

**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS

**LEGISLATIVE DIGEST OF BILL  
SUMMARIES AND ENACTED LAWS**



Summaries of All Bills and Adopted Amendments and All Laws Enacted or  
Finally Passed During the First Special and Second Regular Sessions  
of the 129<sup>th</sup> Maine Legislature

First Special Session convened and adjourned Monday, August 26, 2020  
Second Regular Session convened Wednesday, January 8, 2020  
Second Regular Session adjourned sine die Tuesday, March 17, 2020

	First Special	Second Regular
Senate Legislative Days	1	20
House Legislative Days	1	20
Bills Considered	6	765

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**THE MAINE LEGISLATIVE COUNCIL**

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NOVEMBER 2020

**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
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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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Contents of this Digest are available on the Internet at [www.maine.gov/legis/opla](http://www.maine.gov/legis/opla)  
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**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



**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 Special and Second Regular Sessions of the 129<sup>th</sup> Maine Legislature.

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

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

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

The effective date for non-emergency legislation enacted in the First Special Session of the 129<sup>th</sup> Legislature is Monday, November 25, 2019 and for non-emergency legislation enacted in the Regular Session of the 129<sup>th</sup> Legislature, Tuesday, June 16, 2020. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



**LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS**

**SPECIAL NOTICE REGARDING  
COVID-19 PANDEMIC**

As a result of the COVID-19 Pandemic, the Second Regular Session of the 129<sup>th</sup> Legislature adjourned on March 17, 2020, nearly a month prior to the statutory adjournment date of April 15, 2020. Before adjourning, the Legislature passed Joint Order, S.P. 788:

“ORDERED, the House concurring, that all matters not finally disposed of upon the adjournment sine die of the Second Regular Session of the 129<sup>th</sup> Legislature be carried over, in the same posture, to any special session of the 129<sup>th</sup> Legislature.”

The “matters not finally disposed of” were in many different postures upon adjournment. In this digest, at the end of each summary of a bill that was carried over by S.P. 788, there is an indication of the posture of the bill at the time of adjournment.

No special session has been held as of the publication of the Digest and none is anticipated, so all bills carried over are expected to die upon the conclusion of the 129<sup>th</sup> Legislature. However, after the Second Regular Session adjourned and in preparation for the possibility of a special session, a number of committees met and considered a number of bills in their possession. One hundred and sixty bills were acted upon in some way by committees (voted or reported out), among them several new bills that were printed and referred to committee, worked and reported out. **Appendix A** provides a list of the bills that were voted or reported out of committees after the Second Regular Session adjourned.

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### Committee Name

Joint Standing Committee on Agriculture, Conservation and Forestry

Joint Standing Committee on Appropriations and Financial Affairs

Joint Standing Committee on Criminal Justice and Public Safety

Joint Standing Committee on Education and Cultural Affairs

Joint Standing Committee on Environment and Natural Resources

Joint Standing Committee on Energy, Utilities and Technology

Joint Standing Committee on Health Coverage, Insurance and Financial Services

Joint Standing Committee on Health and Human Services

Joint Standing Committee on Inland Fisheries and Wildlife

Joint Standing Committee on Innovation, Development, Economic Advancement and Business

Joint Standing Committee on Judiciary

Joint Standing Committee on Labor and Housing

Joint Standing Committee on Marine Resources

Joint Standing Committee on State and Local Government

Joint Standing Committee on Taxation

Joint Standing Committee on Transportation

Joint Standing Committee on Veterans and Legal Affairs

Appendix A: Committee Actions After Adjournment of the Second Regular Session

**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

**MEMBERS:**

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REP. THEODORE JOSEPH KRYZAK, JR.  
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*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 169      An Act To Provide Occupants of Motor Vehicles with Gold Star Family      CARRIED OVER**  
**Registration Plates Free Entry to State Parks and Historic Sites**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B CARSON B	OTP-AM	H-13

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

The bill provides for free entry to state parks, camping areas and beaches for those persons who have gold star family registration plates on their motor vehicles and for passengers in those vehicles.

**Committee Amendment "A" (H-13)**

This amendment clarifies that free entry to state parks and historic sites for a person displaying gold star family registration plates is for day use only.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 446      An Act To Appropriate Funds to the Department of Agriculture,      CARRIED OVER**  
**Conservation and Forestry To Maintain Snowmobile Trails**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN D	OTP-AM	S-53

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

The bill provides a one-time appropriation to the Snowmobile Trail Fund to make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, snowmobile groups and others for the maintenance of snowmobile trails.

**Committee Amendment "A" (S-53)**

This amendment incorporates a fiscal note.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 569      Resolve, Directing the Department of Agriculture, Conservation and      ONTP**  
**Forestry To Submit to the United States Secretary of Agriculture a Plan**  
**for Continued Implementation of the Maine Industrial Hemp Program**

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

*Joint Standing Committee on Agriculture, Conservation and Forestry*

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The resolve directs the Department of Agriculture, Conservation and Forestry to submit a plan to the United States Secretary of Agriculture to continue Maine's industrial hemp program and to regulate hemp in accordance with federal requirements.

**LD 795      RESOLUTION, Proposing an Amendment to the Constitution of Maine      CARRIED OVER  
To Establish a Right to Food**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C	OTP-AM	H-430
JACKSON T	ONTP	H-675    HICKMAN C

This constitutional resolution was carried over in the House from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The constitutional resolution declares that all individuals have a natural, inherent and unalienable right to acquire, produce, process, prepare, preserve and consume and to barter, trade and purchase the food of their own choosing for their own nourishment, sustenance, bodily health and well-being.

**Committee Amendment "A" (H-430)**

This amendment, which is the majority report, incorporates a fiscal note.

**House Amendment "A" (H-541)**

This amendment amends the bill by:

1. Removing the word "acquire" from the enumeration of the elements of an individual's right to food and removing the language limiting the exercise of acquisition;
2. Removing language establishing a fundamental right to be free from hunger, starvation and the endangerment of life due to scarcity of or lack of access to food; and
3. Specifying that the right to food does not allow an individual to abuse private property rights or abuse public lands or natural resources in the harvesting of food.

This amendment was not adopted.

**House Amendment "B" (H-675)**

This amendment amends the bill by:

1. Removing the words "acquire," "process," "prepare" and "preserve" from the enumeration of the elements of an individual's right to food;
2. Removing language limiting the methods of acquisition of food to hunting, gathering, foraging, farming, fishing and gardening and obtaining seeds by barter, trade or purchase;
3. Removing language establishing a fundamental right to be free from hunger, malnutrition, starvation and the endangerment of life due to scarcity of or lack of access to food;

*Joint Standing Committee on Agriculture, Conservation and Forestry*

- 4. Specifying that the right to food does not allow an individual to commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food; and
- 5. Changing the question to reflect the changes made by this amendment.

This constitutional resolution was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 908      An Act To Require Schools To Submit Pest Management Activity Logs      CARRIED OVER**  
**and Inspection Results to the Board of Pesticides Control for the**  
**Purpose of Providing Information to the Public**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M MILLETT R	OTP-AM	H-302

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

The bill establishes in law certain requirements of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control related to pest management on school property. It requires a school to maintain a pest management activity log related to the application of pesticides. It requires this information to be provided annually to the board and requires the board to post the information on its publicly accessible website. It also requires that the board post on its publicly accessible website a list of all board inspections of a school's use of pesticides and the results of those inspections.

**Committee Amendment "A" (H-302)**

This amendment incorporates a fiscal note.

The fiscal note on the amendment, which is a fiscal note only amendment, identifies certain requirements in the bill as a potential state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds the provisions identified as a potential mandate do not require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue.

The requirement in the bill that a local school administrative unit submit a pest management activity log to the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control by January 15th of each year for the previous calendar year does not require an expansion or modification of activities so as to necessitate additional expenditures from local revenue. Local school administrative units currently prepare pest management activity logs with the required data pursuant to rules established by the Board of Pesticides Control. The committee finds that the act of submitting a pest management activity log that is already required to be maintained does not necessitate additional expenditures from local revenue.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 920      An Act To Establish the Fund To Support Local Fruits and Vegetables Purchasing**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKER B JACKSON T	OTP-AM ONTP	H-192

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

The bill establishes the Fund To Support Local Fruits and Vegetables Purchasing within the Department of Agriculture, Conservation and Forestry to provide incentives to federal food and nutrition assistance program participants for the purchase of locally grown fruits and vegetables and to support outreach for and administration of programs that offer nutrition incentives to participants of federal food and nutrition assistance programs. Fund recipients must be state-based organizations that support local food producers, local food production or low-income individuals in receiving food and nutrition assistance, with priority to organizations that have a demonstrated history of incentivizing the use of federal food and nutrition assistance programs to purchase locally grown fruits and vegetables or that demonstrate the ability to leverage the proceeds to match or receive additional funds from local, state, federal or private sources. The bill provides reporting and audit requirements for recipients to ensure proper use of the funds and appropriates funds to capitalize the fund.

**Committee Amendment "A" (H-192)**

This amendment, which is the majority report, incorporates a fiscal note.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1016      Resolve, To Require the Construction of a New District Headquarters Building for the Bureau of Forestry in Fort Kent**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	OTP-AM ONTP	S-335 BREEN C S-94

This resolve was finally passed by the Legislature in the First Regular Session and then held by the Governor. During the Second Regular Session, this bill was recalled from the Governor's desk pursuant to joint order, S.P. 704.

This resolve requires the Department of Agriculture, Conservation and Forestry to solicit bids for the construction of a new facility in Fort Kent to house the district headquarters for the Department of Agriculture, Conservation and Forestry, Bureau of Forestry. Construction must be started within 60 days following the award of the contract.

**Committee Amendment "A" (S-94)**

This amendment, which is the majority report, strikes the requirement in the resolve that bids must be solicited no later than 90 days following the effective date of this resolve and that construction must be started within 60 days following award of the contract. The amendment provides one-time funds to the Department of Agriculture, Conservation and Forestry, Bureau of Forestry for the construction of a new facility in the Town of Fort Kent to

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

house the district headquarters of the department's Bureau of Forestry.

**Senate Amendment "A" To Committee Amendment "A" (S-335)**

This amendment requires the State Controller to transfer to the unappropriated surplus of the General Fund \$350,000 from the Public Reserved Lands Management Fund, Other Special Revenue Funds in the Department of Agriculture, Conservation and Forestry no later than January 1, 2020.

This resolve was carried over in the Senate to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1037 An Act To Address the Browntail Moth Infestation**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D BREEN C	OTP-AM ONTP	H-449

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides funding to the University of Maine System to support a three-year study of the browntail moth infestation. This bill specifies that funds appropriated for this purpose do not lapse but must be carried forward into the next fiscal year to be used only to support the cost of the study.

**Committee Amendment "A" (H-449)**

This amendment, which is the majority report, requires the University of Maine System to submit an annual report on the progress of the three-year browntail moth infestation study to the joint standing committee of the Legislature having jurisdiction over agricultural matters and the Commissioner of Agriculture, Conservation and Forestry no later than March 1st for the duration of the three-year study.

This bill was again carried over still on the Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1167 An Act To Increase Consumption of Maine Foods in State Institutions**

**PUBLIC 677**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C VITELLI E	OTP-AM	H-761

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Current law requires state and school purchasers to buy meat, fish, dairy products, excluding milk and eggs, and species of fruits and fresh vegetables directly from Maine food producers or food brokers. The bill establishes a minimum percentage of Maine foodstuffs, including milk or milk products, eggs, meat or meat products, poultry or poultry products, fish or fish products and fruits and vegetables, that must be purchased, requiring at least 20% by December 31, 2025, at least 30% by December 31, 2030, at least 40% by December 31, 2040 and at least 50% by December 31, 2050. The bill exempts from the requirements school purchasers at schools participating in the National School Lunch Program. The bill also clarifies that "Maine food producer" includes food processors,

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

revises provisions regulating quality standards and requires competitive bidding when more than one producer or broker or wholesaler can supply a given foodstuff.

**Committee Amendment "A" (H-761)**

This amendment strikes and replaces the bill. The amendment provides that it is the policy of the State to encourage the procurement of Maine foods and food products by state institutions to increase the viability of Maine farms and food businesses, thus making a positive contribution to the State's economy and enhancing food self-sufficiency for the State. The amendment directs the Commissioner of Agriculture, Conservation and Forestry to establish and promote a Maine foods procurement program with the goal that, no later than 2025, 20% of food and food products procured by state institutions are Maine food or food products.

**Enacted Law Summary**

Public Law 2019, chapter 677 provides that it is the policy of the State to encourage the procurement of Maine foods and food products by state institutions to increase the viability of Maine farms and food businesses, thus making a positive contribution to the State's economy and enhancing food self-sufficiency for the State. The law directs the Commissioner of Agriculture, Conservation and Forestry to establish and promote a Maine foods procurement program with the goal that, no later than 2025, 20% of food and food products procured by state institutions are Maine food or food products.

**LD 1270      An Act To Create Certain Recreational Opportunities on State-owned Land** **Accepted Majority (ONTP) Report**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The bill provides that, beginning January 1, 2020, the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands may develop new marked hiking trails within the unorganized territory on which loaded firearms are permitted and within 300 feet of which, during the months of October and November, firearms may be discharged.

**LD 1311      An Act Regarding the Sale of Dogs and Cats at Pet Shops** **PUBLIC 544**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B	ONTP OTP-AM	S-272

This bill prohibits a pet shop from selling dogs and cats and establishes a fine of \$500 per violation as well as license suspension or revocation. A pet shop may provide space to an animal rescue entity to offer to the public dogs and cats for adoption.

**Committee Amendment "A" (S-272)**

This amendment, which is the minority report of the committee, does the following:

1. It allows pet shops that are currently lawfully offering dogs or cats for sale to continue to offer dogs and cats for

*Joint Standing Committee on Agriculture, Conservation and Forestry*

sale as long as the ownership of the pet shop does not change and the number of dogs and cats offered for sale does not increase. It allows for limited transfers of ownership of a family-owned pet shop to a spouse, domestic partner or child of the oldest member of the family having an ownership interest;

2. It removes from the definition of "animal rescue entity" the exclusions that allow for certain associations with breeders; and

3. It removes the word "nominal" as a descriptor of the adoption fee that may be charged for dogs and cats offered for adoption by an animal rescue entity.

**Enacted Law Summary**

Public Law 2019, chapter 544 prohibits a pet shop from selling dogs and cats and establishes a fine of \$500 per violation as well as license suspension or revocation. It allows pet shops that are currently lawfully offering dogs or cats for sale to continue to offer dogs and cats for sale as long as the ownership of the pet shop does not change and the number of dogs and cats offered for sale does not increase. It allows for limited transfers of ownership of a family-owned pet shop to a spouse, domestic partner or child of the oldest member of the family having an ownership interest. A pet shop may provide space to an animal rescue entity to offer to the public dogs and cats for adoption.

**LD 1518 An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory**

**PUBLIC 548**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	OTP-AM ONTP	H-554

This bill establishes the Tick Laboratory and Pest Management Fund administered by the University of Maine Cooperative Extension to fund the tick laboratory and other pest management research and projects and directs the extension's pest management unit to study browntail moths as the first of a series of pest research projects to be determined every three years by a committee designated by the University of Maine. The fund is funded by a pesticide container fee of 20¢ per container administered by the State Tax Assessor. This bill also creates a duty of the Board of Pesticides Control to investigate complaints of violations of local, state and federal pesticide laws and requires the Board of Pesticides Control to review any request by a political subdivision to eliminate the use of a certain pesticide within that political subdivision.

**Committee Amendment "A" (H-554)**

The bill establishes the Tick Laboratory and Pest Management Fund. This amendment provides that the fund is administered by the University of Maine at Orono to fund the tick laboratory and other pest management research and projects. The amendment provides that a portion of the funds must be provided for ongoing reimbursement, up to \$60,000 annually, to the Board of Pesticides Control to generate and maintain a list of pesticides registered with the board and make available to the public through the board's publicly accessible website the list and answer inquiries relating to the list.

The amendment provides that a portion of the fund may be used by the University of Maine Cooperative Extension pest management unit for nonadministrative costs related to a tick laboratory, including, but not limited to: development of educational materials; equipment, materials and supplies; and facility expansion.

The amendment makes changes to the composition of the pest research committee as described in the bill.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

The amendment removes from the bill the requirement that the Board of Pesticides Control investigate any complaint alleging a violation of a local, state or federal law or rule regarding pesticide use.

The amendment removes from the bill the requirement that a political subdivision of the State that wants to eliminate use in the political subdivision of a pesticide registered by the United States Environmental Protection Agency submit a request to eliminate use of that pesticide to the Board of Pesticides Control.

The amendment provides that the fund is funded by a pesticide container fee administered by the State Tax Assessor of 15¢ per container, rather than 20¢ as in the bill.

The amendment removes the provision of the bill that allows the State Tax Assessor to inspect the books or records of a retailer or to inspect the premises of a retailer where general use pesticides are stored, handled, transported or merchandised for the purpose of determining what pesticide products are taxable. The State Tax Assessor has the authority to inspect under current law pursuant to the Maine Revised Statutes, Title 36, section 112.

The amendment also provides a one-time allocation to the Department of Administrative and Financial Services, Maine Revenue Services for administrative costs associated with revision of the sales tax return to accommodate the pesticide container fee.

The amendment provides that the effective date of the legislation is January 1, 2020.

**Enacted Law Summary**

Public Law 2019, chapter 548 establishes the Tick Laboratory and Pest Management Fund. The law provides that the fund is administered by the University of Maine at Orono to fund the tick laboratory and other pest management research and projects. The law provides that a portion of the funds must be provided for ongoing reimbursement, up to \$60,000 annually, to the Board of Pesticides Control to generate and maintain a list of pesticides registered with the board and make available to the public through the board's publicly accessible website the list and answer inquiries relating to the list.

The law provides that a portion of the fund may be used by the University of Maine Cooperative Extension pest management unit for nonadministrative costs related to a tick laboratory, including, but not limited to: development of educational materials; equipment, materials and supplies; and facility expansion.

The law provides that the fund is funded by a pesticide container fee administered by the State Tax Assessor of 15¢ per container, rather than 20¢ as in the bill.

The law also provides a one-time allocation to the Department of Administrative and Financial Services, Maine Revenue Services for administrative costs associated with revision of the sales tax return to accommodate the pesticide container fee.

The effective date of Public Law 2019, chapter 548 is January 1, 2020.

**LD 1531    An Act To Establish the Maine Food System Investment Program To  
Create Quality Jobs and Support Farms, Fisheries and Food-related  
Businesses**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M		

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The bill creates the Maine Food System Investment Program under the Department of Agriculture, Conservation and Forestry to strengthen the food system, including the agriculture, seafood and fisheries and other food sectors and the supply chain, to increase access to new markets and opportunities for producers, processors, small businesses and consumers in the State in the producing, processing, packaging, distribution, marketing, sale and consumption of food products. The duties of the program are to develop and maintain a 10-year strategic framework to carry out the goals of the program by fostering communication, collaboration and coordination among the various sectors of the supply chain, identify gaps in the supply chain and barriers to food infrastructure and distribution needs and work with community development corporations, financial institutions and other investors and lenders in the food system to direct financial investment to the areas of greatest need in the food system. The program is also authorized to make recommendations regarding rules or legislation to the department and the Legislature that will direct investment or establish policies or priorities in carrying out the goals of the program. The program is required to submit a six-month and a one-year report to the Legislature subsequent to the implementation of the program and an annual report on the progress of and developments regarding the 10-year strategic framework.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788

**LD 1590     An Act To Amend the Laws Relating to Harness Racing**

**PUBLIC 626**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAREAND	OTP-AM	H-727

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The bill amends the harness racing laws in the following ways:

1. It requires the Department of Agriculture, Conservation and Forestry to develop a biennial operating budget for the State Harness Racing Commission with input from the commission that allows for expenditures for discretionary activities by the commission during the biennium if the commission determines the activities are in the best interest of the harness racing industry.
2. It protects the Harness Racing Promotional Fund from being charged for indirect costs under a departmental indirect cost allocation plan.
3. It requires a harness racing license application of a pari-mutuel betting licensee who leases a racing plant to list financial and corporate information of the owner of the real estate.
4. It requires the commission, when assigning race dates to licensees, to consider the development of revenues from interstate simulcasting, the ability to offer night racing and the ability to maintain ownership of or a leasehold on facilities.
5. It changes the definition of "commercial track" for regions with a population of 300,000 or more and with a population of less than 300,000 by removing language for racetracks that have ceased operations.
6. It provides that an off-track betting facility within a 50-mile radius of a commercial track must pay 1% of the

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wagers made during the time live racing is being conducted on race day and 0.5% of the wagers made during the time that live racing is not being conducted on race day.

7. It allows an off-track betting facility to be located within a facility licensed to serve alcohol that is owned by an owner other than the off-track betting facility owner.

8. It removes the requirement that an applicant for an off-track betting license notify commercial tracks within 50 miles of the proposed off-track betting facility.

9. It provides that an applicant for an off-track betting license must notify and allow objections from existing off-track betting facilities within 15 miles of the proposed off-track betting facility, instead of within 35 miles as in current law.

10. It changes the date of the Department of Agriculture, Conservation and Forestry's annual report to the Legislature on off-track betting from January 1st to March 1st.

11. It provides for reduced payments from revenues derived by an off-track betting facility first licensed after January 1, 2019 that is owned by a federally recognized Indian tribe and is located and operated in an establishment licensed to serve alcohol.

12. It allows an agricultural fair licensee to qualify for funds from the fund to supplement harness racing purses by conducting an extended meet, removing the requirement that the licensee must have conducted an extended meet in 2005.

### **Committee Amendment "A" (H-727)**

Current law defines "race date" as a scheduled date awarded by the State Harness Racing Commission for which there is a racing program of not less than eight separate live races. The amendment provides that the commission may, by rule, reduce the required number of separate live races for a licensee that is associated with an agricultural fair to qualify as a racing program from eight separate live races to seven separate live races if a minimum number of horses is not available.

This amendment revises the way in which the Department of Agriculture, Conservation and Forestry develops a recommended operating budget for the operating account for the commission.

The amendment strikes from the bill the requirement that an off-track betting facility within a 50-mile radius of a commercial track must pay 1% of the wagers made during the time live racing is being conducted on race day and 0.5% of the wagers made during the time that live racing is not being conducted on race day.

Current law requires licensees to pay funds to a statewide association of horsemen to supplement purses. The amendment requires the commission to disburse funds directly to a statewide association of horsemen to supplement purses.

The amendment revises the provision in the bill that allows an off-track betting facility to be located within a facility licensed to serve alcohol that is owned by an owner other than the off-track betting facility owner. The amendment provides that a person may conduct pari-mutuel wagering at an off-track betting facility that is licensed if the facility is located and operated within a licensed hotel with public dining facilities, a Class A lounge, a Class A restaurant or a Class A restaurant/lounge.

The amendment retains the requirement in current law that an applicant for an off-track betting license notify commercial tracks within 50 miles of the proposed off-track betting facility.

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The amendment retains the requirement in current law that an applicant for an off-track betting license notify and allow objections from existing off-track betting facilities within 35 miles.

The amendment strikes from the bill the section relating to reduced payments for facilities licensed after January 1, 2019 owned by a federally recognized Indian tribe.

The amendment provides that the amounts payable to the Stipend Fund from an off-track betting facility newly licensed after January 1, 2020 must be divided among agricultural fair licensees based on the number of days raced in conjunction with the annual agricultural fairs of the licensees.

The bill provides that an agricultural fair licensee qualifies for funds from the fund to supplement harness racing purses by conducting an extended meet, removing the requirement that the licensee has conducted an extended meet in 2005. The amendment retains this requirement. The amendment also provides that an agricultural fair licensee qualifies for funds from the fund to supplement harness racing purses if that fair licensee has been awarded live race dates by the commission upon closure of an existing commercial track that is not replaced.

The amendment increases the maximum of race day credits that may be awarded per commercial track during the months of March and December from 12 to 16.

The amendment provides that if the commission determines that a commercial track ceased or agreed to cease operation prior to March 1, 2021 following a request from a bona fide statewide organization of horsemen to facilitate the prospect that a modernized commercial track might open, notwithstanding the requirements of the Maine Revised Statutes, Title 8, section 275-D, the operator of the former commercial track or an entity controlled by its owners is entitled to a license to operate an off-track betting facility in the same municipality of the commercial track at or after the time the commercial track ceases operation as a commercial track.

### **Enacted Law Summary**

Public Law 2019, chapter 626 does the following.

The law provides that the commission may, by rule, reduce the required number of separate live races for a licensee that is associated with an agricultural fair to qualify as a racing program from eight separate live races to seven separate live races if a minimum number of horses is not available.

The law revises the way in which the Department of Agriculture, Conservation and Forestry develops a recommended operating budget for the operating account for the commission.

The law requires the commission to disburse funds directly to a statewide association of horsemen to supplement purses.

The law provides that a person may conduct pari-mutuel wagering at an off-track betting facility that is licensed if the facility is located and operated within a licensed hotel with public dining facilities, a Class A lounge, a Class A restaurant or a Class A restaurant/lounge.

The law provides that the amounts payable to the Stipend Fund from an off-track betting facility newly licensed after January 1, 2020 must be divided among agricultural fair licensees based on the number of days raced in conjunction with the annual agricultural fairs of the licensees.

The law provides that an agricultural fair licensee qualifies for funds from the fund to supplement harness racing purses if that fair licensee has been awarded live race dates by the commission upon closure of an existing commercial track that is not replaced.

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The law increases the maximum of race day credits that may be awarded per commercial track during the months of March and December from 12 to 16.

The law provides that if the commission determines that a commercial track ceased or agreed to cease operation prior to March 1, 2021 following a request from a bona fide statewide organization of horsemen to facilitate the prospect that a modernized commercial track might open, notwithstanding the requirements of the Maine Revised Statutes, Title 8, section 275-D, the operator of the former commercial track or an entity controlled by its owners is entitled to a license to operate an off-track betting facility in the same municipality of the commercial track at or after the time the commercial track ceases operation as a commercial track.

**LD 1719    An Act To Improve Geographic Information System Data Acquisition and Maintenance**

**CARRIED OVER**

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

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322. The bill was taken off the Special Appropriations Table and recommitted to the committee in the Second Regular Session.

The bill moves the Maine Library of Geographic Information, the Geolibrary, from the Department of Administrative and Financial Services to the Department of Agriculture, Conservation and Forestry and establishes the Maine Library of Geographic Information Board in the Department of Agriculture, Conservation and Forestry to administer the Geolibrary. The bill adds a Geolibrarian and a GIS information officer, appointed by the Commissioner of Agriculture, Conservation and Forestry, to the staff of the Maine Library of Geographic Information, to collect, preserve and disseminate data, manage funds and direct the Geolibrary's activities. The bill repeals language allowing the administrator of the Office of Geographic Information Systems to enter into agreements with other agencies and to accept funds from public and private organizations, repeals language describing licensing agreement and fee requirements for geographic information system data and repeals language allowing the Maine Library of Geographic Information Board to hear and resolve disputes related to geographic information system data.

**Committee Amendment "A" (S-261)**

This amendment makes changes to the composition of the Maine Library of Geographic Information Board. The amendment adds an appropriations and allocations section.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1726    An Act To Penalize Violators of Wood Shipment and Quarantine Laws**

**PUBLIC 595**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R HICKMANC	OTP-AM	S-412

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

The bill provides for penalties for violation of Department of Agriculture, Conservation and Forestry, Bureau of Forestry rules governing plant or wood products that may cause the introduction or spread of a dangerous forest insect or disease and rules governing the quarantine of forest or shade trees or part of a forest or shade tree capable of supporting a disease or insect infestation.

The bill sets fines at \$100 to \$1,000 for each day of a violation and from \$1,000 to \$2,000 for each day of a violation by a violator that violated the rules within the previous five-year period. It allows maximum fines to be increased to account for economic benefit and provides for the award of litigation costs in any action or proceeding brought by the Attorney General.

### **Committee Amendment "A" (S-412)**

This amendment clarifies that the penalty in the bill applies to a person who violates:

1. A rule governing the quarantine of forest or shade trees or part of a forest or shade tree capable of supporting disease or insect infestation; or
2. A condition or term of an order, permit or notice issued by the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry or the Commissioner of Agriculture, Conservation and Forestry governing plant or wood products that may cause the introduction or spread of a dangerous forest insect or disease.

The amendment also clarifies that the court, rather than the Department of Agriculture, Conservation and Forestry as in the bill, must consider the costs avoided or the enhanced value accrued at the time of the violation by the violator as a result of not complying with the applicable legal requirements.

The amendment reduces the penalty in current law for a violation of a Department of Agriculture, Conservation and Forestry rule governing the quarantine of any class of nursery stock, plant, fruit, seed or other article of any character capable of supporting a disease or insect infestation from a Class E crime to a civil violation and sets fines at \$100 to \$1,000 for each day of a violation and from \$1,000 to \$2,000 for each day of a violation by a violator that violated the rules within the previous five-year period. It allows maximum fines to be increased to account for economic benefit and provides for the award of litigation costs in any action or proceeding brought by the Attorney General. These penalty provisions are the same as those in the bill for violations with respect to trees and plant or wood products.

