of Municipal Solid Waste

CARRIED OVER

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

The purpose of this bill is to assist in the stabilization of the statutorily established solid waste management hierarchy, to promote and strengthen the waste management system in the State and to enhance the continued operation of the existing waste processing incineration facilities located in the State. This bill directs the Department of Environmental Protection to:

1. Impose on each licensed landfill a solid waste stabilization assessment on all solid waste, including, but not limited to, household and commercially sourced solid waste and all other material deposited at the licensed landfill;
2. Deposit solid waste stabilization assessment funds in a solid waste stabilization account within the Maine Solid Waste Management Fund;
3. Disburse the funds from the solid waste stabilization account through periodic payments to qualified municipalities and recycling and composting programs located in the State; and
4. Develop a process to maximize the use of existing incineration facilities in the State and increase the amount of Maine-sourced solid waste that is processed at those facilities annually and report its recommendations to the Joint Standing Committee on Energy, Utilities and Technology by January 1, 2014.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1490 An Act To Amend the Mandatory Shoreland Zoning Laws

PUBLIC 320

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM OTP-AM ONTP	S-211

This bill makes the following changes to the laws governing mandatory shoreland zoning.

1. It changes the laws regulating the circumstances under which nonconforming structures in the shoreland zone may be expanded.
2. It changes the basis of measurement for the "height of a structure" from the downhill side of the structure to the uphill side of the structure.

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3. It provides for exemptions from the current law governing excavation activity in a shoreland zone.
4. It eliminates the requirement that a code enforcement officer report essential transactions to the Department of Environmental Protection.
5. It amends the standards governing clearing of vegetation to create consistency between the statutory provisions and rules and provides an exemption from certain standards for remediation activities in specific shoreland zoning districts.
6. It adds definitions of "agriculture" and "footprint" and changes other definitions.

Committee Amendment "A" (S-211)

This amendment is the majority report of the committee.

1. It strikes the change to the definition of "height of a structure" proposed in the bill.
2. It amends the definition of "structure" to exclude poles, wiring and other aerial equipment normally associated with telephone or electrical utility lines.
3. It amends the standards related to the clearing of vegetation in the laws governing shoreland zoning and provides exceptions to those standards.

Committee Amendment "B" (S-212)

This amendment is the minority report of the committee. This report differs from the majority report in that it does not strike the change to the definition of "height of a structure" that is proposed in the bill.

1. It amends the definition of "structure" to exclude poles, wiring and other aerial equipment normally associated with telephone or electrical utility lines.
2. It amends the standards related to the clearing of vegetation in the laws governing shoreland zoning and provides exceptions to those standards.

This amendment was not adopted.

Enacted Law Summary

Public Law 2013, chapter 320 makes the following changes to the laws governing mandatory shoreland zoning.

1. It changes the laws regulating the circumstances under which nonconforming structures in the shoreland zone may be expanded.
2. It provides for exemptions from the current law governing excavation activity in a shoreland zone.
3. It eliminates the requirement that a code enforcement officer report essential transactions to the Department of Environmental Protection.
4. It amends the standards governing clearing of vegetation to create consistency between the statutory provisions and rules and provides an exemption from certain standards for remediation activities in specific shoreland zoning districts.
5. It adds definitions of "agriculture" and "footprint" and changes other definitions.

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**LD 1497 An Act To Make Minor Changes and Corrections to Statutes
Administered by the Department of Environmental Protection**

PUBLIC 300

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH	OTP-AM OTP	H-300

This bill makes the following changes to the laws administered by the Department of Environmental Protection.

1. It removes references to the Land and Water Resources Council.
2. It removes a requirement that notice of environmental agency adjudicatory proceedings must include issuance of press releases and public service radio and television announcements.
3. It corrects references in statute to the "Maine Fuel Board."
4. It repeals a statutory reporting requirement of the Technical and Environmental Assistance Program that is administered by the Office of Pollution Prevention. The reporting requirement that is repealed is a requirement to prepare reports periodically on the status of the program for distribution to the public, the Legislature and other appropriate federal and state agencies.
5. It provides that air emission license fees must be assessed to support activities for "air quality control" instead of for "the Bureau of Air Quality Control."
6. Under the provision of law dealing with annual air emissions license fees, rock crushers regulated under a general permit from the department are subject to an annual fee not to exceed the minimum license fee otherwise established under the air emissions license statute. This bill extends that provision to all licensees regulated under a general permit, not just rock crushers.
7. It changes the cap for personal services under the Ground Water Oil Clean-up Fund to \$4,500,000.
8. It clarifies that routine technical rulemaking establishing testing protocols and measurement methods related to emission standards for mercury is undertaken by the department in conformance with section 341-H.
9. It changes the date for implementing the low sulfur distillate fuel requirements from January 1 2016 to July 1, 2016.
10. It changes certain solid waste management reporting requirements of the department from biennial reports to annual reports and includes the reports in the annual solid waste generation and disposal capacity report.
11. It removes a reference to the Technical and Environmental Assistance Program in a directive for the department to assist municipalities with managing solid waste. It removes a grant preference for municipalities that participate in a household hazardous waste collection region. It repeals preferences for municipalities that participate in a household hazardous waste collection region.