### **Enacted Law Summary**

Public Law 2019, chapter 595 clarifies the penalty for person who violates:

1. A rule governing the quarantine of forest or shade trees or part of a forest or shade tree capable of supporting disease or insect infestation; or
2. A condition or term of an order, permit or notice issued by the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry or the Commissioner of Agriculture, Conservation and Forestry governing plant or wood products that may cause the introduction or spread of a dangerous forest insect or disease.

The law also clarifies that the court, rather than the Department of Agriculture, Conservation and Forestry, must consider the costs avoided or the enhanced value accrued at the time of the violation by the violator as a result of not complying with the applicable legal requirements.

Public Law 2019, chapter 595 reduces the penalty for a violation of a Department of Agriculture, Conservation and Forestry rule governing the quarantine of any class of nursery stock, plant, fruit, seed or other article of any

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character capable of supporting a disease or insect infestation from a Class E crime to a civil violation and sets fines at \$100 to \$1,000 for each day of a violation and from \$1,000 to \$2,000 for each day of a violation by a violator that violated the rules within the previous five-year period. It allows maximum fines to be increased to account for economic benefit and provides for the award of litigation costs in any action or proceeding brought by the Attorney General.

**LD 1770     An Act To Amend the Forestry Laws Regarding Responsibility for Compliance with Those Laws     ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The bill clarifies in the laws governing forest practices and forest landowner and wood processor reporting requirements that the parties responsible for compliance with those laws include the landowner, the landowner's designated agent, the professional forester, the professional forester's employee and the person who conducts timber harvesting activities.

**LD 1788     An Act To Eliminate Online Burn Permit Fees for All Areas of the State     CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J	OTP-AM	S-395

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill eliminates online burn permit fees for all areas of the State.

**Committee Amendment "A" (S-395)**

This amendment clarifies that a person may not be charged a fee to obtain an online burn permit.

The amendment also allows a vendor or owner of a private party burn permit software system to charge a municipality for use of private party burn permit software.

The amendment also adds an appropriations and allocations section.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1888     An Act To Protect Children from Toxic Chemicals     CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L CARSON B		

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

This bill bans the use of nonselective herbicides, including, but not limited to, glyphosate, within 75 feet of school grounds, public playgrounds and child care centers.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1889     An Act To Protect the Products of Maine Farmers**

**PUBLIC 633**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUDDY S	OTP-AM	H-726

This bill allows the Department of Agriculture, Conservation and Forestry to establish procedures for the return of inspected meat, meat products, poultry and poultry products that have been found to be not adulterated but misbranded to the livestock producer or poultry producer that delivered the meat, meat products, poultry or poultry products.

**Committee Amendment "A" (H-726)**

This amendment strikes the requirement in the bill that the Department of Agriculture, Conservation and Forestry establish procedures for the return to the producer of inspected meat, meat products, poultry or poultry products that have been found to be misbranded but not found to be adulterated and instead requires the department to establish procedures for the disposition of these items.

**Enacted Law Summary**

Public Law 2019, chapter 633 requires the Department of Agriculture, Conservation and Forestry to establish procedures for the disposition of inspected meat, meat products, poultry and poultry products that have been found to be misbranded but not found to be adulterated.

**LD 1893     An Act To Require a Lease of Public Lands To Be Based on Reasonable Market Value and To Require Approval of Such Leases for Commercial Purposes**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R HICKMAN C		

This bill requires that any lease of public lands by the State be at reasonable market value and be approved by the Legislature pursuant to the Constitution of Maine, Article IX, Section 23. The bill requires the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to submit a lease of public lands for commercial purposes to the joint standing committee of the Legislature having jurisdiction over public lands matters for approval, amendment or disapproval by the committee. The joint standing committee must submit its recommendation to the Legislature for approval. If the Legislature does not approve the lease, the bureau may not enter into the lease.

The bill also requires the Director of the Bureau of Parks and Lands to examine all leases of public reserved lands entered into by the State since January 1, 2014 to determine whether those leases are in compliance with these requirements. The director is required to report the findings of this examination, including any recommendations for action on noncompliant leases, to the Joint Standing Committee on Agriculture, Conservation and Forestry no

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later than March 1, 2020. The joint standing committee may report out legislation related to the report of the director to the Second Regular Session of the 129th Legislature.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1945     An Act To Require Forest Rangers To Be Trained at the Maine Criminal Justice Academy**

**PUBLIC 593  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C DILL J	OTP	

This bill requires forest rangers hired on or after July 1, 2019 to complete the basic law enforcement training program at the Maine Criminal Justice Academy. It exempts forest ranger pilots, regardless of when they were hired, and forest rangers hired prior to July 1, 2019 from the requirement to complete this basic law enforcement training program.

**Enacted Law Summary**

Public Law 2019, chapter 593 requires forest rangers hired on or after July 1, 2019 to complete the basic law enforcement training program at the Maine Criminal Justice Academy. It exempts forest ranger pilots, regardless of when they were hired, and forest rangers hired prior to July 1, 2019 from the requirement to complete this basic law enforcement training program.

Public Law 2019, chapter 593 was enacted as an emergency measure effective March 17, 2020.

**LD 2048     Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands**

**RESOLVE 120**

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

This resolve authorizes certain land transactions by the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry in order to execute a boundary line adjustment to create a straight southeast boundary line at Vaughan Woods Memorial State Park located in South Berwick.

**Enacted Law Summary**

Resolve 2019, chapter 120 authorizes certain land transactions by the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry in order to execute a boundary line adjustment to create a straight southeast boundary line at Vaughan Woods Memorial State Park located in South Berwick.

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**LD 2069**     **Resolve, Regarding 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**

**RESOLVE 121  
EMERGENCY**

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

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.

**Enacted Law Summary**

Resolve 2019, chapter 121 provides that final adoption 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, is authorized.

Resolve 2019, chapter 121 was finally passed as an emergency measure effective March 17, 2020.

**LD 2070**     **Resolve, Regarding Legislative Review of Portions of Chapter 26:  
Standards for Indoor Pesticide Applications and Notification for All  
Occupied Buildings Except K-12 Schools, a Major Substantive Rule of  
the Department of Agriculture, Conservation and Forestry, Board of  
Pesticides Control**

**RESOLVE 122  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control.

**Enacted Law Summary**

Resolve 2019, chapter 122 provides that final adoption of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control, is authorized.

Resolve 2019, chapter 122 was finally passed as an emergency measure effective March 17, 2020.

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**LD 2082      Resolve, Regarding Legislative Review of Portions of Chapter 28:  
Notification Provisions for Outdoor Pesticide Applications, a Major  
Substantive Rule of the Department of Agriculture, Conservation and  
Forestry, Board of Pesticides Control**

**RESOLVE 125  
EMERGENCY**

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

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

**Enacted Law Summary**

Resolve 2019, chapter 125 provides that final adoption of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control, is authorized.

Resolve 2019, chapter 125 was finally passed as an emergency measure effective March 17, 2020.

**LD 2083      An Act To Require the Board of Pesticides Control To Annually Publish  
Certain Information Regarding Pesticides and To Prohibit Certain Uses  
of Neonicotinoids**

**CARRIED OVER**

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

This bill requires:

1. The Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to annually publish a summary of the reports received during the previous calendar year from commercial applicators of pesticides. For each pesticide reported to the board, the board's annual summary must include information on the total quantity of pesticide applied and the total area treated in each county in the State; and
2. The Board of Pesticides Control to prohibit the use of any product containing neonicotinoids for landscape gardening by certified applicators or limit the use of any product containing neonicotinoids if the board determines that use is necessary to protect the State. The bill also requires the board to adopt rules establishing restrictions for the use of products containing neonicotinoids.

This bill, which had been voted but not yet reported out, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 2084    An Act Prohibiting Certain Confinement of Egg-laying Hens and the Sale of Their Eggs**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL M LIBBY N		

This bill provides that, after December 31, 2024:

1. Farm owners and operators in the State must keep their egg-laying hens in cage-free housing systems; and
2. Business owners and operators may not sell in the State eggs from hens that are not kept in cage-free housing systems.

Under the bill, a person who violates these requirements commits a civil violation for which a fine may be adjudged. In addition, the bill authorizes the Commissioner of Agriculture, Conservation and Forestry to bring a civil action to prevent, restrain or enjoin a violation of the requirements.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2128    Resolve, Regarding Legislative Review of Chapter 348: On Farm Raising, Slaughter and Processing of Less Than 1,000 Ready-to-Cook Whole Poultry Carcasses, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry**

**ONTP**

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

This resolve provides for legislative review of Chapter 348: On Farm Raising, Slaughter and Processing of Less Than 1,000 Ready-to-Cook Whole Poultry Carcasses, a major substantive rule of the Department of Agriculture, Conservation and Forestry that was filed outside the legislative rule acceptance period.

**LD 2129    An Act Relating To Food, Food Additives or Food Products Containing Hemp or Cannabidiol Derived from Hemp**

**CARRIED OVER**

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

This bill provides that food, food additives and food products containing hemp, including hemp-derived cannabidiol, that are produced and sold within the State are not "adulterated" under state law regardless of the place of origin of the cannabidiol or any other ingredient, and the production, manufacturing, marketing, sale or distribution of food or food products containing hemp may not be prohibited regardless of where the food or food products were produced, manufactured, marketed, sold or distributed previously.

The bill is reported out by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to joint

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order, H.P. 1502. The committee is reporting out the bill for the sole purpose of turning the 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 has not taken a position on the substance of this bill and by reporting this bill out the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill.

This bill, which had been reported out of committee but not yet taken up by the House or the Senate, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2142 An Act Regarding Outcome-based Forestry and the Use of Glyphosate**

**CARRIED OVER**

<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 Agriculture, Conservation and Forestry pursuant to Resolve 2019, chapter 84.

The committee is reporting the bill out for the sole purpose of turning the 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 has not taken a position on the substance of this bill and by reporting this bill out the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill.

Current law requires the Governor to appoint a panel of at least six technical experts to work with the Director of the Maine Forest Service within the Department of Agriculture, Conservation and Forestry to implement, monitor and assess tests of outcome-based forestry principles. The bill provides that the gubernatorial appointments are subject to review by the joint standing committee by the Legislature having jurisdiction over forestry matters and subject to confirmation by the Legislature.

The bill requires landowners to provide written notification at least 15 days prior to any use of glyphosate in an outcome-based forestry area to all members of the panel and the director and within 30 days of any use of glyphosate in an outcome-based forestry area to submit a report to all members of the panel and the director. Upon receipt of the report, the panel is required to evaluate whether the landowner has adequately addressed outcome-based forestry principles under the forest practices laws. If the panel determines the landowner has not adequately addressed the outcome-based forestry principles, the panel is required to report the nonconformance to the director. The effective date of these provisions is January 1, 2022.

The bill also requires the Board of Pesticides Control to establish an environmental risk advisory committee to evaluate the environmental risks associated with the use of glyphosate. The advisory committee is required to submit an interim report no later than March 1, 2021 and a final report no later than February 1, 2022 with findings and recommendations to the joint standing committee of the Legislature having jurisdiction over forestry matters. The joint standing committee of the Legislature having jurisdiction over forestry matters has the authority to submit a bill relating to the subject matter of the report during the Second Regular Session of the 130th Legislature.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 2158    An Act To Appropriate Funds to the Department of Agriculture,  
Conservation and Forestry To End Hunger in Maine by 2030**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This bill is submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2019, chapter 32. The bill provides one-time funding in the amount of \$152,073 for project staffing resources to complete strategic planning to end hunger in Maine by 2030 and for related project expenses, such as travel, lodging and focus group meeting space.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.



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**SUBJECT INDEX**

***Animal Welfare***

**Enacted**

LD 1311      An Act Regarding the Sale of Dogs and Cats at Pet Shops      PUBLIC 544

**Not enacted**

LD 2084      An Act Prohibiting Certain Confinement of Egg-laying Hens and the Sale of Their Eggs      CARRIED OVER

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

**Not Enacted**

LD 446      An Act To Appropriate Funds to the Department of Agriculture, Conservation and Forestry To Maintain Snowmobile Trails      CARRIED OVER

LD 1719      An Act To Improve Geographic Information System Data Acquisition and Maintenance      CARRIED OVER

***Food Policy***

**Enacted**

LD 1167      An Act To Increase Consumption of Maine Foods in State Institutions      PUBLIC 677

LD 1889      An Act To Protect the Products of Maine Farmers      PUBLIC 633

**Not enacted**

LD 795      RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food      CARRIED OVER

LD 920	An Act To Establish the Fund To Support Local Fruits and Vegetables Purchasing	CARRIED OVER
LD 1531	An Act To Establish the Maine Food System Investment Program To Create Quality Jobs and Support Farms, Fisheries and Food-related Businesses	CARRIED OVER
LD 2158	An Act To Appropriate Funds to the Department of Agriculture, Conservation and Forestry To End Hunger in Maine by 2030	CARRIED OVER

### *Harness Racing*

Enacted

LD 1590	An Act To Amend the Laws Relating to Harness Racing	PUBLIC 626
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### *Maine Forest Service*

Enacted

LD 1726	An Act To Penalize Violators of Wood Shipment and Quarantine Laws	PUBLIC 595
LD 1945	An Act To Require Forest Rangers To Be Trained at the Maine Criminal Justice Academy	PUBLIC 593 EMERGENCY

Not Enacted

LD 1016	Resolve, To Require the Construction of a New District Headquarters Building for the Bureau of Forestry in Fort Kent	CARRIED OVER
LD 1788	An Act To Eliminate Online Burn Permit Fees for All Areas of the State	CARRIED OVER
LD 2142	An Act Regarding Outcome-based Forestry and the Use of Glyphosate	CARRIED OVER

### *Parks and Public Lands*

Enacted

LD 2048	Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands	RESOLVE 120
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Not Enacted

LD 169	An Act To Provide Occupants of Motor Vehicles with Gold Star Family Registration Plates Free Entry to State Parks, Camping Areas and Beaches	CARRIED OVER
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LD 1270	<b>An Act To Create Certain Recreational Opportunities on State-owned Land</b>	<b>Majority (ONTP) Report</b>
LD 1893	<b>An Act To Require a Lease of Public Lands To Be Based on Reasonable Market Value and To Require Approval of Such Leases for Commercial Purposes</b>	<b>CARRIED OVER</b>

### *Pest Management*

#### Enacted

LD 1518	<b>An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory and To Increase Statewide Enforcement of Pesticide Use</b>	<b>PUBLIC 548</b>
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#### Not Enacted

LD 908	<b>An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purpose of Providing Information to the Public</b>	<b>CARRIED OVER</b>
LD 1037	<b>An Act To Address the Browntail Moth Infestation</b>	<b>CARRIED OVER</b>

### *Pesticides*

#### Enacted

LD 2069	<b>Resolve, Regarding 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</b>	<b>RESOLVE 121 EMERGENCY</b>
LD 2070	<b>Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control</b>	<b>RESOLVE 122 EMERGENCY</b>
LD 2082	<b>Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control</b>	<b>RESOLVE 125 EMERGENCY</b>

#### Not Enacted

LD 1888	<b>An Act To Protect Children from Toxic Chemicals</b>	<b>CARRIED OVER</b>
LD 2083	<b>An Act To Require the Board of Pesticides Control To Annually Publish Certain Information Regarding Pesticides and To Prohibit Certain Uses of Neonicotinoids</b>	<b>CARRIED OVER</b>

**Regulated Products**

**Not Enacted**

LD 569	Resolve, Directing the Department of Agriculture, Conservation and Forestry To Submit to the United States Secretary of Agriculture a Plan for Continued Implementation of the Maine Industrial Hemp Program	ONTP
LD 2128	Resolve, Regarding Legislative Review of Chapter 348: On Farm Raising, Slaughter and Processing of Less Than 1,000 Ready-to-Cook Whole Poultry Carcasses, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry	ONTP
LD 2129	An Act Relating To Food, Food Additives or Food Products Containing Hemp or Cannabidiol Derived from Hemp	CARRIED OVER

**Timber Harvesting**

**Not Enacted**

LD 1770	An Act To Amend the Forestry Laws Regarding Responsibility for Compliance with Those Laws	ONTP
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**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

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*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 12      An Act To Authorize a General Fund Bond Issue for the Design and Construction of a New Fish Hatchery and To Improve Hatchery Infrastructure      ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$40,000,000, will be used for the design and construction of a new fish hatchery and to improve hatchery infrastructure in the State.

**LD 16      An Act To Authorize a General Fund Bond Issue To Invest in Infrastructure To Address Sea Level Rise      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M VITELLI E		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to improve waterfront and coastal infrastructure in municipalities to address sea level rise.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 47      An Act To Authorize a General Fund Bond Issue To Invest in Fire Stations      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$25,000,000, will be used for the rehabilitation or new construction of fire stations by municipalities.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 48      An Act To Authorize a General Fund Bond Issue To Invest in Housing      CARRIED OVER**  
**for Persons Who Are Homeless**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$15,000,000, will be used for capital construction costs for housing for persons who are homeless.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 111      An Act To Authorize a General Fund Bond Issue for Research and      CARRIED OVER**  
**Development and Commercialization**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$250,000,000 issued in \$50,000,000 increments over a five-year period, will be used to provide funds for research and development and commercialization as prioritized by the Maine Innovation Economy Advisory Board's most recent innovation economy action plan and the Office of Innovation's most recent science and technology action plan. The funds must be allocated in support of technological innovation leading to commercialization in the targeted sectors of life sciences and biomedical technology, environmental and renewable energy technology, information technology, advanced technologies for forestry and agriculture, aquaculture and marine technology, composites and advanced materials and precision manufacturing. The funds must be awarded through a competitive process and to Maine-based public and private institutions to leverage matching private and federal funds on at least a one-to-one basis.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 126      An Act To Authorize a General Fund Bond Issue To Acquire Significant      CARRIED OVER**  
**Historic Properties for Resale and Rehabilitation**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D CARPENTER M		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P.

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1322.

The funds provided by this bond issue, in the amount of \$2,000,000, will be used to provide funds to the Maine Historic Preservation Commission to capitalize the Historic Preservation Revolving Fund for the purpose of acquiring significant historic properties for resale and rehabilitation.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 148      An Act To Authorize a General Fund Bond Issue To Recapitalize the      CARRIED OVER**  
**School Revolving Renovation Fund and To Give Priority Status to**  
**Certain School Facility Upgrades**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by the bond issue in Part A of this bill, in the amount of \$50,000,000, will be used to recapitalize the School Revolving Renovation Fund for the purpose of providing funds to public schools for renovation and capital repairs. Part B of this bill gives upgrades of facilities required to meet prekindergarten facility standards and for prekindergarten capacity building Priority 4 status for loans from the fund to school administrative units for school repair and renovation.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 149      An Act To Authorize a General Fund Bond Issue To Provide Student      CARRIED OVER**  
**Debt Forgiveness To Support Workforce Attraction and Retention**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. In the First Regular Session, a majority of the Innovation, Development, Economic Advancement and Business Committee voted to re-refer the bill to the Appropriations and Financial Affairs Committee; a minority voted Ought Not To Pass. It was re-referred to the Appropriations and Financial Affairs Committee at the end of the First Regular Session of the 129th Legislature.

The funds provided by this bond issue, in the amount of \$250,000,000, will be used to provide funds for payment of student loan debt for individuals who agree to live and work in Maine for five years and to reimburse employers that make student loan debt payments on behalf of their employees who agree to live and work in Maine for five years. Part B of the bill establishes the Maine Student Loan Debt Relief Program and the Maine Student Loan Debt Relief Fund and requires the Finance Authority of Maine to adopt major substantive rules to implement the program and submit the rules to the Second Regular Session of the 129th Legislature.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of

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the 129th Legislature by joint order, S.P. 788.

**LD 172      An Act To Authorize a General Fund Bond Issue To Invest in Smart City Technology      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$15,000,000, will be used to provide funds through the Maine Technology Institute to allow municipalities to invest in smart and connected infrastructure, technology and capacity, including but not limited to information and communications technology such as broadband connectivity, connected sensors and data aggregation platforms; light-emitting diode lighting; adaptive traffic control signals; autonomous vehicle projects; electric vehicle infrastructure; and distributed power generation, storage and management.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 295      An Act To Authorize a General Fund Bond Issue To Increase Rural Maine's Access to Broadband Internet Service      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S LAWRENCE M		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$100,000,000, will be used for the provision of broadband Internet service in unserved and underserved areas through ConnectME Authority grants to partnerships between private, municipal and nongovernmental service providers.

Provisions of this bill are included in Public Law 2019, chapter 673 (LD 2134).

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 299      An Act To Authorize a General Fund Bond Issue To Assist Schools, Municipalities and Counties in Using Emerging Technologies and Energy Alternatives to Fossil Fuels in Heating, Electrical and Other Utility Systems      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J CARSON B		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$15,000,000, will be used to assist schools, municipalities and counties in using emerging technologies and energy alternatives to fossil fuels in heating, electrical and other utility systems. The Finance Authority of Maine is directed to establish an application process and requirements for distribution of the funds.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 310      An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BREEN C		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This emergency bill proposes to adjust certain appropriations and allocations from the General Fund and other funds for the expenditures of State Government related to position changes and to change certain provisions of the law necessary to the proper operations of State Government for the fiscal year ending June 30, 2019.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 311      An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BREEN C		

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This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This emergency bill proposes to make unified appropriations and allocations for the expenditures of State Government, General Fund and other funds and to change certain provisions of the law necessary to the proper operations of State Government for the fiscal years ending June 30, 2020 and June 30, 2021.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 341      An Act To Authorize a General Fund Bond Issue for the Construction of      CARRIED OVER  
a Convention Center in Portland**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$150,000,000, will be used for the construction of a convention center in Portland.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 354      An Act To Authorize a General Fund Bond Issue To Encourage the      CARRIED OVER  
Provision of Reliable High-speed Internet in Rural Underserved Areas  
of Maine**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E GATTINE D		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$20,000,000, will be used for encouraging the provision of reliable high-speed Internet in rural underserved areas of Maine.

Provisions of this bill are included in Public Law 2019, chapter 673 (LD 2134).

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 381      An Act To Authorize a General Fund Bond Issue To Upgrade and  
Replace Infrastructure of the Maine Public Broadcasting Corporation**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D MILLETTR		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to replace existing infrastructure systems of the Maine Public Broadcasting Corporation that carry the emergency alert system.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 394      An Act To Authorize a General Fund Bond Issue To Provide for Student  
Loan Debt Relief**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS D MIRAMANT D		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. In the First Regular Session a majority of the Innovation, Development, Economic Advancement and Business Committee voted to re-refer the bill to the Appropriations and Financial Affairs Committee; a minority voted Ought Not To Pass. It was re-referred to the Appropriations and Financial Affairs Committee at the end of the First Regular Session of the 129th Legislature.

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to provide funds to the Finance Authority of Maine for zero-interest student loans and loan consolidation or refinancing interest rate reductions for certain Maine residents who agree to live and work in Maine for at least five years. The bill creates the Maine Student Loan Debt Relief Program. Under the program, zero-interest loans up to \$10,000 per year for a maximum of five years are available to certain Maine residents who study at qualified in-state institutions of higher education and agree to live and work in Maine for at least five years following graduation. Loans bearing an annual interest rate of the prime rate of interest plus 2% are available to those who do not live and work in the State upon graduation. The Finance Authority of Maine may provide interest rate reduction payments to residents who use the authority's existing loan consolidation and refinancing program. This option is available to individuals who studied in Maine or outside of Maine and agree to live and work in Maine for at least five years. The bill exempts from Maine income tax any benefits received under the program to the extent included in federal adjusted gross income and prohibits individuals who have received benefits under the program from receiving the Maine educational opportunity tax credit.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 400      An Act To Authorize a General Fund Bond Issue for Food Processing Infrastructure in Targeted Areas of the State      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$20,000,000, will be used for food processing infrastructure in targeted areas of the State.

This bill, which had not been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 423      An Act To Authorize a General Fund Bond Issue To Preserve Historic Properties for Maine's Bicentennial      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$5,000,000, will be used to undertake a program as part of the commemoration of the State's bicentennial to preserve historic properties listed or eligible to be listed in the National Register of Historic Places.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 455      An Act To Authorize a General Fund Bond Issue To Expand Maine's Research, Development, Commercialization and Clinical Infrastructure Assets To Improve Outcomes for Maine Families with Members Suffering from Alzheimer's, Dementia and Other Diseases of Aging      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L HUBBELL B		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$65,000,000, to the Maine Technology Institute will be used for investment in research, development, commercialization and clinical infrastructure assets in Maine in the target sectors of life sciences and biomedical technology, including equipment and technology upgrades that improve outcomes for Maine families suffering from Alzheimer's, dementia and other diseases of aging, and to

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enable organizations to gain and hold market share and expand employment or preserve jobs. The funds must be awarded through a competitive process to Maine-based public and private entities, leveraging other funds in at least a one-to-one ratio.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 469      An Act To Authorize a General Fund Bond Issue To Provide Funding for      CARRIED OVER**  
**Upgrades of Learning Spaces and Other Projects Funded by the School**  
**Revolving Renovation Fund**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$50,000,000 in fiscal year 2019-20 and \$50,000,000 in fiscal year 2020-21, will be used to provide funds to the School Revolving Renovation Fund for the purpose of providing funds to public schools to upgrade learning spaces in school buildings and make other necessary repairs.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 535      An Act To Authorize a General Fund Bond Issue To Invest in Maine's      CARRIED OVER**  
**Rail Infrastructure and Expand Passenger Rail Service**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to repair and reconstruct state-owned railroad lines, improve infrastructure on a railway crossing in the Town of Yarmouth and improve the railroad line between the cities of Lewiston and Auburn and the City of Portland.

Provisions of this bill are included in Public Law 2019, chapter 673 (LD 2134).

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 537      An Act To Authorize a General Fund Bond Issue To Support the Gulf of      CARRIED OVER**  
**Maine Research Institute's Establishment of a Near-shore Coastal**  
**Sensor Network**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$2,000,000, will be used to support the Gulf of Maine Research Institute's establishment of a near-shore coastal sensor network to gather oceanographic data, track changes in state waters, predict changes and support persons who engage in commercial fishing and aquaculture as they adapt to a changing ocean.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 547      An Act To Authorize a General Fund Bond Issue To Support Maine      CARRIED OVER**  
**Aquaculture**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to provide funds to the Gulf of Maine Research Institute to study and promote Maine aquaculture.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 602      An Act To Authorize a General Fund Bond Issue To Support Research      CARRIED OVER**  
**and Development in Maine**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J HUBBELL B		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$50,000,000, will be used for investment in research, development and commercialization in the State's seven targeted technology sectors to be used for infrastructure, equipment and technology upgrades that enable organizations to gain and hold market share, to increase revenues and to expand employment or preserve jobs, including in the biotechnical and biomedical sectors by attracting more

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research capacity and in the forest products sector by using Maine fiber to reduce carbon emissions. The funds must be awarded through a competitive process to Maine-based public and private entities, leveraging other funds in a one-to-one ratio.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 611      An Act To Provide Supplemental Appropriations and Allocations for the Operations of State Government      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This emergency bill proposes to provide supplemental appropriations and allocations necessary for the operation of State Government for the fiscal year ending June 30, 2019.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 741      An Act To Return Surplus Money to Maine Taxpayers      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill proposes to distribute the funds in the State treasury by placing in the General Fund only the amount necessary to cover the outstanding obligations of the State required by law, such as for bond debt and payment of contracts and salaries. Of the funds not placed in the General Fund, 75% will be refunded to Maine taxpayers on a pro rata basis, based on tax data for the 2018 tax year and 25% will be deposited in the Maine Budget Stabilization Fund.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 789 An Act To Appropriate General Fund Money for Basic Government Functions**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C GATTINE D		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill proposes to appropriate money from the General Fund to support basic government functions.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 792 An Act To Amend the Laws Governing the Issuance of Bonds**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D EVANGELOS J		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill makes the following changes to the laws governing the issuance of bonds:

1. It requires the Governor to issue a general obligation bond that has been ratified by the legal voters of the State unless one of 5 specific conditions exists, and it requires the Governor to provide certain information upon delaying or forgoing issuance of a bond;
2. It eliminates the requirement that registered bonds bear the facsimile signature of the Governor; and
3. It provides that the bill applies to all general obligation bonds ratified by the voters but as yet unissued as well as all future general obligation bonds ratified by the voters.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 859 An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers and Regions**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAUR HERBIG E		

***Joint Standing Committee on Appropriations and Financial Affairs***

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$40,000,000, will be used to make capital improvements to, and purchase equipment for, career and technical education centers and regions for high school students.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 861      An Act To Authorize a General Fund Bond Issue To Complete the      CARRIED OVER**  
**Renovation of a Wharf and Bulkhead in Portland for Marine Research**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$3,000,000, will be used to complete the renovation of a wharf and bulkhead at the Gulf of Maine Research Institute in Portland to bring the wharf back into operation as a fishing vessel berthing resource to support marine research at sea and for continued long-term marine job development.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 911      An Act To Authorize a General Fund Bond Issue To Promote Land      CARRIED OVER**  
**Conservation, Working Waterfronts, Water Access and Outdoor**  
**Recreation**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C COREY P		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Of the \$90,000,000 of funding in this bill, \$75,000,000 is provided to the Land for Maine’s Future Board over four years for the acquisition of land and interest in land for conservation; water access; wildlife or fish habitat including deer wintering areas; outdoor recreation, including hunting and fishing; and working farmland preservation and working waterfront preservation and \$20,000,000 is provided to the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry over four years for capital improvements in the State’s parks and historic sites.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 923      An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S FARRIN B		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$5,000,000, will be used for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to enhance and restore rivers, streams and fish and wildlife habitats and to allow communities to better prepare for extreme storms and floods.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 968      An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2020 and June 30, 2021      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This emergency bill proposes to make supplemental appropriations and allocations and change certain provisions of the law necessary to the proper operations of State Government for the fiscal years ending June 30, 2020 and June 30, 2021.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 969      An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019      CARRIED OVER**

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

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This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This emergency bill proposes to make supplemental appropriations and allocations and change certain provisions of the law necessary to the proper operations of State Government for the fiscal year ending June 30, 2019.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1093      An Act To Authorize a General Fund Bond Issue To Invest in Maine's      CARRIED OVER**  
**Railroad Infrastructure**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N SHEATS B		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by this bond issue, in the amount of \$50,000,000, will be used for investments in railroad infrastructure to expand passenger rail service, with a priority for railroad track corridors that could support passenger and freight intermodal operations and enhance the movement of agricultural products.

Some provisions of this bill are included in Public Law 2019, chapter 673 (LD 2134).

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1119      An Act To Authorize a General Fund Bond Issue To Support      CARRIED OVER**  
**Investments in Energy Efficiency and Renewable Energy in**  
**Municipalities and School Administrative Units**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L HUBBELL B		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The funds provided by the bond issue in Part A, in the amount of \$10,000,000, will be used to purchase solar arrays, high-efficiency ductless heat pumps and high-efficiency modern wood heating systems for buildings and property owned by municipalities and school administrative units.

Part B directs the Efficiency Maine Trust to use funds from the bond issue under Part A to fund the Municipal Energy Efficiency and Renewable Energy Program.

Part C establishes the Municipal Energy Efficiency and Renewable Energy Program within the Efficiency Maine Trust to support municipalities and municipally authorized citizen committees and school administrative units

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across the State in reducing energy costs, reducing carbon emissions, facilitating the development of renewable energy resources and creating local jobs related to the building of renewable energy facilities and the installation of energy-efficient equipment. It funds the program with the proceeds of bonds, including bonds issued pursuant to Part A, any other funds allocated by the trust and matching funds from participating municipalities.

Parts B and C take effect only if the bond issue under Part A is approved by the voters of the State.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1224      An Act To Authorize General Fund Bond Issues To Address Changes in      CARRIED OVER**  
**Sea Level, Geospatial Data Acquisition by Communities and the**  
**Increase in Ocean Acidity**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Part A authorizes the issuance of bonds, in the amount of \$5,000,000, to be used to support improvements to sea level prediction models by providing more detailed mapping of coastal zones and monitoring sea level changes in order to mitigate the impact of and help prepare for rising sea levels.

Part B authorizes the issuance of bonds, in the amount of \$6,000,000, to be used to provide partnership funds and matching grants for geospatial data acquisition to communities that are creating or improving digital parcel maps to accurately identify existing boundaries and land use, identify potential community development areas and protect environmental resources.

Part C authorizes the issuance of bonds, in the amount of \$3,000,000, to be used to collect data, monitor waterways and perform tests related to the known increasing ocean acidity along the Maine coast and its impact on natural wildlife and commercially important species in Maine waters, such as lobsters and clams.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1315      An Act To Support Medically Monitored Crisis Support and      CARRIED OVER**  
**Intervention**

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

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. During the Second Regular Session this bill was recalled from the Governor's desk and committed to the Appropriations and Financial Affairs Committee.

This bill directs the Department of Health and Human Services to provide for an enhanced crisis stabilization reimbursement rate under the MaineCare program for medically monitored crisis support and intervention provided

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to persons 18 years of age or older with mental health and co-occurring substance use disorders who voluntarily seek treatment.

**Committee Amendment "A" (H-351)**

This amendment was the unanimous report of the Joint Standing Committee on Health and Human Services in the First Regular Session. This amendment clarifies that the Department of Health and Human Services must, by December 31, 2019, establish a rate under the MaineCare program that is sufficient to provide medically monitored adult crisis support and intervention. This amendment was adopted in the First Regular Session but removed from the bill when it was committed to the Appropriations and Financial Affairs Committee.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1333      An Act To Authorize a General Fund Bond Issue To Establish a Maine County Correctional Facilities Revolving Construction and Improvement Fund      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides for a bond issue, in the amount of \$100,000,000, to fund the construction, repair and upgrading of county correctional facilities. The bill establishes the Maine County Correctional Facilities Revolving Construction and Improvement Fund to receive the bond money and the Maine County Correctional Facilities Construction and Improvement Board to administer the fund. The bill allows money in the fund to be loaned to a county for a project to construct, repair or upgrade a county correctional facility and requires a loan from the fund to be approved at a referendum of the voters of the county where the project is located.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1453      An Act To Improve Dental Health for Maine Children and Adults with Low Incomes      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BREEN C		

This bill was amended to a resolve and finally passed by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. During the Second Regular Session, this resolve was recalled from the Governor's desk and committed to the Appropriations and Financial Affairs Committee.

This bill adds access to comprehensive medically necessary preventive, diagnostic and restorative dental services to the limited dental services currently available to MaineCare members 21 years of age and over. It also establishes a dental incentive payment program for dentists to increase access to dental care for MaineCare members, including

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children, and requires the Department of Health and Human Services to convene a working group to make recommendations on the design of the program. It provides for the establishment of benchmarks to measure the effectiveness of the dental incentive payment program over time.

**Committee Amendment "A" (H-409)**

This amendment was the unanimous report of the Joint Standing Committee on Health and Human Services in the First Regular Session. This amendment removes from the bill provisions establishing the dental incentive payment program and the working group that would have designed it. It retains the adult dental benefit under MaineCare and the rulemaking implementing it. It also adds an appropriations and allocations section. This amendment was adopted in the First Regular Session but removed from the bill when it was committed to the Appropriations and Financial Affairs Committee.

**Senate Amendment "A" To Committee Amendment "A" (S-371)**

This amendment was adopted by the House and the Senate in the First Regular Session. This amendment replaces the bill with a resolve. This amendment requires the Department of Health and Human Services to convene a stakeholder group to develop a plan for an adult dental benefit under MaineCare. The plan must be submitted to the Joint Standing Committee on Health and Human Services no later than January 1, 2020. This amendment was adopted in the First Regular Session but removed from the bill when it was committed to the Appropriations and Financial Affairs Committee.

This resolve, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1496 An Act To Protect the Maine Budget Stabilization Fund**

**Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BREEN C		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Under Public Law 2017, chapter 284, Part EEEEEEE, the State Controller is required to transfer up to \$65,000,000 from the Maine Budget Stabilization Fund to provide General Fund resources to cover any federal disallowance in federal financial participation for Medicaid services and disproportionate share hospital payments related to the Riverview Psychiatric Center. A payment of \$10,524,817 was made in early 2019. This bill requires instead that the transfer be made from the Tax Relief Fund for Maine Residents and requires the State Controller to reimburse the Maine Budget Stabilization Fund for the amount transferred for the federal disallowance related to Riverview Psychiatric Center earlier this year. In the event that sufficient funds do not exist in the Tax Relief Fund for Maine Residents to cover future payments, the funds must come from the Maine Budget Stabilization Fund with a reimbursement from the Tax Relief Fund for Maine Residents to be made as soon as funds become available.



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Community Development, to be matched by at least \$50,000,000 in private and other funds.

This bill, which had not yet been voted by committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1836 An Act To Authorize a General Fund Bond Issue for Infrastructure, Economic Development, Workforce Development and Energy and Environment Investment**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C	OTP-AM	S-354
GATTINE D	OTP-AM	

This bill was carried over in the Senate from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Part A provides a bond issue in the amount of \$105,000,000. Funds in the amount of \$100,000,000 will be used for reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, matching an estimated \$137,000,000 per year in federal and other funds. Funds in the amount of \$4,000,000 will be used for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to improve fish and wildlife habitats and to allow communities to better prepare for extreme storms and floods. Funds in the amount of \$1,000,000 will be used to complete the renovation of a wharf and bulkhead at the Gulf of Maine Research Institute in Portland to bring the wharf back into operation for a fishing vessel berthing resource to support marine research at sea, for commercial fishing access and for continued long-term marine job development.

Part B provides a bond issue, in the amount of \$50,000,000, to be used to invest in community broadband infrastructure, economic development and job creation.

Part C provides a bond issue, in the amount of \$19,000,000, to be used to invest in Maine Community College training, in child care services, in Maine Army National Guard readiness centers and support facilities and in career and technical education centers.

Part D provides a bond issue, in the amount of \$65,000,000, to be used to protect Maine's environment by investing in land conservation, water access, wildlife habitat, outdoor recreation opportunities, including hunting and fishing, farmland and working waterfronts and by supporting environmental clean-up efforts and promotion of renewable energy projects through the Municipal Energy Efficiency and Renewable Energy Program established in Part E.

Part E establishes the Municipal Energy Efficiency and Renewable Energy Program within the Efficiency Maine Trust to support municipalities and municipally authorized citizen committees and school administrative units across the State in reducing energy costs, reducing carbon emissions, facilitating the development of renewable

**Committee Amendment "A" (S-354)**

This amendment is the majority report of the committee. It makes the following changes to the bill.

1. It amends Part B to allow biomedical research institutions to apply for bond proceeds and adds market development of life sciences products as an area within which a successful application must demonstrate potential for job creation and economic growth.

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2. It amends Part D to reduce bond funds allocated to the Efficiency Maine Trust's Municipal Energy Efficiency and Renewable Energy Program from \$15,000,000 to \$10,000,000 and allocates \$5,000,000 to the trust's Heating Fuels Efficiency and Weatherization Fund to recapitalize that fund. It also changes the language regarding disbursement of bond proceeds to provide that payment from bond proceeds for acquisitions to community conservation projects may be made directly to cooperating entities and removes the requirement that the Land for Maine's Future Board give preference to acquisitions that achieve benefits for multiple towns and address regional conservation needs. It also includes community conservation projects in the expenditures for which bond funds must be matched with at least \$30,000,000 in public and private contributions.

3. It amends Part E to allow Maine Efficiency Trust to award grant funding under the Municipal Energy Efficiency and Renewable Energy Program for a solar array that is not directly owned by a municipality or school administrative unit if, pursuant to an agreement between the owner of the solar array and a municipality or school administrative unit, the sole user of the energy produced by the solar array is the municipality or school administrative unit that entered into the agreement.

4. It adds Part F, which requires the ConnectME Authority to establish a process to ensure state funds made available pursuant to the bond issue under Part B are used to build broadband Internet service in areas of the State that do not meet the goals for broadband service described under the Maine Revised Statutes, Title 35-A, section 9202-A.

5. It adds Part G, which allows proceeds of the Land for Maine's Future Fund to be spent on property that is determined by the Land for Maine's Future Board to be for a community conservation project, defines "community conservation project," includes Maine Indian tribes under the definition of "cooperative entities" and sets helping the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate as a priority of the board in making land acquisitions.

**Committee Amendment "B" (S-355)**

This amendment, which is the minority report of the committee, strikes out Parts B to E.

This bill was carried over in the Senate to any special session of the 129th Legislature by joint order, S.P. 788.

<b>LD 1847</b>	<b>An Act To Authorize a General Fund Bond Issue for the Protection and Enhancement of Water Quality, Support of Environmental Clean-up Efforts and Provision of Loans for the Residential Purchase of High-performance Air Source Heat Pumps</b>	<b>Enactment Failed</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C		

This bill, which was introduced and finally disposed of during the First Special Session of the 129th Legislature, was not referred to committee.

This bill authorizes a General Fund bond issue of \$15,000,000 to be used as follows:

1. To provide \$5,000,000 for state match on federal superfund sites, uncontrolled hazardous substance site investigation and remediation and response actions at sites contaminated with emerging pollutants, such as perfluoroalkyl and polyfluoroalkyl substances, at dry cleaner sites and at brownfield sites;

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2. To provide \$5,000,000 for wastewater treatment facility planning, construction grants and hydrographic modeling, prioritizing areas with high-value shellfish resources; and

3. To provide \$5,000,000 to establish a revolving loan fund for the purchase and installation of high-performance air source heat pumps in Maine residences.

**LD 1848      An Act To Authorize a General Fund Bond Issue To Provide Broadband Internet Infrastructure in Unserved and Underserved Areas of the State, Maintenance and Improvement of the Maine National Guard Armories, Readiness Centers and Support Facilities and Capital Improvements and Equipment Purchases for Career and Technical Education Centers      Enactment Failed**

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

This bill, which was introduced and finally disposed of during the First Special Session of the 129th Legislature, was not referred to committee.

The funds provided by this bond issue, in the amount of \$23,000,000, will be used to invest in high-speed Internet infrastructure, Maine Army National Guard armories, readiness centers and support facilities, and career and technical education centers.

**LD 1850      An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities      PUBLIC 532**

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

This bill, which was introduced and finally disposed of during the First Special Session of the 129th Legislature, was not referred to committee.

The funds provided by this bond issue, in the amount of \$105,000,000, will be used to build or improve roads, bridges, railroads, airports, transit and ports and make other transportation investments to match an estimated \$137,000,000 in federal and other funds.

**Enacted Law Summary**

Public Law 2019, chapter 532 provides funding, in the amount of \$105,000,000, to be used to build or improve roads, bridges, railroads, airports, transit and ports and make other transportation investments to match an estimated \$137,000,000 in federal and other funds.

**LD 1851      An Act To Authorize a General Fund Bond Issue for Land Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitats and Farmland and Working Waterfront Preservation      Enactment Failed**

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

***Joint Standing Committee on Appropriations and Financial Affairs***

This bill, which was introduced and finally disposed of during the First Special Session of the 129th Legislature, was not referred to committee.

Part A provides a bond issue, in the amount of \$20,000,000, to be used for the acquisition of land and interest in land for conservation; water access; wildlife or fish habitat, including deer wintering areas; outdoor recreation, including hunting and fishing; and working farmland preservation and working waterfront preservation.

Part B allows proceeds of the Land for Maine's Future Fund to be spent on property that is determined by the Land for Maine's Future Board to be for a community conservation project, defines "community conservation project," amends the definition of "cooperating entities" and sets helping the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate as a priority of the board in making land acquisitions.

**LD 1885      An Act To Authorize a General Fund Bond Issue To Repair or Replace      CARRIED OVER**  
**Bureau of Forestry Helicopters**

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

The funds provided by this bond issue, in the amount of \$4,000,000, will be used to repair or replace Department of Agriculture, Conservation and Forestry, Bureau of Forestry helicopters.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2060      An Act To Authorize a General Fund Bond Issue To Provide a New      CARRIED OVER**  
**Dormitory Facility at the Maine School of Science and Mathematics**

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

The funds provided by this bond issue, in the amount of \$10,000,000, will be used for a new dormitory facility at the Maine School of Science and Mathematics.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2126      An Act Making Supplemental Appropriations and Allocations for the      PUBLIC 616**  
**Expenditures of State Government, General Fund and Other Funds and      EMERGENCY**  
**Changing Certain Provisions of the Law Necessary to the Proper**  
**Operations of State Government for the Fiscal Years Ending June 30,**  
**2020 and June 30, 2021**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BREEN C	OTP-AM	H-775

## ***Joint Standing Committee on Appropriations and Financial Affairs***

This emergency bill proposes to make supplemental appropriations and allocations for the expenditures of State Government, General Fund and other funds and change certain provisions of the law for the fiscal years ending June 30, 2020, June 30, 2021.

The summary below does not include proposed changes or additions contained in the Governor's "Change Package."

Part A makes supplemental appropriations and allocations of funds in the 2020-2021 biennium.

Part B makes appropriations and allocations of funds for self-funded, approved reclassifications and range changes.

Part C establishes for fiscal year 2020-21 the total cost of education from kindergarten to grade 12, the per-pupil rate for education service center administration, the state contribution and the annual target state share percentage. It also caps the total allocation for a career and technical education center or career and technical education region; amends the laws governing the payment of targeted education funds; and establishes the debt service ceiling for capital projects for fiscal years 2023-24 through 2026-27.

Part D increases the amount of financing agreements that the Department of Administrative and Financial Services may enter into in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the Central Fleet Management Division and for State Police motor vehicles.

Part E increases the amount of the death benefit payable for law enforcement officers, firefighters and emergency medical services personnel who have died while in the line of duty.

Part F authorizes the Maine Governmental Facilities Authority to issue additional securities for capital costs related to state-owned facilities, hazardous waste cleanup on state-owned properties and certain costs related to Curtis Hall at the Maine Maritime Academy.

Part G updates the mileage rate paid to employees and state officers and officials not subject to a bargaining agreement to either the rate included in the bargaining agreement representing the most employees or the federal rate of reimbursement, whichever is lower.

Part H authorizes the General Fund to receive up to \$20,000,000 in undedicated revenues associated with profits from liquor operations and continues the transfers previously established.

Part I authorizes the Department of Administrative and Financial Services to enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of hardware, software and systems to support the operations of the Statewide Radio and Network System Reserve Fund.

Part J transfers \$20,116,942 from the General Fund unappropriated surplus to the Maine Budget Stabilization Fund in fiscal year 2019-20.

Part K authorizes the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to pay operating expenses from the Aerial Fire Suppression Fund.

Part L directs that any unexpended balance of the one-time funds appropriated for repairs and upgrades at armories in the Department of Defense, Veterans and Emergency Management, Military Training and Operations program, General Fund account be carried forward into the subsequent fiscal years for the purpose for which they were intended.

Part M changes the titles of two positions within Department of Education to Director of Marketing and Communications and designates the Chief Innovation Officer position as a major policy-influencing position in the department.

## ***Joint Standing Committee on Appropriations and Financial Affairs***

Part N increases flexibility with respect to when a secondary student may take an early college course.

Part O replaces the term "school nutrition" where it appears in the statutes with the term "child nutrition."

Part P requires the Education Research Institute to provide an annual report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on education data requested by the Legislature.

Part Q adds the Chief of Staff and Operations position as a major policy-influencing position in the Department of Education.

Part R changes the title of Director, Legislative Affairs within the Department of Education to Director of Policy and Government Affairs.

Part S implements criminal history record checks for certain individuals with access to federal tax information and other federally protected data at the Department of Administrative and Financial Services, Office of Information Technology.

Part T renames the Facilities, Safety and Transportation program within the Department of Education the Facilities and Transportation program.

Part U requires any unexpended balance of the one-time funds appropriated for investigation and remediation of uncontrolled sites in the Department of Environmental Protection, Remediation and Waste Management program, General Fund account to be carried forward into subsequent fiscal years for the purpose for which they were intended.

Part V requires any unexpended balance of the one-time funds appropriated for water treatment facilities in the Department of Environmental Protection, Water Quality program, General Fund account to carry forward into subsequent fiscal years for the purpose for which they were intended.

Part W authorizes the Department of Health and Human Services to transfer available balances of Personal Services appropriations and allocations in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program, the Riverview Psychiatric Center program and the Dorothea Dix Psychiatric Center to the All Other line category.

Part X updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986, as amended through December 31, 2019, for tax years beginning on or after January 1, 2019, and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. These provisions are also included in LD 2010 as amended by the Joint Standing Committee on Taxation.

Part Y clarifies that, with regard to each hospital in the State, the hospital's fiscal year that ended during calendar year 2016 is intended to be the hospital's taxable year for all state fiscal years beginning on or after July 1, 2019 for the purpose of taxes imposed by the Maine Revised Statutes, Title 36, section 2892

Part Z establishes a senior legal advisor for the commissioner within the Department of Health and Human Services.

Part AA establishes the Aging and Disability Mortality Review Panel to review deaths of and serious injuries to adults receiving home-based and community-based services. Provisions of this Part are also included in LD 1377 as amended by the Joint Standing Committee on Health and Human Services.

Part BB requires the Department of Health and Human Services to amend the Office of Elder Services Policy Manual to increase the number of reimbursable medication passes per consumer per day.

Part CC transfers an additional \$2,036,206 to the Maine Commission on Indigent Legal Services in fiscal year 2019-20.

## ***Joint Standing Committee on Appropriations and Financial Affairs***

Part DD 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 fund a Personal Services shortfall in fiscal year 2019-20.

Part EE reduces certain unemployment insurance trust fund contributions for employers by a percentage used to calculate the Unemployment Administrative Fund assessment.

Part FF establishes the Unemployment Program Administrative Fund.

Part GG authorizes the use of unemployment insurance modernization funds under the American Recovery and Reinvestment Act of 2009 and Section 903(f) of the federal Social Security Act for the purposes of operating the State's unemployment compensation and public employment systems

Part HH authorizes any unexpended balances of the one-time funds appropriated in Part A for Department of Labor, Department of Economic and Community Development and Department of Education programs associated with apprenticeships, career exploration, adult education workforce development and preschool programs, toward the goal of enhancing Maine's current and future workforce, to carry forward into the subsequent fiscal years for the purposes for which they were intended.

Part II authorizes General Fund appropriations in the Department of Transportation to carry forward into the subsequent fiscal years to be used for the same purposes.

Part JJ adds to the job classifications in the Department of Public Safety that are eligible to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System.

Part KK authorizes any unexpended balances of the one-time funds appropriated in Part A for the Forest City dam engineering study and repair and restoration of the Forest City dam and several other dams in the Office of the Commissioner - Inland Fisheries and Wildlife program to carry forward into the subsequent fiscal years for the purposes for which they were intended.

Part LL amends the Maine Seed Capital Tax Credit Program. Provisions of this Part are also included in LD 1200 as amended by the Joint Standing Committee on Taxation.

### **Committee Amendment "A" (H-775)**

Part A makes supplemental appropriations and allocations of funds in the 2020-2021 biennium.

Part B makes appropriations and allocations of funds for self-funded, approved reclassifications and range changes.

Part C establishes for fiscal year 2020-21 the total cost of education from kindergarten to grade 12, the per-pupil rate for education service center administration, the state contribution and the annual target state share percentage. It also caps the total allocation for a career and technical education center or career and technical education region; amends the laws governing the payment of targeted education funds; and establishes the debt service ceiling for capital projects for fiscal years 2023-24 through 2026-27.

Parts D, E, F and G are intentionally left blank.

Part H transfers \$20,000,000 from the Liquor Operation Revenue Fund in the Maine Municipal Bond Bank to the unappropriated surplus of the General Fund in fiscal year 2019-20

Part I is intentionally left blank.

***Joint Standing Committee on Appropriations and Financial Affairs***

Part J transfers \$17,143,338 from the General Fund unappropriated surplus to the Maine Budget Stabilization Fund in fiscal year 2019-20.

Part K authorizes the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to pay operating expenses from the Aerial Fire Suppression Fund.

Parts L, M, N, O, P, Q and R are intentionally left blank.

Part S implements criminal history record checks for certain individuals with access to federal tax information and other federally protected data at the Department of Administrative and Financial Services, Office of Information Technology.

Parts T, U and V are intentionally left blank.

Part W authorizes the Department of Health and Human Services to transfer available balances of Personal Services appropriations and allocations in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program, the Riverview Psychiatric Center program and the Dorothea Dix Psychiatric Center to the All Other line category.

Part X updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986, as amended through December 31, 2019, for tax years beginning on or after January 1, 2019 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. These provisions are also included in LD 2010 as amended by the Joint Standing Committee on Taxation.

Part Y clarifies that, with regard to each hospital in the State, the hospital's fiscal year that ended during calendar year 2016 is intended to be the hospital's taxable year for all state fiscal years beginning on or after July 1, 2019 for the purpose of taxes imposed by the Maine Revised Statutes, Title 36, section 2892.

Parts Z and AA are intentionally left blank.

Part BB requires the Department of Health and Human Services to amend the Office of Elder Services Policy Manual to increase the number of reimbursable medication passes per consumer per day.

Part CC transfers an additional \$2,036,206 to the Maine Commission on Indigent Legal Services in fiscal year 2019-20.

Part DD 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 fund a Personal Services shortfall in fiscal year 2019-20.

Part EE reduces certain unemployment insurance trust fund contributions for employers by a percentage used to calculate the Unemployment Administrative Fund assessment.

Part FF establishes the Unemployment Program Administrative Fund.

Part GG authorizes the use of unemployment insurance modernization funds under the American Recovery and Reinvestment Act of 2009 and Section 903(f) of the federal Social Security Act for the purposes of operating the State's unemployment compensation and public employment systems

Parts HH, II, JJ and KK are intentionally left blank.

Part LL amends the Maine Seed Capital Tax Credit Program. Provisions of this Part are also included in LD

***Joint Standing Committee on Appropriations and Financial Affairs***

1200 as amended by the Joint Standing Committee on Taxation.

**Enacted Law Summary**

Public Law 2019, chapter 616 does the following:

Part A makes supplemental appropriations and allocations of funds in the 2020-2021 biennium.

Part B makes appropriations and allocations of funds for self-funded, approved reclassifications and range changes.

Part C establishes for fiscal year 2020-21 the total cost of education from kindergarten to grade 12, the per-pupil rate for education service center administration, the state contribution and the annual target state share percentage. It also caps the total allocation for a career and technical education center or career and technical education region; amends the laws governing the payment of targeted education funds; and establishes the debt service ceiling for capital projects for fiscal years 2023-24 through 2026-27.

Parts D, E, F and G are intentionally left blank.

Part H transfers \$20,000,000 from the Liquor Operation Revenue Fund in the Maine Municipal Bond Bank to the unappropriated surplus of the General Fund in fiscal year 2019-20.

Part I is intentionally left blank.

Part J transfers \$17,143,338 from the General Fund unappropriated surplus to the Maine Budget Stabilization Fund in fiscal year 2019-20.

Part K authorizes the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to pay operating expenses from the Aerial Fire Suppression Fund.

Parts L, M, N, O, P, Q and R are intentionally left blank.

Part S implements criminal history record checks for certain individuals with access to federal tax information and other federally protected data at the Department of Administrative and Financial Services, Office of Information Technology.

Parts T, U and V are intentionally left blank.

Part W authorizes the Department of Health and Human Services to transfer available balances of Personal Services appropriations and allocations in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program, the Riverview Psychiatric Center program and the Dorothea Dix Psychiatric Center to the All Other line category.

Part X updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986, as amended through December 31, 2019, for tax years beginning on or after January 1, 2019 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended.

Part Y clarifies that, with regard to each hospital in the State, the hospital's fiscal year that ended during calendar year 2016 is intended to be the hospital's taxable year for all state fiscal years beginning on or after July 1, 2019 for the purpose of taxes imposed by the Maine Revised Statutes, Title 36, section 2892.

Parts Z and AA are intentionally left blank.

***Joint Standing Committee on Appropriations and Financial Affairs***

Part BB requires the Department of Health and Human Services to amend the Office of Elder Services Policy Manual to increase the number of reimbursable medication passes per consumer per day.

Part CC transfers an additional \$2,036,206 to the Maine Commission on Indigent Legal Services in fiscal year 2019-20.

Part DD 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 fund a Personal Services shortfall in fiscal year 2019-20.

Part EE reduces certain unemployment insurance trust fund contributions for employers by a percentage used to calculate the Unemployment Administrative Fund assessment.

Part FF establishes the Unemployment Program Administrative Fund.

Part GG authorizes the use of unemployment insurance modernization funds under the American Recovery and Reinvestment Act of 2009 and Section 903(f) of the federal Social Security Act for the purposes of operating the State's unemployment compensation and public employment systems.

Parts HH, II, JJ and KK are intentionally left blank.

Part LL This Part amends the Maine Seed Capital Tax Credit Program.

Public Law 2019, chapter 616 was enacted as an emergency measure effective March 18, 2020.

**LD 2134      An Act To Authorize a General Fund Bond Issue for Infrastructure  
To Improve Transportation and Internet Connections**

**PUBLIC 673**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D	OTP-AM	S-449 BREEN C
BREEN C	OTP-AM	
	OTP-AM	

**LD 2134**

**An Act To Authorize a General Fund Bond Issue for Infrastructure To Improve Transportation and Internet Connections**

**PUBLIC 673**

The funds provided by the bond issue under Part A, in the amount of \$105,000,000, will be used for improvement of highways and bridges statewide and for multimodal facilities or equipment related to transit, freight and passenger railroads, aviation, ports, harbors, marine transportation and active transportation projects, to be matched by an estimated \$275,000,000 in federal and other funds.

The funds provided by the bond issue under Part B, in the amount of \$15,000,000, will be used for investments in high-speed internet infrastructure for unserved and underserved areas, to be matched by up to \$30,000,000 in federal, private, local or other funds.

**Committee Amendment "A" (H-769)**

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

*Joint Standing Committee on Appropriations and Financial Affairs*

**Committee Amendment "B" (H-770)**

This amendment, which is one of two minority reports of the committee, eliminates from the bill the proposed \$15,000,000 bond issue to invest in high-speed internet infrastructure.

**Committee Amendment "C" (H-771)**

This amendment, which is one of two minority reports of the committee, eliminates from the bill the proposed \$15,000,000 bond issue for multimodal facilities or equipment related to transit, freight and passenger railroads, aviation, ports, harbors, marine transportation and active transportation projects and eliminates the proposed \$15,000,000 bond issue to invest in high-speed internet infrastructure.

**Senate Amendment "A" (S-449)**

This amendment changes the date of the referenda from November 2020 to June 2020.