Committee Amendment "A" (H-300)

This amendment is the majority report of the committee and provides that disbursements from the Ground Water Oil Clean-up Fund for personal services may not exceed \$4,500,000 per year as adjusted by the Consumer Price Index. The bill capped personal services at \$4,500,000.

Enacted Law Summary

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Public Law 2013, chapter 300 makes the following changes to the laws administered by the Department of Environmental Protection.

1. It removes references to the Land and Water Resources Council.
2. It removes a requirement that notice of environmental agency adjudicatory proceedings must include issuance of press releases and public service radio and television announcements.
3. It corrects references in statute to the "Maine Fuel Board."
4. It repeals a statutory reporting requirement of the Technical and Environmental Assistance Program that is administered by the Office of Pollution Prevention. The reporting requirement that is repealed is a requirement to prepare reports periodically on the status of the program for distribution to the public, the Legislature and other appropriate federal and state agencies.
5. It provides that air emission license fees must be assessed to support activities for "air quality control" instead of for "the Bureau of Air Quality Control."
6. Under the provision of law dealing with annual air emissions license fees, rock crushers regulated under a general permit from the department are subject to an annual fee not to exceed the minimum license fee otherwise established under the air emissions license statute. Chapter 300 extends that provision to all licensees regulated under a general permit, not just rock crushers.
7. It provides that disbursements from the Ground Water Oil Clean-up Fund for personal services may not exceed \$4,500,000 per year as adjusted by the Consumer Price Index.
8. It clarifies that routine technical rulemaking establishing testing protocols and measurement methods related to emission standards for mercury is undertaken by the department in conformance with section 341-H.
9. It changes the date for implementing the low sulfur distillate fuel requirements from January 1 2016 to July 1, 2016.
10. It changes certain solid waste management reporting requirements of the department from biennial reports to annual reports and includes the reports in the annual solid waste generation and disposal capacity report.
11. It removes a reference to the Technical and Environmental Assistance Program in a directive for the department to assist municipalities with managing solid waste. It removes a grant preference for municipalities that participate in a household hazardous waste collection region. It repeals preferences for municipalities that participate in a household hazardous waste collection region.

LD 1528 Resolve, To Provide for Livable, Affordable Neighborhoods

CARRIED OVER

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

The purpose of this resolve is to encourage the preservation of and the development of livable, affordable neighborhoods. This resolve requires:

1. The Department of Transportation to review recommendations for roadway projects in urban areas that apply concepts and principles in the design of urban thoroughfares that emphasize walkable communities in order to

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facilitate the restoration of the multiple functions of urban streets and to develop recommendations regarding the incorporation of the concepts and principles into the Sensible Transportation Act. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Transportation by December 4, 2013;

2. The Department of Agriculture, Conservation and Forestry to develop a conservation development model designed to encourage the productive use of rural lands, provide traditional resource-based industries with opportunities for value-added business, provide rural towns with the financial ability to sustain local services and keep those who work the land free of conflicts with advancing suburban development. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 4, 2013; and

3. The Department of Agriculture, Conservation and Forestry to develop a compact village development model designed to promote relatively high residential density with mixed land uses to serve as an alternative to low-density sprawl. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 4, 2013.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

Joint Standing Committee on Environment and Natural Resources

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Not Enacted

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Enacted

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LD 1212 An Act To Prohibit Coal Tar Pavement Products MAJORITY (ONTP) REPORT

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LD 1324 An Act To Protect Local Communities When a Mining Project Is Terminated MAJORITY
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LD 824 Resolve, Directing the Department of Environmental Protection To Develop a Rural Land Use Development Process ONTP

LD 1186 An Act To Allow Removal of Trees for Shoreline Stabilization Adjacent to Coastal Wetlands under the Natural Resources Protection Act ONTP

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Not Enacted

Oil - Waste motor oil

Not Enacted

LD 7 An Act To Equalize the Premiums Imposed on the Sale of Motor Vehicle Oil MAJORITY (ONTP) REPORT

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Enacted

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LD 1340 An Act To Ensure Maine's Preparedness for Hazardous Oil Spills PUBLIC 349
LD 1359 An Act To Update and Simplify Maine Gasoline Requirements PUBLIC 221 EMERGENCY

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LD 261 An Act To Provide That a Distributor, Blender or Retail Dealer of Motor Fuel May Not Be Required To Sell, Consign or Distribute Motor Fuel Containing Ten Percent or More Ethanol ONTP
LD 1058 Resolve, Directing the Department of Environmental Protection To Set the Motor Vehicle Fuel Volatility Level for the State ONTP
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Enacted

Solid waste

Enacted

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Enacted

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LD 336 **An Act Relating to Clean Water Certification by the Department of
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**MAJORITY
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**MAJORITY
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