**Enacted Law Summary**

Public Law 2019, chapter 673 does the following:

Part A provides funds, in the amount of \$105,000,000, to be used for improvement of highways and bridges statewide and for multimodal facilities or equipment related to transit, freight and passenger railroads, aviation, ports, harbors, marine transportation and active transportation projects, to be matched by an estimated \$275,000,000 in federal and other funds.

Part B provides funds, in the amount of \$15,000,000, to be used for investments in high-speed internet infrastructure for unserved and underserved areas, to be matched by up to \$30,000,000 in federal, private, local or other funds.

**LD 2163 An Act To Address Funding Needs Related to COVID-19**

**PUBLIC 618  
EMERGENCY**

Sponsor(s)

GIDEON S  
JACKSON T

Committee Report

Amendments Adopted

This bill was not referred to committee.

This bill authorizes transfers from the Reserve for General Fund Operating Capital to a COVID-19 response fund in order to address funding needs associated with COVID-19 through January 15, 2021.

**Enacted Law Summary**

Public Law 2019 chapter 618 authorizes transfers from the Reserve for General Fund Operating Capital to a COVID-19 response fund in order to address funding needs associated with COVID-19 through January 15, 2021.

Public Law 2019, chapter 618 was enacted as an emergency measure effective March 18, 2020.

*Joint Standing Committee on Appropriations and Financial Affairs*

**SUBJECT INDEX**

**Budget Bills**

**Enacted**

<b>LD 2126</b>	<b>An Act Making Supplemental 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, 2020 and June 30, 2021</b>	<b>PUBLIC 616 EMERGENCY</b>
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**Not enacted**

<b>LD 310</b>	<b>An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government</b>	<b>CARRIED OVER</b>
<b>LD 311</b>	<b>An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government</b>	<b>CARRIED OVER</b>
<b>LD 611</b>	<b>An Act To Provide Supplemental Appropriations and Allocations for the Operations of State Government</b>	<b>CARRIED OVER</b>
<b>LD 789</b>	<b>An Act To Appropriate General Fund Money for Basic Government Functions</b>	<b>CARRIED OVER</b>
<b>LD 968</b>	<b>An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2020 and June 30, 2021</b>	<b>CARRIED OVER</b>
<b>LD 969</b>	<b>An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019</b>	<b>CARRIED OVER</b>

**Fiscal Policy**

**Not Enacted**

<b>LD 741</b>	<b>An Act To Return Surplus Money to Maine Taxpayers</b>	<b>CARRIED OVER</b>
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LD 792	An Act To Amend the Laws Governing the Issuance of Bonds	CARRIED OVER
LD 1496	An Act To Protect the Maine Budget Stabilization Fund	Leave to Withdraw Pursuant to Joint Rule 310

**General Obligation Bond Bills**

**Enacted**

LD 1850	An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities	PUBLIC 532
LD 2134	An Act To Authorize a General Fund Bond Issue for Infrastructure To Improve Transportation and Internet Connections	PUBLIC 673

**Not enacted**

LD 12	An Act To Authorize a General Fund Bond Issue for the Design and Construction of a New Fish Hatchery and To Improve Hatchery Infrastructure	ONTP
LD 16	An Act To Authorize a General Fund Bond Issue To Invest in Infrastructure To Address Sea Level Rise	CARRIED OVER
LD 47	An Act To Authorize a General Fund Bond Issue To Invest in Fire Stations	CARRIED OVER
LD 48	An Act To Authorize a General Fund Bond Issue To Invest in Housing for Persons Who Are Homeless	CARRIED OVER
LD 111	An Act To Authorize a General Fund Bond Issue for Research and Development and Commercialization	CARRIED OVER
LD 126	An Act To Authorize a General Fund Bond Issue To Acquire Significant Historic Properties for Resale and Rehabilitation	CARRIED OVER
LD 148	An Act To Authorize a General Fund Bond Issue To Recapitalize the School Revolving Renovation Fund and To Give Priority Status to Certain School Facility Upgrades	CARRIED OVER
LD 149	An Act To Authorize a General Fund Bond Issue To Provide Student Debt Forgiveness To Support Workforce Attraction and Retention	CARRIED OVER
LD 172	An Act To Authorize a General Fund Bond Issue To Invest in Smart City Technology	CARRIED OVER
LD 295	An Act To Authorize a General Fund Bond Issue To Increase Rural Maine's Access to Broadband Internet Service	CARRIED OVER

<b>LD 299</b>	<b>An Act To Authorize a General Fund Bond Issue To Assist Schools, Municipalities and Counties in Using Emerging Technologies and Energy Alternatives to Fossil Fuels in Heating, Electrical and Other Utility Systems</b>	<b>CARRIED OVER</b>
<b>LD 341</b>	<b>An Act To Authorize a General Fund Bond Issue for the Construction of a Convention Center in Portland</b>	<b>CARRIED OVER</b>
<b>LD 354</b>	<b>An Act To Authorize a General Fund Bond Issue To Encourage the Provision of Reliable High-speed Internet in Rural Underserved Areas of Maine</b>	<b>CARRIED OVER</b>
<b>LD 381</b>	<b>An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation</b>	<b>CARRIED OVER</b>
<b>LD 394</b>	<b>An Act To Authorize a General Fund Bond Issue To Provide for Student Loan Debt Relief</b>	<b>CARRIED OVER</b>
<b>LD 400</b>	<b>An Act To Authorize a General Fund Bond Issue for Food Processing Infrastructure in Targeted Areas of the State</b>	<b>CARRIED OVER</b>
<b>LD 423</b>	<b>An Act To Authorize a General Fund Bond Issue To Preserve Historic Properties for Maine's Bicentennial</b>	<b>CARRIED OVER</b>
<b>LD 455</b>	<b>An Act To Authorize a General Fund Bond Issue To Expand Maine's Research, Development, Commercialization and Clinical Infrastructure Assets To Improve Outcomes for Maine Families with Members Suffering from Alzheimer's, Dementia and Other Diseases of Aging</b>	<b>CARRIED OVER</b>
<b>LD 469</b>	<b>An Act To Authorize a General Fund Bond Issue To Provide Funding for Upgrades of Learning Spaces and Other Projects Funded by the School Revolving Renovation Fund</b>	<b>CARRIED OVER</b>
<b>LD 535</b>	<b>An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service</b>	<b>CARRIED OVER</b>
<b>LD 537</b>	<b>An Act To Authorize a General Fund Bond Issue To Support the Gulf of Maine Research Institute's Establishment of a Near-shore Coastal Sensor Network</b>	<b>CARRIED OVER</b>
<b>LD 547</b>	<b>An Act To Authorize a General Fund Bond Issue To Support Maine Aquaculture</b>	<b>CARRIED OVER</b>
<b>LD 602</b>	<b>An Act To Authorize a General Fund Bond Issue To Support Research and Development in Maine</b>	<b>CARRIED OVER</b>
<b>LD 859</b>	<b>An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers and Regions</b>	<b>CARRIED OVER</b>
<b>LD 861</b>	<b>An Act To Authorize a General Fund Bond Issue To Complete the Renovation of a Wharf and Bulkhead in Portland for Marine Research</b>	<b>CARRIED OVER</b>

LD 911	<b>An Act To Authorize a General Fund Bond Issue To Promote Land Conservation, Working Waterfronts, Water Access and Outdoor Recreation</b>	<b>CARRIED OVER</b>
LD 923	<b>An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings</b>	<b>CARRIED OVER</b>
LD 1093	<b>An Act To Authorize a General Fund Bond Issue To Invest in Maine's Railroad Infrastructure</b>	<b>CARRIED OVER</b>
LD 1119	<b>An Act To Authorize a General Fund Bond Issue To Support Investments in Energy Efficiency and Renewable Energy in Municipalities and School Administrative Units</b>	<b>CARRIED OVER</b>
LD 1224	<b>An Act To Authorize General Fund Bond Issues To Address Changes in Sea Level, Geospatial Data Acquisition by Communities and the Increase in Ocean Acidity</b>	<b>CARRIED OVER</b>
LD 1333	<b>An Act To Authorize a General Fund Bond Issue To Establish a Maine County Correctional Facilities Revolving Construction and Improvement Fund</b>	<b>CARRIED OVER</b>
LD 1604	<b>An Act To Authorize General Fund Bond Issues To Improve Highways, Bridges and Multimodal Facilities</b>	<b>CARRIED OVER</b>
LD 1692	<b>An Act To Authorize a General Fund Bond Issue To Fund Training for Mill Workers and Loggers</b>	<b>ONTP</b>
LD 1705	<b>An Act To Authorize a General Fund Bond Issue To Strengthen the Marine Economy</b>	<b>CARRIED OVER</b>
LD 1836	<b>An Act To Authorize a General Fund Bond Issue for Infrastructure, Economic Development, Workforce Development and Energy and Environment Investment</b>	<b>CARRIED OVER</b>
LD 1847	<b>An Act To Authorize a General Fund Bond Issue for the Protection and Enhancement of Water Quality, Support of Environmental Clean-up Efforts and Provision of Loans for the Residential Purchase of High-performance Air Source Heat Pumps</b>	<b>Enactment Failed</b>
LD 1848	<b>An Act To Authorize a General Fund Bond Issue To Provide Broadband Internet Infrastructure in Unserved and Underserved Areas of the State, Maintenance and Improvement of the Maine National Guard Armories, Readiness Centers and Support Facilities and Capital Improvements and Equipment Purchases for Career and Technical Education Centers</b>	<b>Enactment Failed</b>
LD 1851	<b>An Act To Authorize a General Fund Bond Issue for Land Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitats and Farmland and Working Waterfront Preservation</b>	<b>Enactment Failed</b>
LD 1885	<b>An Act To Authorize a General Fund Bond Issue To Repair or Replace Bureau of Forestry Helicopters</b>	<b>CARRIED OVER</b>

<b>LD 2060</b>	<b>An Act To Authorize a General Fund Bond Issue To Provide a New Dormitory Facility at the Maine School of Science and Mathematics</b>	<b>CARRIED OVER</b>
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**Miscellaneous Funding and Other Requests**

**Enacted**

<b>LD 2163</b>	<b>An Act To Address Funding Needs Related to COVID-19</b>	<b>PUBLIC 618 EMERGENCY</b>
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**Not Enacted**

<b>LD 1315</b>	<b>An Act To Support Medically Monitored Crisis Support and Intervention</b>	<b>CARRIED OVER</b>
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<b>LD 1453</b>	<b>Resolve, To Establish a Stakeholder Group To Develop an Adult Dental Benefit Under MaineCare</b>	<b>CARRIED OVER</b>
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**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

**STAFF:**

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*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 44      An Act Regarding the Maine Criminal Code**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-104

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill is submitted by the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2. The bill contains the following provisions.

1. In Part A it amends the crime of endangering the welfare of a child by enacting in the Maine Revised Statutes, Title 17-A, section 554, subsection 1, paragraph D a new Class C crime for the reckless violation of a duty of care or protection that results in death or serious bodily injury to the child. It amends the crime of endangering the welfare of a child under Title 17-A, section 554, subsection 1, paragraph C to cover recklessly violating a duty of care or protection.
2. In Part B it amends the crime of gross sexual assault against a person under 12 years of age or under 14 years of age, both of which are Class A crimes, by requiring that the actor be at least three years older than the other person.
3. In Part C it amends the Maine Revised Statutes, Title 15, section 393 to recognize that convictions in the tribal courts of the Passamaquoddy Tribe and the Penobscot Nation are disqualifying domestic violence convictions for the purposes of the prohibition against firearms created by Title 15, section 393, subsection 1-B. It makes Title 15, section 393 more consistent with the Maine Criminal Code by using the phrase "another jurisdiction" to reference the courts defined by that term.
4. In Part D, in response to *State v. LeBlanc-Simpson*, 2018 ME 109, it clarifies that a judicial officer in issuing a written release order under Title 15, section 1026, subsection 2-A or 3 must inform a defendant of the conditions of release, that the conditions take effect and are fully enforceable immediately and that failure to appear or comply with conditions may result in revocation of bail and additional criminal penalties. The bill provides that a condition of release takes effect and is fully enforceable immediately as of the time the judicial officer sets the condition, unless the bail order expressly excludes a condition of release from immediate applicability, if the defendant is advised of the conditions and that failure to appear or comply with the conditions may subject the defendant to revocation of bail and additional criminal penalties.
5. In Part E it amends the probation statutes to reflect the current practice of the Department of Corrections with respect to calculating the period of probation. A probationer receives credit for a full day of probation on the day probation commences, regardless of the time of day, and receives no credit for a day on which probation is tolled. The period of probation ends when the final day of the probation period ends.

**Committee Amendment "A" (H-104)**

This amendment clarifies that the notice required by the bill in order for a condition of release to take effect immediately may be provided by a judicial officer, a law enforcement officer or an employee of a county or regional jail or a correctional facility having custody of the defendant. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.



*Joint Standing Committee on Criminal Justice and Public Safety*

This bill makes the crime of theft by deception when the victim is 66 years of age or older at the time of the offense a Class B crime.

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

This amendment is the majority report of the committee. The amendment replaces the bill and provides a new title. The amendment defines "vulnerable person" by reference to the definitions of "dependent adult" in the Maine Revised Statutes, Title 22, section 3472, subsection 6 and "incapacitated adult" in Title 22, section 3472, subsection 10. The amendment designates the following types of theft or fraud as Class B crimes if the owner of the property is a vulnerable person: theft by unauthorized taking or transfer, theft by deception, theft by misapplication of property and misuse of entrusted property. The amendment includes an appropriations and allocations section.

**Committee Amendment "B" (H-298)**

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment defines "vulnerable person" by reference to the definitions of "dependent adult" in the Maine Revised Statutes, Title 22, section 3472, subsection 6 and "incapacitated adult" in Title 22, section 3472, subsection 10. The amendment elevates the class of the following crimes of theft or fraud by one class, up to a maximum of Class B, if the owner of the property is a vulnerable person: theft by unauthorized taking or transfer, theft by deception, theft by misapplication of property and misuse of entrusted property. This amendment was not adopted.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 430      An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J DESCHAMBAULT S	OTP-AM OTP-AM ONTP	H-627

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill establishes within the Department of Public Safety programs for the collection and disposal of expired marine flares and for education of the public and state agency personnel regarding expired marine flares.

**Committee Amendment "A" (H-627)**

This amendment is the majority report of the committee. The amendment adds to the bill a directive that the Commissioner of Public Safety use appropriated General Fund funding for the purposes of the bill and authorizes the commissioner to accept and use for those purposes gifts, donations and contributions. The amendment adds an appropriation in fiscal year 2019-20 of \$43,500 to enable the State Fire Marshal to purchase a new high temperature thermal destruction incinerator.

**Committee Amendment "B" (H-628)**

This amendment is a minority report of the committee. The amendment adds to the bill a marine flare disposal fee, in a new chapter in the Maine Revised Statutes, Title 36, of 25¢ per flare. The fee will offset the cost to the General Fund of paying for the marine flare education, collection and disposal programs in the bill. The marine flare disposal fee takes effect on January 1, 2020. The amendment also adds an appropriations and allocations section. This amendment was not adopted.

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This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 608      An Act To Provide Funding for a Correctional Facility in Downeast Maine      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M TUELL W		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide funding to establish a correctional facility in the eastern coastal region of Maine in Washington and Hancock counties.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 636      Resolve, To Establish the Work Group To Study the Use of Body Cameras by Law Enforcement Officers      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S PICKETT R	OTP-AM ONTP	S-236

This bill was amended to a resolve in the First Regular Session of the 129th Legislature and then carried over by joint order, H.P. 1322.

This bill requires that, beginning January 1, 2021, a law enforcement agency shall ensure that each law enforcement officer in its employ is equipped with a body-worn camera and that such body-worn camera is in operation and creating a recording at all times the officer is in uniform and engaged in law enforcement-related encounters or activities. Use of body-worn cameras by law enforcement officers and the maintenance and retention of data and recordings must be consistent with model policies and procedures developed by the Board of Trustees of the Maine Criminal Justice Academy.

**Committee Amendment "A" (S-236)**

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve establishing the Work Group To Study the Use of Body Cameras by Law Enforcement Officers, consisting of nine members appointed by the President of the Senate, the Speaker of the House and the Attorney General. The Attorney General or the Attorney General's designee serves as chair. The Attorney General is required to give notice of meetings of the work group to the general public and a broad array of organizations. The work group is required to study the use of body cameras by law enforcement officers, to review current practices in Maine and outside of Maine, to review research on the use of body cameras and to report by March 1, 2020, with any recommendations to the Joint Standing Committee on Criminal Justice and Public Safety.

This resolve was again carried over, still on the Special Study Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 700      An Act To Prevent Internet Theft**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S HANLEY J	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates the crime of organized electronic theft, of which a person is guilty if the person commits two or more thefts under the Maine Criminal Code pursuant to a scheme or course of conduct involving thefts committed by electronic means. "Thefts committed by electronic means" includes, but is not limited to, thefts committed using Internet-based sales platforms and Internet-based fundraising, including so-called crowdfunding platforms. The severity of punishment for the crime of organized electronic theft is dependent upon the total value of the property stolen. The bill also includes an appropriation to establish a computer forensic analyst position within the Department of Public Safety dedicated to the investigation of organized electronic theft.

**LD 802      An Act To Recruit and Retain Corrections Support Staff**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires staff in support, maintenance and other nonsupervisory positions, but not including guards, in correctional facilities maintained by the Department of Corrections to be given a \$2 per hour increase in their wages. In 2016, guards in the department were given a \$2 per hour wage increase but other employees in the correctional facilities were not.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 973      An Act To Stabilize County Corrections**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to stabilize the funding for county corrections.

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This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1014 An Act To Attract and Retain Firefighters**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E THERIAULT T	OTP-AM	S-242

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides funding to the Maine Length of Service Award Program to provide length of service awards to eligible volunteer firefighters and emergency medical services personnel.

**Committee Amendment "A" (S-242)**

This amendment incorporates a fiscal note.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1023 An Act Regarding the Definition of "Serious Bodily Injury" in the Maine Criminal Code**

**INDEF PP**

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

This bill was passed to be enacted during the First Regular Session and then recalled from the Governor's desk. The bill was carried over in the Senate to the Second Regular Session of the 129th Legislature. During the Second Regular Session, the bill and its accompanying papers was acted upon without reference to committee and indefinitely postponed.

This bill amends the definition of "serious bodily injury" in the Maine Criminal Code by changing "substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health" to "substantial impairment of the health or function of any part of the body or that causes extended convalescence necessary for recovery of physical or mental health." The bill also makes grammatical changes.

**Committee Amendment "A" (S-116)**

This amendment strikes and replaces the bill. The amendment amends the definition of "serious bodily injury" in the Maine Criminal Code by clarifying the language regarding injury that leads to extended convalescence. The amendment also amends the law regarding the crime of aggravated assault to reflect the changes to the definition of "serious bodily injury" contained in the amendment. The amendment adds an appropriations and allocations section.

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**LD 1096      An Act To Require That Comprehensive Substance Use Disorder Treatment Be Made Available to Maine's Incarcerated Population      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L GATTINE D	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires the Commissioner of Corrections to establish and maintain a substance use disorder treatment program in the correctional facilities, which must provide for an assessment on intake, provide a variety of behavioral and medication-assisted treatment options and offer peer support and comprehensive treatment options after release. The bill also provides funding for the establishment of the substance use disorder treatment program.

**LD 1108      Resolve, Establishing the Task Force on Alternatives to Incarceration for Maine Youth      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CARSON B	ONTP	

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve establishes the Task Force on Alternatives to Incarceration for Maine Youth to:

1. Review and evaluate current state and national reports regarding the efficacy of the use of incarceration of youth in the State and nationally;
2. Seek input from juvenile justice system stakeholders, including judges, defense attorneys, prosecutors, agency staff, residential and community-based service providers, youth advocates and youth and families affected by the juvenile justice system;
3. Develop a plan to close the Long Creek Youth Development Center by 2022 and make recommendations on subsequent use of the land or facility, including identifying options for alternate use of the land or facility that do not include the incarceration of other populations, and a transition plan for the center's staff; and
4. Develop recommendations for reinvestment of corrections funds currently designated for youth incarceration into a continuum of community-based alternatives.

**LD 1169      An Act To Provide Ready Access to Defibrillators in Businesses and Pharmacies      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S MORALES V		S-233

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This bill was passed to be enacted during the First Regular Session and then recalled from the Governor's desk and recommitted to committee. This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires the Technical Building Codes and Standards Board to amend the Maine Uniform Building and Energy Code to require that commercial buildings built or renovated on or after January 1, 2020, with occupancy exceeding 200 individuals have an operational automated external defibrillator on the premises. The bill also requires that retail pharmacies, rural health center pharmacies and free clinic pharmacies have an automated external defibrillator on the premises, and that an individual trained in the use of the defibrillator be present at all times the pharmacy is open to the public.

**Committee Amendment "A" (S-233)**

This amendment is the majority report of the committee. The amendment requires that required automated external defibrillators be clearly marked. The amendment removes from the requirements for pharmacies that an individual trained in the use of the defibrillator be present at all times the pharmacy is open to the public. This amendment was adopted in the First Regular Session but removed from the bill when it was recommitted to committee at the end of the First Regular Session.

This bill, which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1210      *Resolve, To Direct the Commissioner of Corrections To Study Changes in Corrections Practices and Reinvestment in Corrections Resources To Reduce Recidivism and Control Correctional Facility Costs*      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CARPENTER M		

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve directs the Commissioner of Corrections to establish a working group to study changes in corrections practices and reinvestment of corrections resources in various ways to reduce recidivism and control correctional facility costs, including upstream interventions, diversion and alternative sentencing, prevention and harm reduction and mental health and substance use disorder treatment.

This resolve, which had been voted (OTP-A) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1215      *An Act Relating to Defenses and Self-defense in the Maine Criminal Code*      ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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This bill amends the Maine Criminal Code by clarifying that determination of the applicability of a defense is a preliminary question of fact under the Maine Rules of Evidence that must be proved by the totality of the circumstances and not by viewing the evidence in a light most favorable to the defendant and by providing that the use of nondeadly force in defense of a person is not justified when the person is engaged in criminal conduct against the other person or the other person's property concurrently with the use of the nondeadly force.

**LD 1221     An Act To Allow Deductions from Prison Sentences for Rehabilitative Activities     CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CLAXTON N		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows, in addition to existing deductions in time from a prison or jail sentence, a deduction in time of up to 7.5 days per calendar month for a person's satisfactory performance, while in custody or on probation, in the completion of an educational program leading to a high school equivalency diploma, completion of another educational or vocational training program or a work release program or work for a county or state facility industry that leads directly to the rehabilitation of that person.

This bill, which had been voted (OTP-A) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1249     An Act To Prohibit Infringing on the Rights of Association of Dependent Adults     PUBLIC 543**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VEROWA	OTP-AM	H-546

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without her signature at the beginning of the Second Regular Session.

This bill prohibits abuse and isolation of elder persons and dependent adults. Abuse or isolation of an elder person or dependent adult is a Class C crime. A person commits the crime if the person has or has assumed responsibility for the care, custody or control of an elder person or a dependent adult and subjects the elder person or dependent adult to isolation, neglect, physical abuse, sexual abuse, emotional abuse or financial abuse, including threats of abuse. The new crime is allocated to the chapter of the Maine Criminal Code that establishes crimes against the person.

The bill defines "elder person" to mean a person who is at least 60 years of age. The bill also defines "isolate" to mean to restrict personal rights of association retained by the elder person or dependent adult, including, but not limited to, the right to receive visitors, telephone calls and personal mail, unless the restriction of personal rights is authorized by court order.

When a person is convicted of the crime of abuse or isolation of an elder person or dependent adult, the court may require that the person convicted of the crime participate in appropriate counseling at the convicted person's

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expense.

The bill is based on similar law in Rhode Island.

**Committee Amendment "A" (H-546)**

This amendment replaces the bill and provides a new title. The amendment adds new variants to the crime of endangering the welfare of a dependent person. The new variants are the Class D crime of recklessly infringing on a dependent person's rights of association, including but not limited to the right to receive visitors, mail or telephone or electronic communication, for the purpose of establishing or maintaining undue influence over that person and the Class C crime of intentionally and knowingly infringing on a dependent person's rights of association for the purpose of establishing or maintaining undue influence over that person. The amendment also provides a definition for "undue influence."

**Enacted Law Summary**

Public Law 2019, chapter 543 adds new variants to the crime of endangering the welfare of a dependent person. The new variants are the Class D crime of recklessly infringing on a dependent person's rights of association, including but not limited to the right to receive visitors, mail or telephone or electronic communication, for the purpose of establishing or maintaining undue influence over that person and the Class C crime of intentionally and knowingly infringing on a dependent person's rights of association for the purpose of establishing or maintaining undue influence over that person. The law provides a definition for "undue influence."

**LD 1293      An Act To Improve Investigative Efficiencies at the State Fire Marshal's Office      ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide increased funding to the Department of Public Safety, Office of the State Fire Marshal, criminal investigative unit for additional supervisory and support staff. This bill would also establish a more stable source of funding for the Office of the State Fire Marshal going forward.

**LD 1422      An Act Regarding Conditions in Correctional Facilities for Female Prisoners      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSSR MOORE M		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to ensure the fair treatment of women who are incarcerated.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of



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suffered property losses, patterned after the existing Victims' Compensation Fund, which compensates victims of crimes for damages resulting from personal injuries resulting from those crimes. The Victims' Property Compensation Fund is funded by an assessment of \$10 on any person convicted of murder or a Class A crime, Class B crime or Class C crime and \$5 on any person convicted of a Class D crime or Class E crime and may compensate a victim of a property crime up to \$5,000 for property losses or insurance deductibles paid pursuant to an insurance claim as a result of the property loss. The bill provides that the existing Victims' Compensation Board hears claims made upon the Victims' Property Compensation Fund.

### **Committee Amendment "A" (S-305)**

This amendment is the majority report of the committee. The amendment adds two members to the Victims' Compensation Board, amends its quorum from two to three members and clarifies that the board performs the duties assigned to it under the victims' property compensation program beginning July 1, 2022.

The amendment allows the board to compensate a victim of a crime up to \$1,000 for property losses or insurance deductibles paid pursuant to an insurance claim as a result of the property loss. The amendment provides July 1, 2022, as the date on which the board is authorized to begin to process or pay claims. The amendment removes from the bill the prohibition on the court's waiving the imposition of the assessment that funds the Victims' Property Compensation Fund. The amendment removes from the bill eligibility for an award for a person who is the victim of a crime that occurred in another state or a crime of terrorism that occurred outside of the country.

The amendment provides for rulemaking for the Victims' Property Compensation Fund and designates rules for both this fund and the Victims' Compensation Fund as routine technical rules. The amendment amends the law on restitution for victims of a crime so that, once a victim has been compensated as allowed by law from either fund or a combination of a fund and restitution, any additional restitution payments are paid into the applicable fund. The provisions of law incorporating the Victims' Property Compensation Fund into the duties of the Victims' Compensation Board and increasing the membership of that board do not apply until July 1, 2022.

### **Senate Amendment "A" To Committee Amendment "A" (S-356)**

This amendment authorizes the judicial branch in fiscal year 2019-20 to retain up to \$10,000 of the funds collected pursuant to the assessments imposed on convicted persons to be used by the judicial branch for technology-related upgrades.

### **Enacted Law Summary**

Public Law 2019, chapter 549 creates the Victims' Property Compensation Fund to compensate victims of crimes in which the victims suffered property losses, patterned after the existing Victims' Compensation Fund, which compensates victims of crimes for damages resulting from personal injuries resulting from those crimes.

The Victims' Property Compensation Fund is funded by an assessment of \$10 on any person convicted of murder or a Class A crime, Class B crime or Class C crime and \$5 on any person convicted of a Class D crime or Class E crime and may compensate a victim of a property crime up to \$1,000 for property losses or insurance deductibles paid pursuant to an insurance claim as a result of the property loss. The Victims' Compensation Board hears claims made upon the Victims' Property Compensation Fund.

The law adds two members to the Victims' Compensation Board, amends its quorum from two to three members and clarifies that the board performs the duties assigned to it under the victims' property compensation program beginning July 1, 2022. The law authorizes the board to begin to process or pay claims July 1, 2022. The law provides for rulemaking for the Victims' Property Compensation Fund and designates rules for both this fund and the Victims' Compensation Fund as routine technical rules. The law amends the law on restitution for victims of a crime so that, once a victim has been compensated as allowed by law from either fund or a combination of a fund and restitution, any additional restitution payments are paid into the applicable fund.

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The provisions of law incorporating the Victims' Property Compensation Fund into the duties of the Victims' Compensation Board and increasing the membership of that board do not apply until July 1, 2022. The law authorizes the judicial branch in fiscal year 2019-20 to retain up to \$10,000 of the funds collected pursuant to the assessments imposed on convicted persons to be used by the judicial branch for technology-related upgrades.

**LD 1723     An Act To Allow the Confinement of Female Prisoners at the Long Creek Youth Development Center     CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows female adult prisoners to be confined at the Long Creek Youth Development Center.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1727     An Act To Correct Various Statutes Related to the Department of Corrections     ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill makes corrections to various statutory provisions related to the Department of Corrections.

Sections 1 and 2 amend the part of the Maine Juvenile Code having to do with authorized places of detention for juveniles that, due to an oversight, was not amended when the Maine Revised Statutes, Title 34-A was amended to allow adults to be housed at the Mountain View Correctional Facility.

Section 3 amends a statutory provision having to do with the collection of restitution from former Department of Corrections clients to recognize that the time and method of payment of restitution are, in some cases, determined by the sentencing court and not the department.

Section 4 removes an inapposite reference from a statutory provision authorizing rules for work release, furlough and other rehabilitative programs.

Section 5 corrects a grammatical error in a statutory provision relating to supervised community confinement.

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**LD 1756 An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R DESCHAMBAULT S	OTP-AM	H-580

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. During the Second Regular Session, this bill was recalled from the Governor's desk and recommitted to committee.

This bill requires the Commissioner of Corrections to enter into agreements with other state agencies to ensure that prisoners and juvenile clients receive coordinated assistance with reentry and receive services and benefits upon release into the community. It also authorizes the commissioner to enter into similar agreements with federal agencies and community agencies.

Under current law, the amount of time a prisoner must serve prior to being transferred to supervised community confinement is based on the term of imprisonment. The bill removes that distinction.

The bill removes a provision of law providing that if the commissioner determines that the average statewide probation case load is no more than 90 probationers to one probation officer, a prisoner may be transferred to supervised community confinement if the prisoner has no more than two years remaining on the term of imprisonment or unsuspended portion of a split sentence.

Under current law, the commissioner may transfer any client from one correctional or detention facility or program to another. The bill adds sober houses, transitional housing and reentry programs to the list of facilities.

**Committee Amendment "A" (H-580)**

This amendment updates the language in the bill to reflect changes made in law and adds a requirement that the Department of Corrections establish a steering committee focused on assessing and examining the supervised community confinement program and reentry policies, practices and procedures. The amendment was adopted in the First Regular Session but removed from the bill when it was recommitted to committee during the Second Regular Session.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1873 An Act To Improve Response to Sudden Cardiac Arrest by Requiring Training in the Delivery of Cardiopulmonary Resuscitation Methods by Telecommunications Technology**

**Leave to Withdraw Pursuant to Joint Rule**

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

This bill defines "emergency services telecommunicator" and requires all emergency services telecommunicators that provide dispatch for calls involving emergency medical conditions to be trained in the delivery of cardiopulmonary resuscitation methods by telecommunications technology. The training must incorporate

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recognition protocols for out-of-hospital cardiac arrest and compression-only cardiopulmonary resuscitation instruction and provide for continuing education. The bill requires the Department of Public Safety and the Emergency Services Communication Bureau within the Public Utilities Commission to establish a procedure to monitor compliance and allows the department to sanction noncompliance by adjusting funding.

**LD 1890    An Act To Improve Prisoner Transport Safety by Specifically Authorizing Transport of Prisoners by Transport Officers** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D SANBORN H		

This bill amends the civil procedure laws governing the transporting of prisoners to specifically authorize the transport of a prisoner by transport officers when a court has issued a writ of habeas corpus requiring that prisoner to be brought before the court.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1910    An Act Establishing That the Commissioner of Public Safety Is a Law Enforcement Officer If the Commissioner Is Certified as a Law Enforcement Officer** **CARRIED OVER**

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

This bill amends the definition of "law enforcement officer" in the laws governing the Maine Criminal Justice Academy to establish that the Commissioner of Public Safety is a law enforcement officer in the employ of the Department of Public Safety if the commissioner is certified as a law enforcement officer and completes in-service training in order to maintain that certification. The bill also exempts the commissioner from certain training standards and policy development requirements.

This bill, which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1941    An Act To Reform Corrections Officer Compensation in Maine** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKER B DOW D		

This bill requires the rate of pay for corrections officers working in state correctional facilities, including the Long Creek Youth Development Center, to equal the rate of pay for law enforcement officers in the Department of Public Safety, Bureau of State Police.

This bill which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1962 An Act Regarding the Use of Propane and Natural Gas Detectors**

**CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to require the use of propane and natural gas detectors in appropriate buildings.

This bill, which had been voted (OTP-A) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1971 An Act To Allow Certain Retired Law Enforcement Officers and Trained Law Enforcement Officers To Serve as School Security Officers**

**ONTP**

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

This bill allows a school administrative unit to employ as a school security officer a person who is a trained law enforcement officer or a person who meets the qualifications for a law enforcement officer as set forth in the Maine Revised Statutes, Title 25, chapter 341 or a person who has retired in good standing from a position as a certified law enforcement officer for a state, county, municipal or federal law enforcement agency and who meets the requirements for criminal history record information of Title 20-A, section 6103.

**LD 1982 Resolve, Directing the Department of Public Safety To Conduct a Study To Develop Best Practices for Improving the Security of Municipal Properties**

**Leave to Withdraw Pursuant to Joint Rule**

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

This resolve directs the Department of Public Safety to conduct a study to develop best practices that municipalities may reference to improve the security of municipal properties. The resolve requires the department to submit a report of its study to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than December 31, 2020.

**LD 1983 An Act To Amend Certain Record-keeping and Reporting Requirements Imposed on State and Local Law Enforcement Agencies and the Department of Public Safety**

**PUBLIC 651**

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

## *Joint Standing Committee on Criminal Justice and Public Safety*

This bill amends the laws regarding asset forfeiture-related record keeping to clarify that records of property that is forfeited to law enforcement agencies must be maintained by those agencies and to change the specific information that must be included in those records. The bill also provides that such records are open to inspection by anyone. The bill provides that reports concerning the transfer of property held by the Department of Public Safety and then ordered by a court to be forfeited to another governmental entity must be provided upon request to the Commissioner of Administrative and Financial Services and the Office of Fiscal and Program Review. The Department of Public Safety's reports must account for any such forfeiture that occurred during the 12 months preceding such a request. The bill eliminates the current law that requires the Department of Public Safety to provide these reports at least quarterly to the Commissioner of Administrative and Financial Services and the Office of Fiscal and Program Review and the current law that requires the Department of Public Safety to maintain a centralized record of property seized, held by the department and ordered to the department, including an estimate of the fair market value of items seized.

### **Enacted Law Summary**

Public Law 2019, chapter 651 amends the laws regarding asset forfeiture-related record keeping to clarify that records of property that is forfeited to law enforcement agencies must be maintained by those agencies and to change the specific information that must be included in those records. The law provides that such records are open to inspection by anyone. The law provides that reports concerning the transfer of property held by the Department of Public Safety and then ordered by a court to be forfeited to another governmental entity must be provided upon request to the Commissioner of Administrative and Financial Services and the Office of Fiscal and Program Review. The Department of Public Safety's reports must account for any such forfeiture that occurred during the 12 months preceding such a request. The law eliminates the requirement that the Department of Public Safety provides these reports at least quarterly to the Commissioner of Administrative and Financial Services and the Office of Fiscal and Program Review and the requirement that the Department of Public Safety maintain a centralized record of property seized, held by the department and ordered to the department, including an estimate of the fair market value of items seized.

### **LD 1991      An Act To Prohibit the Sale of Drug Paraphernalia That Encourage Drug Use by Young People      ONTP**

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

This bill amends the laws governing drug paraphernalia to specifically include so-called stash cans as drug paraphernalia, the sale or advertising of which is prohibited.

### **LD 2000      An Act To Standardize Language and Improve Correctional Services      CARRIED OVER**

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

This bill counts as the first full day of a period of confinement the day a juvenile is received into a juvenile correctional facility, regardless of when the juvenile arrives at the facility, and allows the juvenile to be released at any time on the last day of the period of confinement, instead of requiring the juvenile to be released at an exact time dependent on when the juvenile arrived at the facility.

It allows the Commissioner of Corrections to appoint a director of women's services to oversee services and

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otherwise act as the chief administrative officer for female prisoners, whether housed in a correctional facility exclusively serving female prisoners or in a female prisoner housing unit in a correctional facility serving both males and females.

It renames the chief administrative officer of the Mountain View Correctional Facility and the Downeast Correctional Facility the warden. It authorizes the warden of the Mountain View Correctional Facility and the warden of the Downeast Correctional Facility, with the written approval of the commissioner, to contract with the Director of the Federal Bureau of Prisons for the imprisonment, subsistence, care and proper employment of persons convicted of crimes against the United States. It allows employees of the Mountain View Correctional Facility and the Downeast Correctional Facility to carry weapons and other security equipment when authorized by the warden. It includes provisions for uniforms and clothing allowances for employees of the Mountain View Correctional Facility and the Downeast Correctional Facility.

This bill, which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2037     An Act To Amend the Maine Criminal Code**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This bill is submitted by the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Part A of the bill authorizes nonconcurrent sentencing when a crime is committed by a convicted person during a stay of execution of any term of imprisonment or after failure to report after a stay of execution of any term of imprisonment. It also authorizes nonconcurrent sentencing when the convicted person is convicted of the crime of failure to report as ordered after a stay of execution of any term of imprisonment.

Part B amends the Maine Revised Statutes, Title 17-A, section 2016 to make it consistent with existing law in Title 17-A, section 2009 with respect to disposition of funds by correctional facilities when they hold funds for the purposes of restitution and the victim cannot be located. Title 17-A, section 2016 currently requires the facility to notify the court and the court to determine distribution of the funds. The bill requires the facility to forward the funds to the Treasurer of State to be handled as unclaimed property, consistent with current Title 17-A, section 2009.

Part C separates two variants of kidnapping under the Maine Revised Statutes, Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3). The crime of kidnapping with the intent to inflict bodily injury is distinct from the crime of kidnapping with the intent to subject a person to criminal activity defined in Title 17-A, chapter 11. The latter remains a Tier III crime requiring registration pursuant to the Sex Offender Registration and Notification Act of 2013. Crimes committed in violation of Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3) after the effective date of this legislation will not require registration. In addition, this provision provides clarity in the Maine Criminal Code and a more accurate reference for purposes of crime data.

Part D clarifies that immunity from revocation of probation is limited to the same conduct for which there is immunity from prosecution under the law protecting persons seeking medical assistance or administering naloxone hydrochloride or experiencing a drug-related overdose.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of

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the 129th Legislature by joint order, S.P. 788.

**LD 2042      Resolve, To Allow the Department of Public Safety To Transfer Certain Property to the LifeFlight Foundation**

**RESOLVE 129**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C	OTP-AM	H-729

This resolve:

1. Transfers to the LifeFlight Foundation title and ownership of a motor vehicle and computer training equipment that were purchased by the Department of Public Safety with funds provided by the LifeFlight Foundation;
2. Transfers to the LifeFlight Foundation funds provided by the LifeFlight Foundation and remaining in a special revenue account; and
3. Terminates the Memorandum of Understanding, dated June 1, 2014, between the Department of Public Safety, Maine Emergency Medical Services and the LifeFlight Foundation.

**Committee Amendment "A" (H-729)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2019, chapter 129 does the following:

1. Transfers to the LifeFlight Foundation title and ownership of a motor vehicle and computer training equipment that were purchased by the Department of Public Safety with funds provided by the LifeFlight Foundation;
2. Transfers to the LifeFlight Foundation funds provided by the LifeFlight Foundation and remaining in a special revenue account; and
3. Terminates the Memorandum of Understanding, dated June 1, 2014, between the Department of Public Safety, Maine Emergency Medical Services and the LifeFlight Foundation.

**LD 2043      An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System**

**CARRIED OVER**

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

In Part A, this bill:

1. Changes the definition of "habitual violator" in the inland fisheries and wildlife laws by including a person whose convictions are for civil violations or a combination of civil violations and criminal violations. Current law includes only criminal violations; and
2. Reduces from Class E crimes to civil violations the following violations of the inland fisheries and wildlife laws

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and sets the fines for the civil violations:

- A. For resident and nonresident junior hunters, hunting without a license;
- B. Practicing falconry without a permit;
- C. Possessing wild animals or wild birds taken in violation of the law that prohibits shooting while in or on a vehicle;
- D. Hunting migratory game birds with a shotgun capable of holding more than three shells;
- E. Leaving or allowing to remain duck decoys or a stationary blind or parts of an artificial cover in Merrymeeting Bay at night;
- F. Illegally placing bear bait to entice, hunt or trap black bear or hunting bear with more than six dogs;
- G. With regard to a person who is not a resident of the State, hunting bear with dogs without a guide;
- H. Training dogs on wild birds or wild animals, except in certain circumstances;
- I. Training dogs when the person has a license that is suspended or revoked;
- J. Holding field trials for beagles and other rabbit hounds except from September 1st through the following April 10th;
- K. Holding field trials for sporting dogs without a license;
- L. Charging others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge or Hungarian partridge or operating a commercial shooting area for such birds without a license;
- M. Charging another person for the opportunity to fish in a private pond without holding a valid private fee pond license; and
- N. Failing to present upon request to any agent of the Commissioner of Inland Fisheries and Wildlife a receipted invoice, bill of lading, bill of sale, license or other satisfactory evidence of lawful possession of live baitfish for retail or wholesale sale or smelts for wholesale sale.

In Part B, the bill does the following:

- 1. Reduces from Class E crimes to civil violations the following violations of the motor vehicle laws and sets the fines for the civil violations:
  - A. Failure to register a vehicle or having registration that has been expired for 150 days or more;
  - B. Failure by a motor vehicle dealer to maintain records of purchase or sale of vehicles and failure to maintain records of all sales representatives and full-time employees, vehicles and vehicle parts and make them available for inspection by representatives of the Secretary of State, the Attorney General or law enforcement officers;
  - C. Operating a motor vehicle on a public way or parking area without being licensed or in violation of a condition or restriction on the license;

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- D. Failure to obtain a license after establishing residency for more than 90 days;
  - E. With regard to Class A, B and C motor vehicle licenses, operating a vehicle not included in the class of the person's license;
  - F. With regard to suspension of a license or registration, failure of the person to surrender to the Secretary of State every license, registration certificate and registration plate;
  - G. Operating a motor vehicle without proof of financial responsibility;
  - H. With regard to a motor vehicle that is abandoned, removal of the vehicle or any part or accessory thereof without written consent;
  - I. With regard to a motor vehicle illegally abandoned on an island, failure to remove the vehicle within the designated time frame;
  - J. Displaying or possessing a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card;
  - K. Attaching or permitting attachment to a motor vehicle a registration plate assigned to another vehicle or not currently assigned to the vehicle;
  - L. Obscuring identification numbers or letters, the state name, the validation sticker or a mark distinguishing the type of plate attached to the vehicle;
  - M. The use by a school bus operator of flashing lights on the bus other than for the purpose of controlling traffic when stopping to receive or discharge school-age persons; and
  - N. Operating or permitting another person to operate a motor vehicle when the registration has been suspended or revoked; and
2. Designates as a traffic infraction operating a motor vehicle while the person's driver's license is suspended if the person does not have two prior operating while license is suspended or revoked offenses.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2044      An Act To Increase the Death Benefit for Firefighters, Law Enforcement Officers, Emergency Medical Services Personnel and Corrections Officers      PUBLIC 658  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ACKLEYK	OTP-AM	H-762

This bill increases the death benefit for a law enforcement officer, firefighter or emergency medical services person who has died while in the line of duty from \$50,000 to \$75,000 through June 30, 2021. For deaths occurring after June 30, 2021, the Department of Administrative and Financial Services is required to adopt rules to annually calculate an increase in the death benefit based on the previous year's increase in the Consumer Price Index.

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**Committee Amendment "A" (H-762)**

This amendment replaces the bill and changes the title. It also adds an emergency preamble and emergency clause to the bill. The amendment extends the death benefit to corrections officers and to emergency medical services personnel who serve in private emergency medical services agencies. The amendment increases the death benefit from \$50,000 to \$100,000 for a law enforcement officer, firefighter, emergency medical services person or corrections officer who dies while in the line of duty prior to July 1, 2021. For deaths occurring on or after July 1, 2021, the Department of Administrative and Financial Services is required to adopt rules to annually calculate an increase in the death benefit based on the previous year's increase in the Consumer Price Index.

**Enacted Law Summary**

Public Law 2019, chapter 658 extends the death benefit that is available to law enforcement officers, emergency medical services personnel and firefighters to corrections officers and to emergency medical services personnel who serve in private emergency medical services agencies. The law increases the death benefit from \$50,000 to \$100,000 for a law enforcement officer, firefighter, emergency medical services person or corrections officer who dies while in the line of duty prior to July 1, 2021. For deaths occurring on or after July 1, 2021, the Department of Administrative and Financial Services is required to adopt rules to annually calculate an increase in the death benefit based on the previous year's increase in the Consumer Price Index.

Public Law 2019, chapter 658 was enacted as an emergency measure effective March 18, 2020.

**LD 2050      An Act To Establish the Central Aroostook County Emergency Medical Services Authority      P & S 17**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M JOHANSEN C	OTP	

This bill establishes the Central Aroostook County Emergency Medical Services Authority to facilitate the provision of emergency medical services to the citizens of Mars Hill, Bridgewater and Blaine. The bill includes an emergency preamble and an emergency clause.

**Enacted Law Summary**

Private and Special law 2019, chapter 17 establishes the Central Aroostook County Emergency Medical Services Authority to facilitate the provision of emergency medical services to the citizens of Mars Hill, Bridgewater and Blaine.

Private and Special Law 2019, chapter 17 was enacted as an emergency measure effective February 29, 2019.

**LD 2073      Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Major Substantive Rule of the Department of Public Safety, Office of the State Fire Marshal      RESOLVE 133 EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 4: Water-based Fire Protection Systems, a major substantive rule of the Department of Public Safety, Office of the State Fire Marshal.

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**Enacted Law Summary**

Resolve 2019, chapter 133 provides approval for portions of Chapter 4: Water-based Fire Protection Systems, a major substantive rule of the Department of Public Safety, Office of the State Fire Marshal.

Resolve 2019, chapter 133 was finally passed as an emergency measure effective March 18, 2020.

**LD 2085      An Act To Ensure Access to Sexual and Reproductive Health Care and Education in All Maine's Jails and State Correctional and Detention Facilities      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M		

This bill requires the provision of comprehensive access to sexual and reproductive health care and education for a person who is a female or who has a uterus admitted to or detained or incarcerated in a jail or county correctional facility or a state detention or correctional facility. The bill establishes the Sexual and Reproductive Health Care Advisory Committee to review and develop adequate standards, policies and materials for the provision of sexual and reproductive health care and education for persons who are incarcerated and requires a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 2021.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2139      An Act To Increase Government Accountability      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S		

This bill repeals the provision of law that prohibits a Maine criminal justice agency from confirming the existence or nonexistence of confidential intelligence and investigative record information to any person or public or private entity that is not eligible to receive the information itself.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2144      An Act To Protect Maine Residents from Stalking and Unauthorized Surveillance by Use of an Unmanned Aerial Vehicle      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS J BELLOWS S		

This bill adds the use of unmanned aerial vehicles, also known as drones, to the laws governing stalking in the Maine Criminal Code. With respect to the Class D crime of violation of privacy, it provides that the crime can be committed through the use of an unmanned aerial vehicle and adds a provision that prohibits a person from

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intentionally using outside a private place an unmanned aerial vehicle flying at an altitude of less than 400 feet above the private place or its curtilage at any time without the written permission of the resident or owner of the private place.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2151      An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force      CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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This bill was reported by the committee pursuant to joint order, H.P. 1515, and the referred back to the committee for processing in the normal course.

This bill repeals a provision of the Maine Juvenile Code that establishes as a purpose of pre-adjudication detention providing physical care for a juvenile who cannot return home because there is no parent or other suitable person willing and able to supervise the juvenile adequately.

The bill establishes benchmarks for measuring progress in reducing the average daily populations of detained youths and committed youths through July 1, 2023.

The bill requires the Commissioner of Corrections to work with the task force established by the Juvenile Justice Advisory Group in 2019 to study and make recommendations on juvenile justice system assessment and reinvestment regarding implementation of the bill. The task force is required to provide advice, input and feedback to the Department of Corrections and the Department of Health and Human Services regarding the development of a community-based system of therapeutic services for justice-involved youth that works to divert youth from detention and commitment, reduce the rates of detention and commitment across the State and achieve the benchmarks for progress established in this bill.

The bill requires four annual reports on juvenile justice from the Department of Corrections to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters through January 31, 2024.

The bill requires that by January 1, 2021, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on possible locations for two to four small, secure, therapeutic residences for youth for the purposes of providing detention and confinement for a maximum occupancy of a total of 30 youths. One of the residences must be located in Cumberland County, one must be in Penobscot County and two other possible locations may be identified. Options must include existing structures for renovation as small, secure, therapeutic residences. The report must include information regarding options and cost estimates at each location for the provision of therapeutic services and programs, including educational services, for youth living in the residences.

The bill appropriates \$2,500,000 to the Department of Corrections and \$1,000,000 to the Department of Health and Human Services to provide ongoing funding for community-based, therapeutic services or programs for the purpose of diverting justice-involved youth from detention and commitment and reducing the rate of youth detention and commitment.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, SP. 899.



*Joint Standing Committee on Criminal Justice and Public Safety*

**SUBJECT INDEX**

**Criminal Law**

**Enacted**

**LD 1249**      **An Act To Prohibit Infringing on the Rights of Dependent Adults**      **PUBLIC 543**

**Not Enacted**

**LD 44**      **An Act Regarding the Maine Criminal Code**      **CARRIED OVER**

**LD 316**      **An Act To Protect Vulnerable Persons from Theft**      **CARRIED OVER**

**LD 700**      **An Act To Prevent Internet Theft**      **ONTP**

**LD 1023**      **An Act Regarding the Definition of "Serious Bodily Injury" in the Maine Criminal Code**      **INDEF PP**

**LD 1215**      **An Act Relating to Defenses and Self-defense in the Maine Criminal Code**      **ONTP**

**LD 2037**      **An Act To Amend the Maine Criminal Code**      **CARRIED OVER**

**LD 2043**      **An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System**      **CARRIED OVER**

**LD 2144**      **An Act To Protect Maine Residents from Stalking and Unauthorized Surveillance by Use of an Unmanned Aerial Vehicle**      **CARRIED OVER**

**Criminal Procedure/Bail/Sentencing**

**Not Enacted**

**LD 1221**      **An Act To Allow Deductions from Prison Sentences for Rehabilitative Activities**      **CARRIED OVER**

**LD 1492**      **An Act To Reform Drug Sentencing Laws**      **CARRIED OVER**

LD 1756      **An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community**      **CARRIED OVER**

**Department of Corrections**

**Not Enacted**

LD 608      **An Act To Provide Funding for a Correctional Facility in Downeast Maine**      **CARRIED OVER**

LD 802      **An Act To Recruit and Retain Corrections Support Staff**      **CARRIED OVER**

LD 1096      **An Act To Require That Comprehensive Substance Use Disorder Treatment Be Made Available to Maine's Incarcerated Population**      **ONTP**

LD 1108      **Resolve, Establishing the Task Force on Alternatives to Incarceration for Maine Youth**      **ONTP**

LD 1210      **Resolve, To Direct the Commissioner of Corrections To Study Changes in Corrections Practices and Reinvestment in Corrections Resources To Reduce Recidivism and Control Correctional Facility Costs**      **CARRIED OVER**

LD 1422      **An Act Regarding Conditions in Correctional Facilities for Female Prisoners**      **CARRIED OVER**

LD 1723      **An Act To Allow the Confinement of Female Prisoners at the Long Creek Youth Development Center**      **CARRIED OVER**

LD 1727      **An Act To Correct Various Statutes Related to the Department of Corrections**      **ONTP**

LD 1941      **An Act To Reform Corrections Officer Compensation in Maine**      **CARRIED OVER**

LD 2000      **An Act To Standardize Language and Improve Correctional Services**      **CARRIED OVER**

LD 2085      **An Act To Ensure Access to Sexual and Reproductive Health Care and Education in All Maine's Jails and State Correctional and Detention Facilities**      **CARRIED OVER**

**Drugs**

**Not Enacted**

LD 1991      **An Act To Prohibit the Sale of Drug Paraphernalia That Encourage Drug Use by Young People**      **ONTP**

**Firefighters**

**Enacted**

<b>LD 2044</b>	<b>An Act To Increase the Death Benefit for Firefighters, Law Enforcement Officers and Emergency Medical Services Personnel and Corrections Officers</b>	<b>PUBLIC 658 EMERGENCY</b>
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**Not Enacted**

<b>LD 1014</b>	<b>An Act To Attract and Retain Firefighters</b>	<b>CARRIED OVER</b>
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**Juveniles**

**Not Enacted**

<b>LD 2151</b>	<b>An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force</b>	<b>CARRIED OVER</b>
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**Law Enforcement**

**Enacted**

<b>LD 1983</b>	<b>An Act To Amend Certain Record-keeping and Reporting Requirements Imposed on State and Local Law Enforcement Agencies and the Department of Public Safety</b>	<b>PUBLIC 651</b>
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**Not Enacted**

<b>LD 1971</b>	<b>An Act To Allow Certain Retired Law Enforcement Officers and Trained Law Enforcement Officers To Serve as School Security Officers</b>	<b>ONTP</b>
<b>LD 2139</b>	<b>An Act To Increase Government Accountability</b>	<b>CARRIED OVER</b>

**OUI/OAS/Other MV Violations**

**Not Enacted**

<b>LD 141</b>	<b>An Act To Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Vehicle</b>	<b>CARRIED OVER</b>
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Prison/Jail/Inmate

**Not Enacted**

LD 973	An Act To Stabilize County Corrections	CARRIED OVER
LD 1890	An Act To Improve Prisoner Transport Safety by Specifically Authorizing Transport of Prisoners by Transport Officers	CARRIED OVER

*Public Safety/Emergency Medical Services*

Enacted

LD 2042	Resolve, To Allow the Department of Public Safety To Transfer Certain Property to the LifeFlight Foundation	RESOLVE 129
LD 2050	An Act To Establish the Central Aroostook County Emergency Medical Services Authority	P & S 17
LD 2073	Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Major Substantive Rule of the Department of Public Safety, Office of the State Fire Marshal	RESOLVE 133 EMERGENCY

Not Enacted

LD 215	An Act To Increase the Reimbursement Rate for Ambulance Service Paid by the Department of Corrections	CARRIED OVER
LD 430	An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares	CARRIED OVER
LD 636	Resolve, To Establish the Work Group To Study the Use of Body Cameras by Law Enforcement Officers	CARRIED OVER
LD 1169	An Act To Provide Ready Access to Defibrillators in Businesses and Pharmacies	CARRIED OVER
LD 1293	An Act To Improve Investigative Efficiencies at the State Fire Marshal's Office	ONTP
LD 1466	An Act To Allow Community-based Organizations To Participate in Diversion Projects for Persons with Substance Use Disorder	CARRIED OVER
LD 1873	An Act To Improve Response to Sudden Cardiac Arrest by Requiring Training in the Delivery of Cardiopulmonary Resuscitation Methods by Telecommunications Technology	Leave to Withdraw Pursuant to Joint Rule 310
LD 1910	An Act Establishing That the Commissioner of Public Safety Is a Law Enforcement Officer If the Commissioner Is Certified as a Law Enforcement Officer	CARRIED OVER
LD 1962	An Act Regarding the Use of Propane and Natural Gas Detectors	CARRIED OVER

<b>LD 1982</b>	<b>Resolve, Directing the Department of Public Safety To Conduct a Study To Develop Best Practices for Improving the Security of Municipal Properties</b>	<b>Leave to Withdraw Pursuant to Joint Rule 310</b>
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**Victim Rights**

**Enacted**

<b>LD 1550</b>	<b>An Act To Create a Victims' Compensation Fund for Victims of Property Crimes</b>	<b>PUBLIC 549</b>
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**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON EDUCATION  
AND CULTURAL AFFAIRS**

November 2020

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REP. HEIDI H. SAMPSON  
REP. GARY A. DRINKWATER  
REP. JUSTIN FECTEAU  
REP. SHELLEY RUDNICKI



*Joint Standing Committee on Education and Cultural Affairs*

**LD 136      Resolve, To Require the Department of Education To Study and Report  
on the Special Education Funding Component of the School Funding  
Formula**

**HELD BY  
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUDNICKI S	OTP-AM	H-743

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes the special education circuit breaker reimbursement program, in which the Department of Education reimburses school administrative units, for a student whose eligible special education costs exceed four times the statewide EPS per-pupil rate, 75% of the amount of the special education costs that are above four times the statewide EPS per-pupil rate. The bill requires the department to distribute reimbursements to eligible school administrative units on a quarterly basis, and the reimbursements must be deposited in a separate revolving account that may be spent only on approved special education services.

**Committee Amendment "A" (H-743)**

This amendment, which strikes and replaces the bill with a resolve, requires the Department of Education to study and report to the joint standing committee of the Legislature having jurisdiction over education matters on the department's continued work with the Maine Education Policy Research Institute on the special education funding component of the school funding formula, including but not limited to an examination of the special education budgetary hardship adjustment. The joint standing committee may report out a bill to the First Regular Session or Second Regular Session of the 130th Legislature.

**LD 178      An Act To Increase the State Share of the Cost of Health Insurance for  
Retired Teachers**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B SANBORNH	OTP-AM ONTP	H-701

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Current law requires the State to pay 45% of a retired teacher's share of the premium for group accident and sickness or health insurance. This bill raises that percentage to 50% from July 1, 2019 to June 30, 2020; 55% from July 1, 2020 to June 30, 2021; 60% from July 1, 2021 to June 30, 2022; 65% from July 1, 2022 to June 30, 2023; 70% from July 1, 2023 to June 30, 2024; 75% from July 1, 2024 to June 30, 2025; 80% from July 1, 2025 to June 30, 2026; 85% from July 1, 2026 to June 30, 2027; and 90% after June 30, 2027. It also removes some outdated language and the cap on the increase in the State's total cost for retired teachers' health insurance premiums for fiscal years ending after June 30, 2015.

**Committee Amendment "A" (H-701)**

This amendment, which is the majority report of the committee, requires the State to pay 55% of a retired teacher's share of the premium for group accident and sickness or health insurance after June 30, 2020.

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This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 246      An Act To Secure the Future of the Frances Perkins Homestead      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D GIDEONS	OTP-AM ONTP	S-15

This bill was carried over on the Special Appropriations from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides one-time funds to the Frances Perkins Center to be applied toward the acquisition of the Frances Perkins homestead in Newcastle.

**Committee Amendment "A" (S-15)**

This amendment, which is the majority report, directs the Maine Historic Preservation Commission to transfer \$250,000 in state fiscal year 2019-20 to be used for the acquisition of the Frances Perkins Homestead in Newcastle if certain requirements are met.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 359      An Act To Address Student Hunger with a "Breakfast after the Bell" Program      PUBLIC 556 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M TUELL W	OTP-AM ONTP	S-373 BREEN C S-78

This bill was carried over on the Special Appropriations Table, from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires a school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year to operate an alternative breakfast delivery service that provides breakfast after the start of the school day for students at that public school. It also provides a process for a school administrative unit to opt out of the alternative breakfast delivery service. This bill requires the Department of Education to adopt rules to develop an application process and to adopt standards to address evaluation criteria based on need for funding assistance for alternative breakfast delivery services in school administrative units. It also requires the department to develop a means to track health and academic outcomes of students and schools that participate in alternative breakfast delivery services.

**Committee Amendment "A" (S-78)**

The bill requires a school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year to operate an alternative breakfast delivery service.

This amendment, which is the majority report, clarifies that the alternative breakfast delivery service provides breakfast after the start of the school day and before any lunch period in the school begins for students at that public

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school. The amendment also provides that a school administrative unit or a public school in which at least 70% of students who are eligible for free and reduced-price meals participate in the breakfast program is exempt from the requirement of providing an alternative breakfast delivery service. The amendment revises the process as proposed in the bill for a school administrative unit to opt out of the alternative breakfast delivery service. The amendment also provides for procedures to track health and academic outcomes of students.

**Senate Amendment "A" To Committee Amendment "A" (S-100)**

This amendment provides funding for the so-called "breakfast after the bell" program for fiscal years 2019-20 and 2020-21, and removes the indication of ongoing funding. This amendment also specifies that the funds provided do not lapse but are carried forward.

This amendment was not adopted.

**Senate Amendment "B" To Committee Amendment "A" (S-373)**

This amendment clarifies that a public school in which at least 70% of students who are eligible for free and reduced-price meals are participating in the breakfast program is not required to meet the annual 10 percentage point breakfast participation rate increase as long as that public school maintains a 70% or higher breakfast participation rate. The amendment also strikes the ongoing General Fund appropriations section and adds an emergency preamble and emergency clause.

**Enacted Law Summary**

Public Law 2019, chapter 556 requires a school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year to operate an alternative breakfast delivery service. The law clarifies that the alternative breakfast delivery service provides breakfast after the start of the school day and before any lunch period in the school begins for students at that public school. It also provides that a school administrative unit or a public school in which at least 70% of students who are eligible for free and reduced-price meals participate in the breakfast program is exempt from the requirement of providing an alternative breakfast delivery service. It clarifies that a public school in which at least 70% of students who are eligible for free and reduced-price meals are participating in the breakfast program is not required to meet the annual 10 percentage point breakfast participation rate increase as long as that public school maintains a 70% or higher breakfast participation rate. It also provides for procedures to track health and academic outcomes of students.

Public Law 2019, chapter 556 was enacted as an emergency measure effective February 14, 2020.

**LD 427 An Act To Require the State To Fund Teacher Retirement**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M SANBORN L	OTP-AM ONTP	H-20

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order H.P. 1322.

This bill changes the method for funding teacher retirement costs. It repeals those provisions of law enacted pursuant to Public Law 2013, chapter 368 that require school administrative units and private schools to pay a portion of the costs for teacher retirement.

**Committee Amendment "A" (H-20)**

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This amendment, which is the majority report of the committee, adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 470      An Act To Provide Traffic Safety Education in Schools**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M CARSON B	OTP-AM ONTP	H-83

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides students in Maine with traffic safety education from an early age with the goal of teaching students safe practices and respect for all users of the road in order to reduce the unacceptable number of pedestrian and bicyclist fatalities and make Maine's roadways safer and more enjoyable for all users.

This bill requires all school administrative units to provide at least one hour annually of age-appropriate traffic safety education to students in grades 2 to 12. The traffic safety education program must provide, at a minimum, instruction on the use of public and private ways by pedestrians, bicyclists and motor vehicle operators and on the laws and rules regarding that use. A school administrative unit may contract with a third party to provide the traffic safety education.

**Committee Amendment "A" (H-83)**

This amendment, which is the majority report of the committee, modifies the requirements in the bill for age-appropriate traffic safety education in school administrative units. The amendment provides that the traffic safety education must be provided annually to at least 4 different grade levels from kindergarten to grade 8 instead of annually in grades 2 to 12. The amendment also strikes the requirement that the education be at least one hour in length.

This amendment also provides funding for 90% of the cost to school administrative units to implement the traffic safety education curriculum. The amendment also specifies that outside funding may be accepted by the Department of Education and expended for the purpose of traffic safety education annually.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 502      An Act To Establish the Summer Success Pilot Program Fund**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T BREEN C	OTP-AM ONTP	H-200

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P.1322.

This bill establishes the Summer Success Program Fund, a dedicated fund to be directed and administered by the

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Commissioner of Education and held by the Treasurer of State, to encourage the facilitation of high-quality summer success programs in school administrative units throughout the State. The bill accomplishes the following.

1. It provides that money paid into the fund may include General Fund appropriations, as well as grants, gifts and other money from any unit of federal, state or local government or from any person, firm, partnership or corporation for deposit to the fund, money received from a social impact bond and interest, dividends and other pecuniary gains. It requires that school administrative units ensure that grants provided from the fund for expanding access to summer success programs supplement and not supplant federal funding.

2. It requires the commissioner to administer the fund within the Department of Education and to establish standards and approval for the allocation and use of fund money for summer success programs offered at elementary and secondary schools in the State. It also allows the commissioner to include the following in the standards:

A. Guidelines similar to the federal 21st Century Community Learning Centers program to close the achievement gap between high-performing and low-performing students;

B. Effective models of summer success programs that involve networking and partnerships with community-based organizations that provide a range of high-quality services to support student learning and development; and

C. Implementation of the formative and summative assessment methods to measure student achievement in order to monitor the progress of students participating in summer success programs.

3. It provides that, beginning in fiscal year 2020-21, the department is required to provide grant funding, through a grant application process, to cover 90% of the costs of summer success programs in school administrative units with greater than 50% student participation in the federal free and reduced-price lunch program.

4. It adds the fund to the enhancing student performance and opportunity provisions of the Essential Programs and Services Funding Act.

5. It requires the commissioner to submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 15, 2019, that outlines the proposed rules to implement the fund by the 2020-2021 school year.

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

This amendment, which is the majority report of the committee, strikes and replaces the title and the bill. The amendment establishes the Summer Success Pilot Program and corresponding fund to encourage the facilitation of high-quality summer success pilot programs in school administrative units throughout the State and does the following:

1. It provides that the fund is established as a General Fund carrying account within the Department of Education to be directed and administered by the Commissioner of Education and held by the Treasurer of State and that only General Fund appropriations may be paid into the fund;

2. It requires the Commissioner of Education to establish standards and approval for the allocation and use of fund money for summer success pilot programs offered at elementary and secondary schools in the State. It also allows the commissioner to include the following in the standards:

A. Guidelines similar to those of the federal 21st Century Community Learning Centers program to close the achievement gap between high-performing and low-performing students;

B. Effective models of summer success programs that involve networking and partnerships with

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community-based organizations that provide a range of high-quality services to support student learning and development; and

C. Implementation of the formative and summative assessment methods to measure student achievement in order to monitor the progress of students participating in summer success pilot programs;

3. It provides that, beginning in fiscal year 2020-21, the department is required to provide grant funding from the fund, through a grant application process, to cover 90% of the costs of summer success pilot programs and that the department must prioritize distribution of funding to school administrative units with greater than 50% student participation in the federal free and reduced-price lunch program;

4. It adds the fund to the enhancing student performance and opportunity provisions of the Essential Programs and Services Funding Act; and

5. It requires the Commissioner of Education to annually report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the number of school administrative units administering summer success pilot programs, the nature of the summer success pilot programs receiving money from the fund, the amount of money distributed and the number of children participating in a summer success pilot program. The report must also include a recommendation on whether the pilot program should continue as a pilot program, be modified or become a permanent program.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 512      Resolve, To Authorize the Legislature To Contract for an Independent Review To Evaluate and Plan for the Implementation of Maine's Early Childhood Special Education Services      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D MOORE M	OTP-AM	H-561

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P.1322.

This resolve establishes the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services to examine the national trends and relevant models of governing and delivering early childhood special education systems and the short-term and long-term costs and benefits to the Department of Education's proposed plan to restructure the Child Development Services System and to make recommendations for an early childhood special education services program plan.

**Committee Amendment "A" (H-561)**

This amendment authorizes the Legislature, through the Joint Standing Committee on Education and Cultural Affairs, to contract with a qualified research and technical assistance entity to conduct an independent review of Maine's early childhood special education services. This amendment authorizes the Office of the Executive Director of the Legislative Council, at the direction of the Joint Standing Committee on Education and Cultural Affairs, to develop and administer a request for proposals process to award a contract for the independent review. The amendment also adds an appropriations and allocations section.

The substance of this amendment was incorporated into LD 1001, which was enacted as Public Law 2019, chapter

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423.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 610      An Act To Provide Funding for Maine Public      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSENE SANBORN L	OTP-AM ONTP	H-401

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P.1322.

This bill provides ongoing funds to Maine Public and increases the State's contribution to funding the cost of the emergency alert system.

**Committee Amendment "A" (H-401)**

This amendment, which is the majority report, decreases the ongoing appropriation to Maine Public because additional funding is included in the Governor's biennial budget.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 626      An Act To Provide Funding for the Naval Museum and Gardens in Brunswick      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D CARSON B	OTP-AM ONTP	H-64

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table, by joint order, H.P. 1322.

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to provide funding for the Brunswick Naval Museum and Memorial Gardens in Brunswick.

**Committee Amendment "A" (H-64)**

This amendment which, is the majority report of the committee, replaces the bill, which is a concept draft. The amendment provides one-time funds to the Brunswick Naval Museum and Memorial Gardens to support and preserve Maine's maritime patrol aviation heritage.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 662 An Act To Count Study Abroad toward Secondary School Credit**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU J POULIOTM	OTP-AM	H-54

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires school administrative units to award course credit to students who have studied abroad by awarding the student elective credit based on hours of instruction received abroad or by awarding credit hours in the relevant content area if the student receives third-party certification or if the student passes a summative assessment.

**Committee Amendment "A" (H-54)**

This amendment amends the bill by requiring school boards to adopt a policy on awarding credit to students who have studied abroad. The school board may include in the policy that the school administrative unit award credit as elective credit, through third-party certification or based on a summative assessment.

This amendment also requires the Department of Education to issue an administrative letter to school boards and superintendents addressing the benefits of proactive communication between the school administrative unit and parents of a student and the student regarding the credit options available to the student prior to the student's participation in the study abroad program.

This amendment also incorporates a fiscal note. The fiscal note identifies the requirement that local school boards adopt a policy on awarding credit to students who have studied abroad as a potential unfunded state mandate. The committee reviewed the fiscal note and determined that requiring a school board to adopt a policy on awarding credit to students who have studied abroad is not an unfunded mandate. Because school boards have a duty to adopt policies that govern school administrative units pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 1-A, and because Title 20-A requires school administrative units to provide students with opportunities for learning in multiple pathways, the requirement that local school boards adopt a policy on awarding credit to students who have studied abroad does not require an expansion or modification of activities so as to necessitate additional expenditures.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over on the Special Appropriations Table.

**LD 665 Resolve, Directing the Office of the Attorney General To Review Free Speech on Public College and University Campuses**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS J FARRIN B	OTP-AM OTP-AM	H-395

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill authorizes a person who wishes to engage in an expressive activity, as defined in the bill, in an outdoor area of campus of a public institution of higher education to do so freely as long as the person's conduct is lawful

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and does not materially and substantially disrupt the functioning of the public institution of higher education. It prohibits a public institution of higher education from designating an area of campus as a free speech zone or otherwise creating policies restricting expressive activities to a particular outdoor area of campus, except that it allows public institutions of higher education to create and enforce restrictions on time, place and manner of expression that are reasonable and content-neutral. The Attorney General has the authority to enforce compliance, and a person whose rights are violated may bring an action to enjoin violations and to recover compensatory damages, reasonable court costs and attorney's fees.

**Committee Amendment "A" (H-395)**

This amendment, which is the majority report of the committee, directs the Office of the Attorney General to review whether there have been any instances in the State in which the University of Maine System, Maine Community College System or Maine Maritime Academy has violated or otherwise restricted a student's free speech rights protected under the United States Constitution, Amendment I and the Constitution of Maine, Article I, review whether additional protections are necessary under state law and report to the Joint Standing Committee on Judiciary no later than January 1, 2020. The Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 129th Legislature. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 703      An Act To Help Maine Students Succeed**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to help Maine students succeed.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 712      An Act To Increase the School Construction Debt Service Limit**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CHIPMAN B	OTP-AM ONTP	H-290

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill amends the school funding formula to fund after-school programs based on the state share percentage and to fund public preschool programs at 50% of the cost of the programs, or if a school administrative unit's state share percentage is greater than 50%, to fund the unit's public preschool program at the state share percentage. The bill also increases the additional weight for economically disadvantaged students from 0.15 to 1.5. The bill also raises

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the maximum debt service limit for school construction projects from \$126,000,000 to \$150,000,000 beginning in 2020.

**Committee Amendment "A" (H-290)**

This amendment, which is the majority report of the committee, changes the title and strikes all sections of the bill except the provision that raises the maximum debt service limit for school construction projects from \$126,000,000 to \$150,000,000 beginning in 2020.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 791      An Act To Provide School Districts with Full State Funding for Students      ONTP**  
**with High-cost Special Education Needs**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D EVANGELOS J	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires the State, beginning July 1, 2020, to provide a school administrative unit 100% of the funding needed for high-cost special education students.

**LD 860      An Act To Establish the Maine Community College System Pell Grant      CARRIED OVER**  
**Match Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M LIBBY N	OTP-AM ONTP	H-692

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H. P. 1322.

This bill establishes the Maine Community College System No-cost Tuition Program. Under the program, Maine residents who are determined to be eligible students and who are enrolled in an eligible course of study at a college within the Maine Community College System are eligible for a grant to cover the cost of tuition and mandatory fees, less any federal financial aid or other financial assistance that the student receives that is not required to be repaid. The Maine Community College System must include in its biennial budget for presentation to the Governor and the Legislature the estimated full funding for the Maine Community College System No-cost Tuition Program.

**Committee Amendment "A" (H-692)**

This amendment, which is the majority report of the committee, changes the title and renames the program the Maine Community College System Pell Grant Match Program. The amendment establishes the program and provides that a student is eligible for the program if the student is a resident of the State, is eligible for a Federal Pell Grant and maintains a minimum grade point average. The grant award may not exceed 100% of the amount of funds provided by the Federal Pell Grant that the student receives for the academic year in which the student applies. The availability of the grant and the amount of the grant are subject to the amount available in the established fund, and the Maine Community College System may adopt rules to implement and administer the

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program and fund. The amendment also adds an appropriations and allocations section with an appropriation of \$3,600,000.

This bill was carried over on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 866 An Act To Support College Completion by Homeless Youth in Maine**

**PUBLIC 538**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CARSON B	OTP-AM	H-321

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th legislature. It became law without signature at the beginning of the Second Regular Session.

This bill requires institutions of higher education in the State to designate an existing staff member to serve as a liaison for homeless youth who are enrolled in that institution of higher education. The bill also requires institutions of higher education to give homeless youth priority for on-campus housing, develop a plan to provide homeless youth housing during school breaks and allow homeless youth who are enrolled part-time to access on-campus housing during the homeless youth's first year of school. The bill also expands the tuition waiver for state postsecondary educational institutions to include tuition waivers for homeless youth.

**Committee Amendment "A" (H-321)**

This amendment, which strikes and replaces the bill, does the following.

1. It defines a homeless student as a student under 25 years of age who has been verified, at any time during the 24 months immediately preceding the student's admission to or while enrolled in a state postsecondary educational institution, as a homeless child or youth as defined in the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001.
2. It requires each state postsecondary educational institution to designate a staff member as the homeless student liaison.
3. It authorizes each state postsecondary educational institution to award a homeless student a financial assistance grant, which is limited to the amount of the cost of tuition less all other financial aid received that a student is not required to repay. The availability of the grant and the amount of the grant is also subject to the amounts appropriated by the Legislature.

**Enacted Law Summary**

Public Law 2019, chapter 538 does the following:

1. It defines as a homeless student a student under 25 years of age who has been verified, at any time during the 24 months immediately preceding the student's admission to or while enrolled in a state postsecondary educational institution, as a homeless child or youth as defined in the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001.
2. It requires each state postsecondary educational institution to designate a staff member as the homeless student liaison.

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3. It authorizes each state postsecondary educational institution to award a homeless student a financial assistance grant, which is limited to the amount of the cost of tuition less all other financial aid received that a student is not required to repay. The availability of the grant and the amount of the grant is also subject to the amounts appropriated by the Legislature.

**LD 882      Resolve, To Require the Examination of the System of Learning Results      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H LIBBY N	ONTP	

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve directs the Department of Education to convene a working group to study the system of learning results and to submit a report by December 4, 2019, to the Joint Standing Committee on Education and Cultural Affairs, which may submit legislation to the Second Regular Session of the 129th Legislature.

**LD 1036      Resolve, Establishing a Task Force To Study the Creation of a      RESOLVE 108  
Comprehensive Career and Technical Education System and Increased      EMERGENCY  
Crosswalks for Academic Credit between Secondary Schools and Career  
and Technical Education Programs**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N HERBIG E	OTP-AM	H-506 S-311 LIBBY N

This resolve was passed to be enacted by the Legislature and then held by the Governor at the end of the first Regular Session of the 129th Legislature. It became law without the Governor's signature at the beginning of the Second Regular Session.

This resolve establishes the Task Force To Study the Creation of a Comprehensive Career and Technical Education System to examine the feasibility of establishing a comprehensive 4-year high school career and technical education program to provide a technical high school setting for middle school students to attend at the completion of the 8th grade.

**Committee Amendment "A" (H-506)**

This amendment changes the title of this resolve and expands the membership of the task force to include a principal of a secondary school, a superintendent of a school administrative unit, an administrator at the University of Maine System and the Commissioner of Education or the commissioner's designee and requires that the member from a community college be an administrator.

This amendment also expands the duties of the task force to require that the task force examine the advantages and disadvantages of a comprehensive four-year career and technical education high school, obstacles to implementation and other models of comprehensive four-year career and technical education high schools around the State and on a national level. The task force is also required to examine increasing crosswalks and intersections between technical and occupational knowledge and curricula and academic standards in order to promote multiple pathways for awarding content area credit to students enrolled in career and technical education programs.

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This amendment also requires the task force to seek funding contributions to fully fund the costs of the task force. If sufficient funding is not received within 30 days after the effective date of the resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

**Senate Amendment "A" To Committee Amendment "A" (S-311)**

This amendment increases the membership of the task force from 14 to 16 members by adding one additional member of the House of Representatives and one additional member of the Senate and specifies that the House and Senate appointments must include a member from each of the two parties holding the largest number of seats in the Legislature, which conforms with Joint Rule 353.

**Enacted Law Summary**

Resolve 2019, chapter 108 establishes the Task Force To Study the Creation of a Comprehensive Career and Technical Education System, referred to as the task force. The task force is tasked with the following:

1. Examining the feasibility of establishing a comprehensive four-year high school career and technical education program to provide a technical high school setting for middle school students to attend at the completion of the eighth grade, including but not limited to examining the advantages and disadvantages of a comprehensive four-year career and technical education high school, obstacles to implementation and other models of comprehensive four-year career and technical education high schools around the State and on a national level; and
2. Examining how to increase crosswalks and intersections between technical and occupational knowledge and curricula and academic standards in order to promote multiple pathways for awarding content area credit to students enrolled in career and technical education programs.

Resolve 2019, chapter 108 requires the task force to seek funding contributions to fully fund the costs of the task force. If sufficient funding is not received within 30 days after the effective date of the resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

Resolve 2019, chapter 108 also requires the task force to submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

Resolve 2019, chapter 108 was enacted as an emergency measure effective January 12, 2020. However, because the date that the task force was required to report back to the Legislature had already passed, the task force was never appointed.

**LD 1043 An Act To Establish Universal Public Preschool Programs**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD V MILLET R	OTP-AM	H-256

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order H.P. 1322.

This bill specifies that it is the goal of the State to ensure that public preschool programs for children 4 years of age are offered by all school administrative units by the 2020-2021 school year. In order to achieve that goal, this bill requires the Department of Education to develop recommendations and report back to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2020. Recommendations must include:

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1. Standards for public preschool programs;
2. A process for approval and certification of programs not operated by a school administrative unit, including, but not limited to, a Head Start program or other program affiliated with the school administrative unit; and
3. Funding for public preschool programs.

The Joint Standing Committee on Education and Cultural Affairs may report out legislation to the Second Regular Session of the 129th Legislature to implement the recommendations in the report.

**Committee Amendment "A" (H-256)**

This amendment provides that it is the goal of the State to provide adequate start-up funding to ensure that public preschool programs for children 4 years of age are offered by all school administrative units by the 2023-2024 school year and requires the Department of Education to include in its funding recommendations funding options to encourage more public preschool programs.

The substance of this amendment was included in LD 1001, which was enacted as Public Law 2019, chapter 343.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

<b>LD 1050</b>	<b>An Act To Require Education about African-American History and the History of Genocide</b>	<b>CARRIED OVER</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCINI L GROHOSKIN	OTP-AM OTP-AM	H-520 TALBOT ROSS R S-147

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order H.P. 1322.

This bill requires instruction in the Holocaust developed by the Commissioner of Education to be provided in and required for graduation from all elementary and secondary schools, both public and private.

**Committee Amendment "A" (S-147)**

This amendment replaces the bill. It requires that the history of genocide, including the Holocaust, to be taught in schools, aligned with the parameters for essential instruction and graduation requirements and included in the review of content standards and performance indicators of the system of learning results. It adds an appropriations and allocations section.

The fiscal note on this amendment identifies certain requirements in the amendment as a potential state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds that the provision in the bill requiring the history of genocide to be taught in schools, the provision the fiscal note identifies as potentially a mandate, does not create a mandate since the history of genocide relates to topics already required to be taught in schools and so should not cause any school to expand or modify its activities so as to necessitate additional expenditures from local revenue.



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This bill also directs schools to make annual reports to the department regarding incidents of physical restraint and seclusion and directs the Commissioner of Education to report biennially to the Governor and the Legislature on data regarding the use of physical restraint and seclusion.

**Committee Amendment "A" (H-617)**

This amendment, which is the majority report of the committee, strikes and replaces the bill. It directs schools to submit annual reports to the Department of Education regarding incidents of physical restraint and seclusion including the number of uses and number of students, broken down by grade level or age group, gender, race and type of education plan, and the number of injuries to students and to staff and directs the Commissioner of Education to report biennially to the Governor and the Legislature on data regarding the use of physical restraint and seclusion. It also directs the Department of Education to, by rule, develop and implement a performance review system to define and monitor all schools' use of physical restraint and seclusion.

The amendment also requires the Department of Education to submit major substantive rules by December 5, 2019, provide guidance to schools regarding these rules and submit a plan by January 15, 2020 to the Joint Standing Committee on Education and Cultural Affairs on professional development opportunities to promote preventive practice models that will reduce dependence on physical restraint and seclusion.

The amendment also adds an appropriations and allocations section and incorporates a fiscal note. The fiscal note identifies the requirement that school administrative units break down the aggregate data by grade level or age group, gender, race and type of plan as a potential unfunded state mandate. Because schools are already required to collect this data pursuant to department rule Chapter 33: Rule Governing Physical Restraint and Seclusion, the committee finds this additional requirement does not require an expansion or modification of activities so as to necessitate additional expenditures.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1521 An Act To Expand Skill Development Opportunities for Maine Youth**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L KORNFIELDV	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill directs the Department of Education, in consultation with the Department of Labor, to develop an internship program for students who are 23 years of age or younger. The internship program developed by the department would authorize participants to receive compensation options, in combination with a variable hourly wage that is equal to or greater than the federal minimum wage, that may include academic credits, credentials of value and stackable credentials. The Department of Education is directed to submit a report outlining the internship program developed, together with any necessary implementing legislation, to the Joint Standing Committee on Education and Cultural Affairs by December 4, 2019.

In addition, to facilitate participation in the Maine Apprenticeship Program established under the Maine Revised Statutes, Title 26, section 3202, this bill directs the Department of Labor to calculate the amount of funding and the number of positions it would require in order to establish an apprenticeship coordinator at each career and technical education center in the State and report this information to the Joint Standing Committee on Education and Cultural

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Affairs by December 4, 2019.

**LD 1606    An Act To Increase Funding for Career and Technical Education Programs**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J STANLEY S	OTP-AM OTP-AM	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides an additional \$1,500,000 per year for the cost of career and technical education pursuant to the Maine Revised Statutes, Title 20-A, section 15688-A, subsection 1. It also removes the so-called "cap" and hold harmless provision that limits the amount of any decrease or increase in the total allocation for a career and technical education center or career and technical education region, effective January 1, 2020.

**Committee Amendment "A" (S-423)**

This amendment, which is the majority report of the committee, caps at 15% the total allocation for career and technical education centers and regions whose sum of the components in the Maine Revised Statutes, Title 20-A, section 15688-A is more than 15% greater than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year. This amendment also adds an appropriations and allocations section.

The substance of this amendment was incorporated into the supplemental budget, which was enacted as Public Law 2019, chapter 616.

**Committee Amendment "B" (S-424)**

This amendment, which is the minority report of the committee, corrects an error made in Public Law 2019, chapter 343, Part AAAAA by establishing a cap of 5% on career and technical education centers and regions whose sum of the components in the Maine Revised Statutes, Title 20-A, section 15688-A is more than 5% greater than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year.

This bill was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1607    An Act To Create the Department of Early Care and Learning**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KORNFIELD V	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to create the Department of Early Care and Learning as a cabinet-level state agency within the executive branch of State Government. The department would assume primary responsibility for matters regarding children under 6 years of age in the State, including the care, health care and education of the children that are now the responsibility of the Department of Health and Human Services and the Department of Education.

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**LD 1700      Resolve, Regarding African-American Student Data Analyses**

**RESOLVE 109**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	OTP-AM	H-563

This resolve was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

This resolve directs the Department of Education, with assistance from the Maine Education Policy Research Institute, the Maine Human Rights Commission and the Department of the Attorney General, Civil Rights Team Project, as well as a volunteer advisory group that includes representatives from African-American civil rights organizations in the State, African-American history and cultural organizations and the African American Collection at the University of Southern Maine, to collect information and prepare and make available materials that promote the rationale for adding African-American history and culture, including Maine African-American history and culture, to the curricular offerings of school administrative units.

**Committee Amendment "A" (H-563)**

This amendment removes the requirement that the Department of Education collect information and prepare and make available materials that promote the rationale for adding African-American history and culture to the curricular offerings of school administrative units. The amendment also removes the requirement that the department identify educators in the State who are implementing model approaches to teaching African-American history and culture.

**Enacted Law Summary**

Resolve 2019, chapter 109 directs the Maine Education Policy Research Institute to provide to the Department of Education analyses of school achievement, disciplinary actions and special education identification and placement of African-American students. The law also provides that the Department of Education may request data on reported harassment and hate crimes based on race occurring in public schools from the Maine Human Rights Commission and the Department of the Attorney General, Civil Rights Team Project.

**LD 1715      An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J CARSON B	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order H.P. 1322.

Beginning in fiscal year 2019-20 for early adopters and over a five-year implementation phase-in beginning in fiscal year 2020-21 for other school administrative units, this bill moves responsibility for providing special education and related services for children who are at least three years of age and under six years of age from the Department of Education, Child Development Services System, the state intermediate educational unit, to the school administrative units of residence of the children.

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This bill eliminates the Child Development Services System and moves the entire responsibility for providing services to children from birth to under three years of age to the Department of Education's Office of Special Services. The funding plan continues the present arrangement of full responsibility for costs being shared among state funds, federal funds, the MaineCare program and private insurers.

Under this bill, the State continues its current practice of funding all services for preschool children with disabilities that are not paid for with federal funds, MaineCare funds or private funds.

### **LD 1813      *Resolve, To Ensure Safe and Inclusive Learning Environments***

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	OTP-AM	H-702

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve directs the Commissioner of Education to convene a working group to review and develop recommendations to ensure safe and inclusive learning environments for LGBTQ students and educators in Maine schools. The commissioner is required to submit the working group's report to the Legislature by December 1, 2019. The Joint Standing Committee on Education and Cultural Affairs may report out legislation to the Second Regular Session of the 129th Legislature based on the recommendations.

For purposes of this resolve, "LGBTQ" includes but is not limited to lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual.

#### **Committee Amendment "A" (H-702)**

This amendment provides that the members of the Department of Education included in the working group must include members with expertise in school safety and security. The amendment also changes the reporting date to require that the report be submitted no later than December 1, 2020 for presentation to the First Regular Session of the 130th Legislature and provides that the joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out legislation to the First Regular Session of the 130th Legislature. This amendment also adds an appropriations and allocations section.

This Resolve was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order S.P. 788.

### **LD 1849      *An Act Regarding the Laws Governing the Maine School for Marine Science, Technology, Transportation and Engineering***

**PUBLIC 531  
EMERGENCY**

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

This bill was introduced and finally disposed of during the First Special Session of the 129th Legislature. This bill was not referred to committee.

This bill delays the termination date of the Maine School for Marine Science, Technology, Transportation and Engineering, also known as the Ocean School, to 90 days after adjournment of the Second Regular Session of the 129th Legislature.

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**Enacted Law Summary**

Public Law 2019, chapter 531 delays the termination date of the Maine School for Marine Science, Technology, Transportation and Engineering, also known as the Ocean School, to 90 days after adjournment of the Second Regular Session of the 129th Legislature.

Public Law 2019, chapter 531 was enacted as an emergency measure effective August 30, 2019.

**LD 1855 An Act To Include Student Absences for Mental Health or Behavioral Health Needs as Excusable Absences**

**PUBLIC 562**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J CLAXTON N	OTP-AM ONTP	H-671

Current law provides that a person's absence from school is excused when the absence is due to personal illness. This bill specifies that a person's absence is excused when the absence is due to reasons of personal health, including the person's mental and behavioral health.

**Committee Amendment "A" (H-671)**

This amendment specifies that a person's absence from school is excused when the absence is due to reasons of physical health, as well as the person's mental and behavioral health.

**Enacted Law Summary**

Public Law 2019, chapter 562 specifies that a person's absence from school is excused when the absence is due to reasons of physical health, as well as the person's mental and behavioral health.

**LD 1857 An Act To Protect Teachers from Punitive or Retaliatory Transfers**

**ONTP**

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

This bill prohibits the transfer of a teacher to another location or teaching assignment for a punitive or retaliatory reason without the teacher's consent. It authorizes a teacher who has been involuntarily transferred to request a hearing with the school board and requires the school board to reverse the transfer if the teacher demonstrates that the transfer was for a punitive or retaliatory reason.

**LD 1858 An Act To Protect Teachers from Professional Teacher Certificate Endorsement Changes**

**PUBLIC 584**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREAD MILLETTR	OTP-AM	H-676

This bill provides that a rule adopted by the State Board of Education that amends specifications for grades or subject areas endorsements for a professional teacher certificate does not apply to the endorsements on a professional teacher certificate held by a person if the endorsements were issued prior to or during the school year

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preceding the adoption of the rules and that a teacher may renew the teacher's professional teacher certificate with the same grades and subject areas endorsements as were originally issued to that teacher.

### **Committee Amendment "A" (H-676)**

This amendment provides that an amendment to the teacher certification rules that revises the qualifications for a credential or the grades or subject area endorsements for a professional teacher certificate does not apply to:

1. A person who held an active credential or endorsement during the school year preceding the adoption of revisions to the rules;
2. A person who held an active conditional certificate during the school year preceding the adoption of revisions to the rules;
3. A person who has completed an educator preparation program and who has qualified for a recommendation for certification as a teacher during the school year preceding the adoption of revisions to the rules;
4. A person enrolled in an educator preparation program during the school year preceding the adoption of revisions to the rules; or
5. A person who began the application process for professional teacher certification with the Department of Education during the school year preceding the adoption of revisions to the rules.

The amendment also clarifies that if a rule amends the endorsement specifications for grades or subject areas for a teacher's professional teacher certificate, the teacher may renew the teacher's professional teacher certificate with the same grades and subject areas endorsements as were issued with the active professional teacher certificate that is held by the teacher at the time of the amendment.

### **Enacted Law Summary**

Public Law 2019, chapter 584 provides that an amendment to the teacher certification rules that revises the qualifications for a credential or the grades or subject area endorsements for a professional teacher certificate does not apply to:

1. A person who held an active credential or endorsement during the school year preceding the adoption of revisions to the rules;
2. A person who held an active conditional certificate during the school year preceding the adoption of revisions to the rules;
3. A person who has completed an educator preparation program and who has qualified for a recommendation for certification as a teacher during the school year preceding the adoption of revisions to the rules;
4. A person enrolled in an educator preparation program during the school year preceding the adoption of revisions to the rules; or
5. A person who began the application process for professional teacher certification with the Department of Education during the school year preceding the adoption of revisions to the rules.

Public Law 2019, chapter 584 also provides that if an amendment to the teacher certification rules amends the endorsement specifications for grades or subject areas for a teacher's professional teacher certificate, the teacher may renew the teacher's professional teacher certificate with the same grades and subject areas endorsements as were issued with the active professional teacher certificate that is held by the teacher at the time of the amendment.

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**LD 1860    An Act To Establish a Process for the Consideration and Implementation of Changes to Mandated Instruction or Training for Students**

**HELD BY  
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD V MILLET R	OTP-AM	H-740

This bill requires that, upon referral of proposed legislation to establish or substantially expand mandated instruction or training in public schools, the joint standing committee of the Legislature considering the proposal must request that the Commissioner of Education convene a review committee to review whether the subject of the proposal is already addressed within existing courses of study aligned with the system of learning results and, if it is not, analyze the impact of establishing or substantially expanding the mandated instruction or training, including the availability of resources, staff expertise, the number of required courses of study that already exist and the available hours of instruction. The commissioner is directed to submit a final report to the joint standing committee that includes any legislation required to implement the commissioner's recommendations.

**Committee Amendment "A" (H-740)**

This amendment does the following:

1. It establishes the Review Committee on Proposed Legislation as a board with minimal authority and provides that members are not entitled to compensation.
2. It requires the joint standing committee of the Legislature that considers proposed legislation that would establish or substantially expand mandated instruction or training for students in elementary or secondary school to hold a public hearing on the proposal and then either vote to request that the Commissioner of Education convene the Review Committee on Proposed Legislation to review the proposal and report to the joint standing committee by a specific date chosen in consultation with the Department of Education or hold a work session to work and vote on the proposed legislation.
3. It requires the Commissioner of Education to appoint the Review Committee on Proposed Legislation's members, including teachers, administrators and content specialists within the Department of Education and a representative of an association of statewide curriculum leaders, and requires the review committee to invite the sponsor of the proposed legislation to participate in its evaluation.
4. It adds that, as part of the evaluation, the Review Committee on Proposed Legislation must analyze the positive and negative effects of the proposed legislation and the costs to implement the proposal.
5. It requires the Commissioner of Education or the commissioner's designee to present the final report of the Review Committee on Proposed Legislation to the joint standing committee.

**LD 1878    Resolve, To Establish the Commission To Study the Use of Adjunct Professors in Maine Community College System**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J	OTP-AM	H-679

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This resolve establishes the Commission To Study the Use of Adjunct Professors in Maine's Public University and College System. The commission is directed to examine and make recommendations on the use of adjunct professors in the University of Maine System and the Maine Community College System, including, but not limited to, an examination of recruitment and retention issues, creation of a career path for adjunct professors, expansion of the role of adjunct professors in student retention and success, expansion of access to health care for adjunct professors and identification of funding needs for the recommendations of the commission. The commission must report its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Labor and Housing.

**Committee Amendment "A" (H-679)**

This amendment narrows the focus of the commission established in the resolve to the Maine Community College System, provides that the member representing the Maine Community College System is appointed by the President of the Maine Community College System and adds an effective date of August 31, 2020.

This resolve was carried over on the Special Study Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1879      An Act Regarding the Adoption of Education Policies by School Boards      CARRIED OVER**

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

This bill provides that in order to be considered an education policy that may not be negotiated during collective bargaining, the policy must be adopted by the school board pursuant to the procedure established in the bill. The bill prohibits the school board from delegating the authority to develop such a policy.

**Committee Amendment "A" (H-760)**

Current law provides that public employers of teachers must meet and consult but not negotiate with respect to educational policies. This amendment, which is the majority report of the committee, provides that educational policies related to preparation and planning time and transfer of teachers are permissive subjects of negotiation if both parties agree.

This amendment also specifies the obligation of public employers of teachers regarding the meet and consult process. It is the intent of the amendment to put in statute the meet and consult process as outlined in Southern Aroostook Teachers Association v. Southern Aroostook Community School Committee, MLRB No. 80-35, 80-40 (April 14, 1982). In addition, the amendment provides that the bargaining agent may initiate the meet and consult process by notifying the public employer of teachers when an existing educational policy of the public employer of teachers is changed by practice or if the written notice required from the public employer of teachers is inadvertently omitted.

This bill was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1894 An Act To Incentivize the Purchase of Electric Public School Buses**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E BRENNAN M	OTP-AM OTP-AM ONTP	

This bill directs the Department of Education to endeavor to meet a goal of transitioning the public school bus fleet to 100% all-electric school buses by 2040 and directs the department to adopt rules relating to bid requirements, electric charging stations and uniform school bus specifications.

It requires the department to set aside a percentage of available resources for the purchase of electric small school buses, as replacements in or additions to the school bus fleet, in the 2020 request for proposals. It requires the department to develop an electric school bus training program to train school bus mechanics, school bus drivers and school transportation directors and it requires annual training by school bus mechanics, school bus drivers and school transportation directors. It requires the department to assess the need to expand transportation administration staff to manage the transition of the fleet of public school buses in the State to electric school buses.

**Committee Amendment "A" (S-421)**

This amendment, which is the majority report, strikes and replaces the bill, removes the emergency preamble and emergency clause and changes the title. The amendment directs the Commissioner of Education, in approving school bus purchases, contracts and leases, to the extent practicable to grant such approvals in a manner to meet the goals of reducing greenhouse gas emissions of the public school bus fleet by 75% by 2035 and transitioning the public school transportation fleet to 100% zero-emissions school buses by 2045.

The amendment directs the Governor's Energy Office to convene an interagency working group to develop a plan to transition Maine's public school bus fleet to achieve these goals. The working group must, at a minimum, consist of representatives from the Department of Education, the Department of Transportation, the Public Utilities Commission, the Efficiency Maine Trust and the Maine Climate Council's transportation working group. The interagency working group is directed to submit findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over education matters no later than January 5, 2022.

**Committee Amendment "B" (S-422)**

This amendment, which is the minority report, strikes and replaces the bill, removes the emergency preamble and emergency clause and changes the title. The amendment directs the Commissioner of Education, in approving school bus purchases, contracts and leases, to the extent practicable to grant such approvals in a manner designed to meet a goal of reducing greenhouse gas emissions of the public school bus fleet by 75% by 2040.

This bill was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1916 An Act To Increase High School Graduation Rates for Students Experiencing Homelessness or in Foster Care**

**CARRIED OVER**

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

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This bill does the following.

1. It amends the process for applying for a Department of Education diploma by requiring that the responsible school apply on behalf of a student who has experienced one or more education disruptions on request. The student's parent or guardian or a student who is over 18 years of age may still apply directly to the Department of Education, and the school must assist the student in the application process.
2. It provides that the Commissioner of Education must award a Department of Education diploma to a student who has experienced homelessness or has been in foster care who meets certain criteria and may not require that student to provide additional information or be interviewed.
3. It provides that a secondary school must award a diploma to a student who has experienced homelessness or foster care placement if the student meets specified criteria.
4. It provides that the responsible school for a student whose education disruption is due to multiple transfers or homelessness or foster care placement must compile for the student partial and full credits received by the student to date, provide priority enrollment in classes in which the student has received partial credit and immediately enroll the student in classes or programs to close gaps between the compilation of credits by the student and the credits typically earned by the student's peers.
5. It requires the responsible school to provide an adult mentor to students who experience education disruption due to homelessness or foster care placement to facilitate transition into the school.
6. It requires that if the responsible school determines that a student who experiences education disruption will not be able to graduate by the end of the student's fourth year of secondary school, the responsible school must provide the student information regarding a Department of Education diploma and apply on behalf of the student or assist the student in making the application.

This bill, which has been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1918     An Act To Amend the Laws Regarding the Reserve Funds of Certain School Organizational Structures**

**PUBLIC 588**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUTIER K LIBBY N	OTP-AM	H-681

This bill allows boards of school administrative districts, regional school units, community school districts and career and technical education regions to expend reserve funds by a vote of the board for emergencies necessitating immediate expenditures when obtaining voter permission would be cost-prohibitive or when the expenditures are required by law.

It also changes what a reserve fund may be established for, from funding school construction projects, financing the acquisition or reconstruction of a specific type of capital improvement or financing the acquisition of a specific item or type of capital equipment, to providing funds for any direct instruction or instructional support purpose.

**Committee Amendment "A" (H-681)**

This amendment adds to what a reserve fund may be established for to include providing funds for expenditures such as regular instruction, special education, career and technical education, other instruction including summer

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school and extracurricular instruction, student and staff support, system administration, school administration, transportation and buses, facilities maintenance, debt service and other commitments and other expenditures, including school lunch.

The amendment also adds that, in order to expend funds by a vote of the boards or committees of school administrative districts, regional school units, community school districts and career and technical education regions, the respective boards and committees must provide public notice of the meeting at which the vote to expend funds from the reserve fund will be taken and hold a public hearing prior to the vote to expend funds from the reserve fund.

**Enacted Law Summary**

Public Law 2019, chapter 588 allows boards of school administrative districts, regional school units, community school districts and career and technical education regions to expend reserve funds by a vote of the board for emergencies necessitating immediate expenditures when obtaining voter permission would be cost-prohibitive or when the expenditures are required by law.

It also provides that a reserve fund may be established for the following:

1. Funding school construction projects, financing the acquisition or reconstruction of a specific type of capital improvement or financing the acquisition of a specific item or type of capital equipment; and
2. Funding for expenditures such as regular instruction, special education, career and technical education, other instruction including summer school and extracurricular instruction, student and staff support, system administration, school administration, transportation and buses, facilities maintenance, debt service and other commitments and other expenditures, including school lunch.

The amendment also adds that, in order to expend funds by a vote of the boards or committees of school administrative districts, regional school units, community school districts and career and technical education regions, the respective boards and committees must provide public notice of the meeting at which the vote to expend funds from the reserve fund will be taken and hold a public hearing prior to the vote to expend funds from the reserve fund.

**LD 1947    An Act To Fund Capital Improvements to Career and Technical Education Centers**

**CARRIED OVER**

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

This bill authorizes the issuance and use of up to \$20,000,000 in Maine Governmental Facilities Authority securities for capital improvements to career and technical education centers and regions.

This bill, which had been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1999    An Act To Amend the Maine Education Savings Program**

**CARRIED OVER**

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

This bill amends the Maine Education Savings Program by making permissive rather than mandatory the investment of fund dollars by the Finance Authority of Maine in state-based financial institutions.

**Committee Amendment "A" (S-430)**

This amendment, which is the majority report of the committee, retains the change from mandatory to permissive the investment of fund dollars by the Finance Authority of Maine in state-based financial institutions.

This amendment also amends certain provisions of the law in order to conform elements of the Maine Education Savings Program to recent changes to federal law affecting so-called Section 529 programs. This amendment also adds an emergency preamble and emergency clause to the bill.

**Committee Amendment "B" (S-431)**

This amendment, which is the minority report of the committee, removes the change from mandatory to permissive the investment of fund dollars by the Finance Authority of Maine in state-based financial institutions.

This amendment only amends certain provisions of the law in order to conform elements of the Maine Education Savings Program to recent changes to federal law affecting so-called Section 529 programs. This amendment also adds an emergency preamble and emergency clause to the bill.

This bill was carried over in the House to any special session of the 129th Legislature by joint order S.P. 788.

**LD 2014    An Act To Amend the Laws Governing the Maine State Grant Program**

**PUBLIC 654  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	OTP-AM	H-737

This bill allows an adult learner benefiting from a grant under the Maine State Grant Program to receive up to 12 semesters' worth of grant funding.

**Committee Amendment "A" (H-737)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2019, chapter 654 provides that an adult learner benefiting from a grant under the Maine State Grant Program may receive up to 12 semesters' worth of grant funding.

Public Law 2019, chapter 654 was enacted as an emergency measure effective March 18, 2020.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 2016 An Act Regarding School Discipline for Maine's Youngest Students**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORALES V MILLETT R	ONTP	

This bill provides that a student code of conduct may not prescribe suspension, expulsion or the withholding of recess as a consequence of a violation of the student code of conduct by any student enrolled in grade 5 or below except as provided under the federal Gun-Free Schools Act. The bill also provides that any student enrolled in grade 6 or above who is eligible for free or reduced-price school meals is entitled to representation at state expense during an expulsion proceeding.

**LD 2020 An Act To Strengthen Maritime Education by Amending the Laws Governing the Maine School for Marine Science, Technology, Transportation and Engineering**

**PUBLIC 655**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E CUDDY S	OTP-AM	S-439

This bill amends the provision of law terminating the Maine School for Marine Science, Technology, Transportation and Engineering 90 days after adjournment of the Second Regular Session of the 129th Legislature to provide that the school is terminated 90 days after adjournment of the Second Regular Session of the 131st Legislature. It also removes references to residential students and amends reporting requirements for the school by incorporating reporting requirements similar to those of charter schools.

**Committee Amendment "A" (S-439)**

This amendment changes the date the Maine School for Marine Science, Technology, Transportation and Engineering is terminated from 90 days after adjournment of the Second Regular Session of the 131st Legislature as proposed in the bill to 90 days after adjournment of the Second Regular Session of the 130th Legislature.

The amendment also requires the board of trustees of the school to include in the board's annual report for the 2019-2020 academic year a plan for the school's future based on the board's exploration of practicable organizational structures for the school.

**Enacted Law Summary**

Public Law 2019, chapter 655 amends the provision of law terminating the Maine School for Marine Science, Technology, Transportation and Engineering 90 days after adjournment of the Second Regular Session of the 129th Legislature to provide that the school is terminated 90 days after adjournment of the Second Regular Session of the 130th Legislature.

The law removes references to residential students and amends reporting requirements for the school by incorporating reporting requirements similar to those of charter schools.

The law also requires the board of trustees of the school to include in the board's annual report for the 2019-2020 academic year a plan for the school's future based on the board's exploration of practicable organizational structures for the school.

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**LD 2022    An Act To Provide Funding for Equipment Upgrades for Career and Technical Education Centers and Regions To Meet National Industry Standards**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E FECTEAUR	OTP-AM	S-396

This bill authorizes the Commissioner of Education to expend and disburse funds to career and technical education centers and career and technical education regions to make capital improvements and to purchase equipment that has a useful life of at least 5 years and provides a one-time General Fund appropriation of \$4,000,000 in fiscal year 2020-21 for that purpose.

**Committee Amendment "A" (S-396)**

This amendment strikes and replaces the bill. It provides one-time funds of \$4,000,000 to career and technical education centers and regions to upgrade equipment to meet national industry standards, which the Commissioner of Education may expend or disburse pursuant to the Maine Revised Statutes, Title 20-A, section 15688-A, subsection 6.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2024    An Act To Remove from the Calculation of the Cost of Education the Maine Public Employees Retirement System Teacher Plan Unfunded Actuarial Liability**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KORNFIELD V		

Current law provides a method of calculating the state share percentage of the total cost of funding public education from kindergarten to grade 12 that includes the unfunded actuarial liability of the Maine Public Employees Retirement System as it applies to teachers. This bill repeals that provision of law.

This bill, which had been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2035    An Act To Modify Teacher Certification Expiration Dates for Teachers Who Use Family Medical Leave**

**PUBLIC 610**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU J MILLETTR	OTP-AM	H-703

This bill provides that, upon the request of a school administrative unit, the Commissioner of Education must grant an extension on a teacher's conditional, provisional or professional certificate if the teacher uses family medical leave within the teacher's final year of certification and the school administrative unit provides sufficient proof of the use of family medical leave. The extension is for the same number of days as the family medical leave used

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during the final year of the teacher's certificate.

**Committee Amendment "A" (H-703)**

This amendment removes the reference to a provisional certificate, which is no longer used by the Department of Education.

**Enacted Law Summary**

Public Law 2019, chapter 610 provides that, upon the request of a school administrative unit, the Commissioner of Education must grant an extension on a teacher's conditional or professional certificate if the teacher uses family medical leave within the teacher's final year of certification and the school administrative unit provides sufficient proof of the use of family medical leave. The extension is for the same number of days as the family medical leave used during the final year of the teacher's certificate.

**LD 2046 An Act Regarding Immunizations**

**CARRIED OVER**

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

This bill exempts children who are enrolled in or attend a virtual public charter school from the requirement that a child may not be enrolled in or attend school without evidence of immunization.

The bill also amends the law governing the Universal Childhood Immunization Program to include persons who are 18 years of age or younger and are enrolled in or have been offered enrollment in a private or public postsecondary educational institution in the State.

The bill also corrects an error in Public Law 2019, chapter 154 by providing that the exemption from immunization requirements based on religious or philosophical beliefs for employees of health care facilities takes effect September 1, 2021. The correction is contingent on Public Law 2019, chapter 154 being ratified by a majority of voters and taking effect in accordance with the Constitution of Maine, Article IV, Part Third, Section 17.

This bill, which had not yet been voted by the committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2071 Resolve, Regarding Legislative Review of Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units, a Major Substantive Rule of the Department of Education and the State Board of Education**

**RESOLVE 131  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-738

This resolve provides for legislative review of portions of Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units, a major substantive rule of the Department of Education.

**Committee Amendment "A" (H-738)**

This amendment changes the title of the resolve and provides that final adoption of Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units is authorized only if the department incorporates certain



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**Committee Amendment "A" (H-774)**

This amendment changes the title to reflect that Chapter 115 is a major substantive rule of the State Board of Education, not the Department of Education, and provides that final adoption of Chapter 115: Part II Requirements for Specific Certificates and Endorsements, a provisionally adopted major substantive rule of the State Board of Education, is authorized.

**Enacted Law Summary**

Resolve 2019, chapter 134 provides that final adoption of Chapter 115: Part II Requirements for Specific Certificates and Endorsements, a major substantive rule of the State Board of Education, is authorized.

Resolve 2019, chapter 134 was enacted as an emergency measure effective March 11, 2020.

**LD 2076      Resolve, Regarding Legislative Review of Portions of Chapter 40: Rule for Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education      CARRIED OVER**

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

This resolve provides for legislative review of portions of Chapter 40: Rule for Medication Administration in Maine Schools, a major substantive rule of the Department of Education.

This resolve, which had been voted on but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2077      Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department of Education      RESOLVE 135**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-739
	ONTP	S-448   MILLETT R

This resolve provides for legislative review of portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a major substantive rule of the Department of Education.

**Committee Amendment "A" (H-739)**

This amendment, which is the majority report of the committee, authorizes final adoption of portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a major substantive rule of the Department of Education, only if the rule is amended to reorder the effectiveness ratings for consistency.

**Senate Amendment "A" To Committee Amendment "A" (S-448)**

This amendment amends Committee Amendment "A" to strike the emergency preamble and emergency clause from the resolve.

**Enacted Law Summary**

Resolve 2019, chapter 135 provides that final adoption of portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a major substantive rule of the Department of Education, is authorized only if the rule is amended to reorder the effectiveness ratings for consistency.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 2113     An Act To Prevent Charter Schools from Using State Funds for  
Anti-Union Campaigns**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M MILLETT R	REFERRED ONTP	

Under current law, public charter school employees are covered by the National Labor Relations Act, 29 United States Code, Chapter 7, Subchapter II. This bill prohibits a public charter school from using funds received from the State or Federal Government to engage in, or to retain legal counsel for the purpose of engaging in, activities that interfere with, restrain or coerce employees of the public charter school in their exercise of rights granted under the National Labor Relations Act, Section 7. Under Section 7, covered employees are given the right to self-organization; to form, join or assist labor organizations; to bargain collectively through representatives of their own choosing; and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection and also have the right to refrain from any of those activities except to the extent that such a right may be affected by an agreement requiring membership in a labor organization as a condition of employment.

The majority of the committee voted to re-refer the bill to the Joint Standing Committee on Labor and Housing.

This bill which had been voted out of committee but not yet taken up by the House or the Senate, was carried over to any special session of the 129th Legislature by joint order S.P. 788.

**LD 2121     Resolve, To Establish the Task Force To Study the Coordination of  
Services and Expansion of Educational Programs for Young Adults with  
Disabilities**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEBWORTH S LUCHINI L		

This resolve establishes the Task Force To Study the Coordination of Services and Expansion of Educational Programs for Young Adults with Disabilities. The membership of the task force consists of Legislators who serve on the joint standing committees of the Legislature having jurisdiction over education and cultural affairs, health and human services matters and labor and housing matters, the Commissioner of Education, the Commissioner of Health and Human Services and the Commissioner of Labor, members of organizations or associations knowledgeable about services for young adults with disabilities after high school, a parent or guardian of a young adult with a disability and a young adult with a disability who is receiving services from the State. The Commissioner of Education convenes the task force, which must hold a minimum of 4 meetings and submit a report to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs, health and human services matters and labor and housing matters on recommendations and targeted reforms to improve the efficiency and effectiveness of services provided by different agencies and continuing educational opportunities for young adults with disabilities after high school.

The substance of this resolve duplicates LD 1852 from the First Regular Session of the 129th Legislature, which was removed from the Special Study Table and Special Appropriations Table at the end of the First Regular Session and inadvertently left off of the carry over joint order, H.P. 1322.

This bill, which was referred to committee but not yet heard, was carried over to any special session of the 129th Legislature by joint order S.P. 788.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 2152    An Act To Permit Naloxone Possession and Administration in Public and Private Schools**

**CARRIED OVER**

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

This bill provides for the administration of naloxone hydrochloride in a noninjectable form to students, school staff and school visitors through collaborative practice agreements between physicians licensed in this State or school health advisors and public and private school nurses.

This bill, which had been referred to the committee but not yet heard, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2156    Resolve, Requiring the Department of Education To Report on Issues Relating to Bullying in Schools**

**CARRIED OVER**

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

This resolve was reported by the committee pursuant to Resolve 2019, chapter 44. This resolve requires the Department of Education to report back to the joint standing committee of the Legislature having jurisdiction over education matters on issues relating to bullying in schools and the progress of any work groups or task forces that are currently studying this issue. The report must include any findings, recommendations and suggested legislation. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill on the subject matter of the report to the First Regular Session of the 130th Legislature.

This resolve was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2165    An Act To Provide Support to Students, Staff and Faculty at Postsecondary Educational Institutions for Temporary Closures Due to Infectious Diseases**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU J POULIOTM		

This bill requires a postsecondary educational institution in the State that temporarily suspends classes and requires students, staff and faculty to remain off campus due to an infectious disease, including COVID-19, to:

1. Reimburse students on a pro rata basis any unused fees previously paid to the institution by the student, and, if classes are not conducted remotely or through an alternate method as determined appropriate by the institution, tuition;
2. Develop a plan to allow certain students, based on a student's individual circumstances, to remain on campus and to provide housing and dining options to those students; and
3. Develop a plan, in consultation with the Department of Labor and the Department of Education, to compensate





*Joint Standing Committee on Education and Cultural Affairs*

**SUBJECT INDEX**

**Adult Education**

**Not Enacted**

**LD 2121**      **Resolve, To Establish the Task force To Study the Coordination of Services and Expansion of Educational Programs for Young Adults with Disabilities**      **CARRIED OVER**

**Attendance and School Days**

**Enacted**

**LD 1855**      **An Act To Include Student Absences for Mental Health or Behavioral Health Needs as Excusable Absences**      **PUBLIC 562**

**Career and Technical Education**

**Enacted**

**LD 1036**      **Resolve, Establishing a Task Force To Study the Creation of a Comprehensive Career and Technical Education System and Increased Crosswalks for Academic Credit between Secondary Schools and Career and Technical Education Programs**      **RESOLVE 108  
EMERGENCY**

**Not enacted**

**LD 1606**      **An Act To Increase Funding for Career and Technical Education Programs**      **CARRIED OVER**

**LD 1947**      **An Act to Fund Capital Improvements to Career and Technical Education Centers**      **CARRIED OVER**

**LD 2022**      **An Act To provide Funding for Equipment Upgrades for Career and Technical Education Centers and Regions to Meet National industry Standards**      **CARRIED OVER**

**Cultural Affairs**

**Enacted**

**LD 1700**      **Resolve, Regarding African-Americans Student Data Analyses**      **RESOLVE 109**

**Not Enacted**

LD 246	Am Act To Secure the Future of the Frances Perkins Homestead	CARRIED OVER
LD 610	An Act To Provide Funding for Maine Public	CARRIED OVER
LD 626	An Act To Provide Funding for the Naval Museum and Gardens in Brunswick	CARRIED OVER
LD 1050	An Act To Require Education about African-American History and the History of Genocide	CARRIED OVER

**Curriculum, Instruction, and Testing**

**Not Enacted**

LD 470	An Act To Provide Traffic Safety Education in Schools	CARRIED OVER
LD 662	An Act To Count Study Abroad toward Secondary School Credit	CARRIED OVER
LD 882	Resolve, To Require the Examination of the System of Learning Results	ONTP
LD 1860	An Act To Establish a Process for the Consideration and Implementation of Changes to Mandated Instruction or Training for Students	HELD BY GOVERNOR

**Department of Education, State Board of Education**

**Enacted**

LD 2071	Resolve, Regarding Legislative Review of Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units, a Major Substantive Rule of the Department of Education and the State Board of Education	RESOLVE 131 EMERGENCY
LD 2072	Resolve, Regarding Legislative Review of Portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a Major Substantive Rule of the Department of Education	RESOLVE 132 EMERGENCY
LD 2075	Resolve, Regarding Legislative Review of Portions of Chapter 115: Part II Requirements for Specific Certificates and Endorsements, a Major Substantive Rule of the State Board of Education	RESOLVE 134 EMERGENCY
LD 2077	Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive rule of the Department of Education	RESOLVE 135

**Not Enacted**

LD 703      An Act To Help Maine Student Succeed      CARRIED OVER

**Early Childhood Special Education Programs**

**Not Enacted**

LD 512      Resolve, To Authorize the Legislature To Contract for an Independent Review To Evaluate and Plan for the Implementation of Maine's Early Childhood Special Education Services      CARRIED OVER

**Education - Other**

**Not Enacted**

LD 1607      An Act To Create the Department of Early Care and Learning      ONTP

LD 1916      An Act To Increase High School Graduation Rates for Students Experiencing Homelessness or in Foster Care      CARRIED OVER

**Extracurricular Programs and Activities**

**Not Enacted**

LD 502      An Act To Establish the Summer Success Pilot Program Fund      CARRIED OVER

LD 1521      An Act To Expand Skill Development Opportunities for Maine Youth      ONTP

**Health, Nutrition and Safety**

**Enacted**

LD 359      An Act To Address Student Hunger with a "Breakfast after the Bell" Program      PUBLIC 556  
EMERGENCY

**Not Enacted**

LD 1813      Resolve, To Ensure Safe and Inclusive Learning Environments      CARRIED OVER

LD 2046	Am Act Regarding Immunizations	CARRIED OVER
LD 2076	Resolve, Regarding Legislative Review of Portions of Chapter 40: Rule for Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education	CARRIED OVER
LD 2152	An Act To Permit Naloxone Possession and Administration in Public and Private Schools	CARRIED OVER

### *Magnet Schools*

Enacted

LD 1849	An Act Regarding the Laws Governing the Maine School for Marine Science, Technology, Transportation and Engineering	PUBLIC 531 EMERGENCY
LD 2020	An Act To Strengthen Maritime Education by Amending the Laws Governing the Maine School for Marine Science, Technology, Transportation and Engineering	PUBLIC 655

### *Postsecondary Education Finance and Student Aid*

Enacted

LD 2014	An Act To Amend the Laws Governing the Maine State Grant Program	PUBLIC 654 EMERGENCY
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Not Enacted

LD 860	An Act To Establish the Maine Community College System Pell Grant Match Program	CARRIED OVER
LD 1999	An Act To Amend the Maine Education Savings Program	CARRIED OVER
LD 2165	An Act To Provide Support to Students, Staff and Faculty at Postsecondary Educational Institutions for Temporary Closures Due to Infectious Diseases	CARRIED OVER

### *Postsecondary Education Governance and Coordination*

Enacted

LD 866	An Act To Support College Completion by Homeless Youth in Maine	PUBLIC 538
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**Not Enacted**

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|---------|---|--------------|
| LD 665  | Resolve, Directing the Office of the Attorney General To Review Free Speech on Public College and University Campuses | CARRIED OVER |
| LD 1878 | Resolve, To Establish the Commission To Study the Use of Adjunct Professors in Maine Community College System         | CARRIED OVER |

**Public Charter Schools and School Choice**

**Not Enacted**

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|---------|---|--------------|
| LD 2113 | An Act To Prevent Charter Schools from Using State Funds for Anti-Union Campaigns | CARRIED OVER |
|---------|---|--------------|

**Public Preschool Programs**

**Not Enacted**

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| LD 1043 | An Act To Establish Universal Public Preschool Programs | CARRIED OVER |
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**Safe Schools and Student Conduct**

**Not Enacted**

- |         |  |              |
|---------|--|--------------|
| LD 1376 | An Act To Direct the Department of Education To Amend Its Rules To Ensure That Physical Restraint and Seclusion Policies Are Followed and Make Biennial Reports on the Use of Physical Restraint and Seclusion | CARRIED OVER |
| LD 2016 | An Act Regarding School Discipline for Maine's Youngest Students   | ONTP         |
| LD 2156 | Resolve, Requiring the Department of Education To Report on Issues Relating to Bullying in Schools   | CARRIED OVER |

**School Boards and School Budgets**

**Enacted**

- |         |  |            |
|---------|--|------------|
| LD 1918 | An Act To Amend the Laws Regarding the Reserve Funds of Certain School Organizational Structures | PUBLIC 588 |
|---------|--|------------|

**Not Enacted**

- |         |  |              |
|---------|--|--------------|
| LD 1879 | An Act Regarding the Adoption of Education Policies by School Boards | CARRIED OVER |
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**School Construction, Facilities and Transportation**

**Not Enacted**

LD 712	An Act To Increase the School Construction Debt Service Limit	CARRIED OVER
LD 1894	An Act To Incentivize the Purchase of Electric Public School Buses	CARRIED OVER

**School Finance**

**Not Enacted**

LD 2024	An Act To Remove from the Calculation of the Cost of Education the Maine Public Employees Retirement System Teacher Plan Unfunded Actuarial Liability	CARRIED OVER
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**Special Education**

**Not Enacted**

LD 136	Resolve, To Require the Department of Education To Study and Report on the Special Education Funding Component of the School Funding Formula	HELD BY GOVERNOR
LD 791	An Act To Provide School Districts with Full State Funding for Students with High-cost Special Education Needs	ONTP
LD 1715	An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age	ONTP

**Teachers and Administrators**

**Enacted**

LD 1858	An Act To Protect Teachers from Professional Teacher Certificate Endorsement Changes	PUBLIC 584
LD 2035	An Act To Modify Teacher Certification Expiration Dates for Teachers Who Use Family Medical Leave	PUBLIC 610

**Not Enacted**

LD 178	An Act To Increase the State Share of the Cost of Health Insurance for Retired Teachers	CARRIED OVER
LD 427	An Act To Require the State to Fund Teacher Retirement	CARRIED OVER

<b>LD 1857</b>	<b>An Act To Protect Teacher from Punitive or Retaliatory Transfers</b>	<b>ONTP</b>
<b>LD 2166</b>	<b>An Act To Implement the Recommendations of the Work Group on the Laws Governing Investigations by School Entities into Holders of Credentials</b>	<b>CARRIED OVER</b>

**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND  
NATURAL RESOURCES**

November 2020

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SEN. JUSTIN M. CHENETTE  
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*Joint Standing Committee on Environment and Natural Resources*

**LD 102      An Act To Improve the Manufacturing of Plastic Bottles and Bottle Caps**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUDERA V MIRAMANTD		

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill prohibits, beginning January 1, 2020, a manufacturer from selling, offering for sale or distributing for sale in the State a single-use plastic beverage container unless the container is composed of at least 15% postconsumer recycled plastic. Beginning January 1, 2022, this threshold for the percentage of postconsumer recycled plastic in single-use plastic beverage containers increases to 20% and, beginning January 1, 2024, the threshold increases to 25%. The bill also prohibits, beginning January 1, 2020, a manufacturer from selling, offering for sale or distributing for sale in the State a single-use plastic beverage container with a plastic beverage cap unless the cap is composed of the same plastic as the beverage container and the cap is tethered to the container in a manner that prevents the separation of the cap from the container when the cap is removed or the cap includes an opening from which the beverage can be consumed while the cap remains screwed onto or otherwise affixed to the container.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over in committee, and the committee had voted on the measure, but it had not yet been reported out.

**LD 327      An Act To Revise Maine's Environmental Laws**

**Leave to Withdraw Pursuant to Joint Rule**

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

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to revise laws governing environmental protection.

**LD 401      An Act To Preserve State Landfill Capacity and Promote Recycling**

**PUBLIC 619**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R GRATWICK G	OTP-AM	H-712

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures to ensure accurate tracking of the origin and type of waste materials disposed of in Maine, to discourage landfilling of recyclable

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materials, to preserve landfill capacity at state-owned facilities for Maine-generated materials, and to ensure the rights of host communities and abutters of waste disposal facilities. In order to achieve these goals, the bill proposes to:

1. Ensure there is accurate tracking and record keeping identifying the origin, amounts and types of materials disposed in waste facilities in the State;
2. Ensure waste is effectively tracked from generation point through processing to final disposal point, including the following types of facilities and disposal sites where tracking is required: landfills; landfill leachate discharge sites; incinerator ash and slag disposal sites; and biosolids disposal sites;
3. Ensure that waste materials imported from outside the State that are processed at facilities in the State are not classified as Maine-generated waste;
4. Ensure that waste materials that end up in a landfill, such as construction and demolition debris, which are used for daily cover in a landfill, are not counted toward the State's recycling goals;
5. Ensure adequate legal standing and strengthen protections for the health and well-being of people living in close proximity to waste disposal facilities;
6. Strengthen conflict-of-interest protections in awarding and management and oversight of state waste contracts to prevent price fixing and market manipulation; and
7. Direct the Department of Environmental Protection to amend rule Chapter 400, Maine Solid Waste Management Rules to:
  - A. Amend the definition of "bypass" to limit the waste that is considered bypass to solid waste that cannot be disposed of, processed or beneficially used at that facility because of malfunction, insufficient capacity, downtime or inability of the facility to process or burn;
  - B. Amend the definition of "recycle" and "recycling" to add a provision that any material left at a landfill is not considered recycled; and
  - C. Define "Maine-generated waste" as solid waste that is discarded for the first time within the physical confines of the State.

### **Committee Amendment "A" (H-712)**

This amendment replaces the bill, which is a concept draft. The amendment adds definitions to the State's solid waste management laws for the terms "recycling facility" and "waste generated within the State" and amends certain other related definitions and provisions within the solid waste management laws consistent with those new definitions. It also provides that at least 50% of the waste characterized as recycled by a solid waste processing facility that generates residue requiring disposal must have been reused or recycled through methods other than landfilling but includes specific alternative provisions applicable to certain solid waste processing facilities that process exclusively construction and demolition debris.

### **Enacted Law Summary**

Public Law 2019, chapter 619 adds definitions to the State's solid waste management laws for the terms "recycling facility" and "waste generated within the State" and amends certain other related definitions and provisions within the solid waste management laws consistent with those new definitions. It also provides that at least 50% of the

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waste characterized as recycled by a solid waste processing facility that generates residue requiring disposal must have been reused or recycled through methods other than landfilling but includes specific alternative provisions applicable to certain solid waste processing facilities that process exclusively construction and demolition debris.

**LD 450      An Act To Increase Funding for the St. Croix International Waterway Commission      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M PERRY A	OTP-AM	S-19

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill provides an additional \$25,000 per fiscal year to the St. Croix International Waterway Commission but only if the Province of New Brunswick, Canada commits to match the funding.

### **Committee Amendment "A" (S-19)**

This amendment incorporates a fiscal note.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over on the Special Appropriations Table.

**LD 544      An Act Regarding Tobacco Product Waste      PUBLIC 620**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUMEL	OTP-AM	H-756

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a system under which producers of tobacco products develop, finance and implement stewardship programs to collect, transport, process and safely dispose of post-consumer tobacco waste to reduce, prevent and mitigate the environmental effects of the disposal of that waste in the State. The bill proposes to:

1. Prohibit tobacco producers or retailers from selling or offering for sale tobacco products in the State unless they are participating in an approved tobacco waste stewardship program;
2. Require a tobacco producer to provide retailers that sell tobacco products information about the producer's tobacco waste stewardship program and information regarding available collection opportunities for post-consumer tobacco product waste. Under the bill, a retailer that sells tobacco products would be required to provide that information to its consumers at the time of sale;
3. Require each tobacco producer to submit a plan for its tobacco waste stewardship program to the State for approval. The plan must:
  - A. Specify educational and outreach activities and materials that promote and increase awareness of the tobacco waste stewardship program, including but not limited to a website and written materials. The

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outreach materials must identify options for establishing an effective collection system, promote a reduction in the generation of post-consumer tobacco product waste, identify each tobacco producer participating in the program, identify participating brands of tobacco products sold and identify the processors that manage the post-consumer tobacco product waste that is collected;

B. Establish and provide for the implementation of goals to reduce the generation of post-consumer tobacco product waste;

C. Outline the responsibility for negotiating and executing contracts to collect, transport and process post-consumer tobacco product waste for end-of-product management;

D. Describe how the end-of-product management of post-consumer tobacco product waste that is collected under the tobacco waste stewardship program will use environmentally sound management practices that are consistent with state laws and other relevant environmental rules and practices for ultimate disposal;

E. Establish a timeline for carrying out an annual assessment of the effectiveness of actions taken under the tobacco waste stewardship program;

F. Include an anticipated annual operating budget for the tobacco waste stewardship program; and

G. Identify an effective, convenient system for the collection of post-consumer tobacco product waste that ensures sufficient permanent collection sites and provides for collection events in geographically underserved areas;

4. Establish a process for tobacco producers to amend their tobacco waste stewardship programs;

5. Require tobacco producers to submit annual reports, which must include the volume of post-consumer tobacco product waste collected, an independent financial audit, an evaluation of the tobacco waste stewardship program's funding mechanism, an updated budget, samples of educational and outreach materials, documentation of compliance with collection requirements, a description of activities undertaken to achieve the program's goals as provided for in the program plan and identification of proposed changes to the program;

6. Allow the state agency charged with overseeing tobacco waste stewardship programs to develop a pilot project for a tobacco waste stewardship program;

7. Require the state agency charged with overseeing tobacco waste stewardship programs to establish a schedule of fees;

8. Make financial cost, production or sales data and records confidential and establish a process for disclosure of aggregate information;

9. Require the state agency charged with overseeing tobacco waste stewardship programs to publish by municipality, city or county the total weight of post-consumer tobacco product waste collected; and

10. Establish civil penalties for violations.

### **Committee Amendment "A" (H-756)**

This amendment changes the title of and replaces the bill, which is a concept draft. It amends the State's litter laws,

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to clarify that waste materials resulting from or associated with the use of tobacco products, including, but not limited to, cigarette butts, constitute litter under the law.

**Enacted Law Summary**

Public Law 2019, chapter 620 amends the State's litter laws to clarify that waste materials resulting from or associated with the use of tobacco products, including, but not limited to, cigarette butts, constitute litter under the law.

**LD 559      An Act To Restore Regular Mapping of Eelgrass Beds in the State      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J CARSON B	OTP-AM	H-48

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill directs the Department of Environmental Protection, in consultation with the Department of Marine Resources, to establish and administer a program to regularly produce and update maps regarding the distribution of eelgrass beds in the State. Data collected and maps produced under this program must be made available on the Department of Environmental Protection's publicly accessible website. The Department of Environmental Protection is directed to submit to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters on or before January 1, 2021, and biennially thereafter, a report on the data collected and maps produced under this program.

**Committee Amendment "A" (H-48)**

This amendment creates the Eelgrass Mapping Fund to support the establishment and administration of the eelgrass mapping program required under the bill and authorizes the fund to accept grants, bequests, gifts or contributions from any source, public or private. The amendment also revises the mapping schedule for the mapping of eelgrass beds as proposed in the bill and adds an appropriations and allocations section.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over on the Special Appropriations Table.

**LD 774      Resolve, To Protect Maine's Beaches and Shoreline      HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L FOLEY R	OTP-AM	H-711

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill amends the State's coastal management policies laws to ensure that those policies address the effects of coastal erosion on the State's beaches and shoreline and ensure the health of the State's beaches and shoreline for habitat protection for coastal wildlife species and for protection against storms.

The bill also creates an advisory group on beach management, to be convened by the Commissioner of Environmental Protection for the purpose of developing and recommending objectives, strategies, legislation and

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other actions to mitigate coastal erosion in the State and to keep beaches healthy for storm protection, habitat protection for coastal wildlife species and for recreational use. The group is directed to review the report titled "Integrated Beach Management Program Working Group Report," dated January 2017 and submitted to the Joint Standing Committee on Environment and Natural Resources in the First Regular Session of the 128th Legislature, update the data and findings contained in that report, if necessary, and review and update the specific recommendations for legislative, regulatory or other actions contained in that report, if necessary.

No later than February 15, 2020, the commissioner is required to submit a report to the Joint Standing Committee on Environment and Natural Resources containing the findings and recommendations of the group following its review of the 2017 report, including any proposed legislation necessary to implement those recommendations. After reviewing the report, the committee may report out legislation to implement those recommendations.

**Committee Amendment "A" (H-711)**

This amendment replaces the bill with a resolve and changes the title. The resolve directs the Department of Environmental Protection to review the report titled "Integrated Beach Management Program Working Group Report," dated January 2017 and submitted to the Joint Standing Committee on Environment and Natural Resources in the First Regular Session of the 128th Legislature pursuant to Resolve 2015, chapter 66, and to identify and, where necessary and appropriate, develop strategies, legislation or other actions to assist municipalities in the mitigation of coastal erosion in the State and to keep the State's beaches healthy for protection against storms, for habitat protection for coastal wildlife species and for recreational uses.

The department is required by January 15, 2021 to report its findings and recommendations following that review, including any proposed legislation necessary to implement those recommendations, to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, which is authorized to report out related legislation.

**LD 951      An Act To Improve the Research Capabilities of State Agencies      ONTP**

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

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to improve the research capabilities of state agencies.

**LD 952      An Act To Coordinate and Standardize Data Collection Protocols      ONTP**

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

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws to coordinate and standardize data collection protocols.

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**LD 988 An Act To Reduce the Landfilling of Municipal Solid Waste**

**CARRIED OVER**

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

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill removes the exemption to the municipal solid waste disposal surcharge for municipal solid waste generated by a municipality that owns the landfill accepting it or that has entered into a contract with a term longer than nine months for disposal of municipal solid waste in that landfill facility. The bill also directs the proceeds from the surcharge to the Maine Solid Waste Diversion Grant Program.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over in committee, and the committee had voted on the measure, but it had not yet been reported out.

**LD 1080 Resolve, Regarding Biofuel in Heating Oil**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T	OTP-AM	H-148

This resolve was carried over from the First Regular Session of the 129th Legislature.

This resolve directs the Executive Department, Governor's Energy Office to oversee a study of and report to the Joint Standing Committee on Environment and Natural Resources on the feasibility of setting a requirement for the percentage of biofuel to be used in No. 2 heating oil.

**Committee Amendment "A" (H-148)**

This amendment changes the title of the resolve and makes the following additional changes.

1. It broadens the scope of the study to include #6 heating oil and kerosene in addition to No. 2 heating oil.
2. It requires consultation with additional state agencies in the development of the study report.
3. It authorizes the Joint Standing Committee on Environment and Natural Resources to report out legislation to implement recommendations contained in the report.
4. It adds an appropriations and allocations section.

This resolve was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over on the Special Appropriations Table.

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**LD 1460 An Act To Support Collection and Proper Disposal of Unwanted Drugs**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G HYMANSON P		

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill provides for the establishment of drug take-back stewardship programs. It requires certain drug manufacturers, as defined in the bill, to operate a drug take-back stewardship program to collect and dispose of certain drugs.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over in committee, and the committee had voted on the measure, but it had not yet been reported out.

**LD 1594 An Act To Establish a Stewardship Program for Consumer Batteries**

**ONTP**

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

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill provides for the establishment of a stewardship program for consumer batteries, including both single-use and rechargeable batteries and certain products containing these batteries. Under the bill, a producer of consumer batteries or an organization composed of one or more producers of such batteries must submit a plan for the establishment of a battery stewardship program to the Commissioner of Environmental Protection for approval. Once approved, the program must operate to provide convenient, free statewide collection opportunities for discarded batteries, and the batteries collected through the program must be recycled or otherwise responsibly managed. The bill also amends and repeals existing laws relating to certain battery types to avoid statutory conflict with the stewardship program for consumer batteries.

**LD 1687 An Act Regarding the Water Quality Certification of Graham Lake on the Union River**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L GROHOSKIN	ONTP	

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill provides that for the purposes of water quality certification under the Federal Water Pollution Control Act:

1. Graham Lake located in the Union River in the City of Ellsworth may be subject to drawdowns of lake levels of up to 4 feet and still be deemed to meet state water classification standards;

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- 2. The Department of Environmental Protection may not waive water quality certification under the Federal Water Pollution Control Act for the Federal Energy Regulatory Commission license for the Ellsworth Hydroelectric Project and failure of the department to file timely a water quality certification is deemed to be a denial of water quality certification; and
- 3. The Ellsworth Hydroelectric Project is subject to an involuntary water quality decertification if the project does not provide for a volitional upstream fish passage over both the Graham Lake Dam and Ellsworth Lake Dam within 10 years of the project's relicensure.

**LD 1750      An Act To Establish Appliance Energy and Water Standards      CARRIED OVER**

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

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill enacts the Appliance Energy and Water Standards Act to be implemented, administered and enforced by the Department of Environmental Protection. The Act generally provides that, beginning January 1, 2021, a person is prohibited from selling or offering for sale in the State certain appliances and products unless they meet or exceed applicable energy and water standards adopted by rule by the department. Beginning January 1, 2022, a person is prohibited from installing for compensation in the State any of those appliances or products.

**Committee Amendment "A" (H-741)**

This amendment, which is the majority report of the committee, replaces the bill and provides that, beginning January 1, 2022, a person may not sell or offer for sale in the State any of the following new products that are manufactured on or after January 1, 2022 and that were prohibited from sale in the State of California under its appliance efficiency regulations, as those regulations were in effect on January 1, 2020: computers and computer monitors; general service lamps; commercial hot food holding cabinets; plumbing fittings that are showerheads, lavatory faucets, kitchen faucets, public lavatory faucets, metering faucets, kitchen replacement aerators and lavatory replacement aerators; plumbing fixtures that are water closets and urinals; portable electric spas; spray sprinkler bodies; and water dispensers. The Governor's Energy Office is required to enforce this prohibition, and fines for a violation of the prohibition are specified. The office is authorized to enter into a memorandum of understanding or other formalized agreement with the Efficiency Maine Trust for the provision of technical assistance by the trust to consumers and businesses regarding this prohibition. The office is also required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters describing any recent or anticipated changes to the California appliance efficiency regulations and including recommendations as to whether, based on such changes or for other specified reasons, the state provision requires amendment. The amendment adds an appropriations and allocations section.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over in the Senate.

**LD 1777      An Act To Add Rivers, Streams and Brooks to the Department of Environmental Protection's Compensation Fee Program      PUBLIC 581**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEYR	OTP-AM	S-385



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This bill was carried over from the First Regular Session of the 129th Legislature.

This bill increases opportunities for property owners to replace at-risk home heating oil tanks by authorizing money in the Maine Ground and Surface Waters Clean-up and Response Fund to be disbursed for loans and grants for department-approved rebate programs to retrofit, repair, replace or remove aboveground and underground oil storage tanks and associated piping at residential dwellings.

**Committee Amendment "A" (H-678)**

This amendment adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2019, chapter 583 increases opportunities for property owners to replace at-risk home heating oil tanks by authorizing money in the Maine Ground and Surface Waters Clean-up and Response Fund to be disbursed for loans and grants for department-approved rebate programs to retrofit, repair, replace or remove aboveground and underground oil storage tanks and associated piping at residential dwellings.

**LD 1781      An Act To Allow the Board of Environmental Protection To Make Changes through Routine Technical Rulemaking to Federally Based Screening Levels for the Beneficial Use of Solid Waste      CARRIED OVER**

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

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill allows the Board of Environmental Protection to make changes to its rules regarding federally based screening levels for the beneficial use of solid waste as routine technical rulemaking pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over in committee, and the committee had voted on the measure, but it had not yet been reported out.

**LD 1786      An Act To Update Maine's Sales Prohibition on Upholstered Furniture Treated with Flame-retardant Chemicals      ONTP**

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

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill amends the law restricting the sale of residential upholstered furniture treated with flame-retardant chemicals to align Maine's requirements with standards recently enacted in California. The bill also specifies that the Department of Environmental Protection is authorized, rather than required, to adopt rules to implement the section of law governing residential upholstered furniture.

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**LD 1823     An Act To Allow a Float Haul-out or Marine Way within Shoreland Zone Setbacks     ONTP**

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

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill provides that a float haul-out or marine way is a functionally water-dependent use allowed in the shoreland zone.

**LD 1832     An Act To Ensure Adequate Funding for the Maine Pollutant Discharge Elimination System and Waste Discharge Licensing Program     PUBLIC 631**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM ONTP	H-709

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill increases the annual waste discharge license fee for certain categories of existing discharges by 40% from the 2018 bill amount, and the annual discharge license fee for certain categories of new discharges by 40% from the amount indicated in the Department of Environmental Protection fee schedule effective November 1, 2018 to October 31, 2019.

**Committee Amendment "A" (H-709)**

This amendment is the majority report of the committee. Like the bill, it increases the annual waste discharge license fee for certain categories of existing discharges by 40%; however, unlike the bill, it bases this increase on the 2019 bill amount. Like the bill, the amendment also increases the annual waste discharge license fee for certain categories of new discharges by 40%; however, unlike the bill, it bases this increase on the amount indicated in the Department of Environmental Protection fee schedule effective November 1, 2019 to October 31, 2020. The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2019, chapter 631 increases the annual waste discharge license fee for certain categories of existing discharges by 40% from the 2019 bill amount, and the annual discharge license fee for certain categories of new discharges by 40% from the amount indicated in the Department of Environmental Protection fee schedule effective November 1, 2019 to October 31, 2020.

**LD 1915     Resolve, Directing the Department of Environmental Protection To Evaluate Emissions from Aboveground Petroleum Storage Tanks     RESOLVE 128**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETTR CARNEYA	OTP-AM ONTP	S-415

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This resolve directs the Department of Environmental Protection to study methods to measure and estimate air emissions from fixed-roof, heated aboveground petroleum storage tanks and methods to control odor and other air emissions from emission sources at oil terminal facilities. The department is required to submit a report by January 1, 2021 to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, which may submit legislation to the First Regular Session of the 130th Legislature.

**Committee Amendment "A" (S-415)**

This amendment, which is the majority report of the committee, changes the title of the resolve and language in the resolve to broaden the scope of the study to all aboveground petroleum storage tanks instead of just fixed-roof, heated tanks. The amendment also requires the Department of Environmental Protection, as part of the study required in the resolve, to identify methods or programs for assisting municipalities in the use and application of mobile air quality monitoring devices to identify the release of hazardous air pollutants from aboveground petroleum storage tanks. It also requires the department to include recommendations for these identified methods or programs in its required report.

**Enacted Law Summary**

Resolve 2019, chapter 128 directs the Department of Environmental Protection to study methods to measure and estimate air emissions from aboveground petroleum storage tanks and methods to control odor and other air emissions from emission sources at oil terminal facilities. The department is required to submit a report by January 1, 2021 to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, which may submit legislation to the First Regular Session of the 130th Legislature.

**LD 1923      An Act To Define as a Hazardous Substance under Maine Law Any Substance Defined under Federal Law as a Hazardous Substance, Pollutant or Contaminant      CARRIED OVER**

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

This bill amends the definition of "hazardous substance" in the laws governing uncontrolled hazardous substance sites by including substances defined as hazardous substances or pollutants or contaminants under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

**Committee Amendment "A" (H-753)**

This amendment, which is the majority report of the committee, changes the title of the bill, retains the provision of the bill that adds a new definition to the term "hazardous substance" under the State's uncontrolled hazardous substance sites law and makes the following additional changes.

1. It provides a limited exemption from liability for publicly owned treatment works based on the contribution by the publicly owned treatment works of effluent or sewage sludge to an uncontrolled hazardous substance site.
2. It provides a limited exemption from liability for public water systems based on the contribution by the public water system of water treatment residuals to an uncontrolled hazardous substance site.
3. It requires that, on or before January 15, 2022, the Department of Environmental Protection report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding the investigation or removal of hazardous substances that are pollutants or contaminants at certain uncontrolled hazardous substance sites.

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**Committee Amendment "B" (H-754)**

This amendment, which is the minority report of the committee, changes the title of the bill, replaces the bill and makes the following changes to the State's uncontrolled hazardous substance sites law.

1. It amends the definition of "hazardous substance" to include perfluoroalkyl and polyfluoroalkyl substances and residual substances relating to the illegal manufacture of methamphetamine and other synthetic drugs.
2. It adds definitions for the terms "pollutant or contaminant" and "uncontrolled pollutant or contaminant site." It provides the Department of Environmental Protection with authority to investigate, take control of, secure and take other action regarding substances that are pollutants or contaminants at uncontrolled pollutant or contaminant sites, including the removal of such substances. Under the amendment, the costs of such state actions incurred in the investigation, mitigation, cleanup and other related activities of substances that are pollutants or contaminants are to be borne by the State and not by any individual parties associated with the uncontrolled pollutant or contaminant site or with the substances at the site.
3. It provides a limited exemption from liability for publicly owned treatment works based on the contribution by the publicly owned treatment works of effluent or sewage sludge to an uncontrolled hazardous substance site.
4. It provides a limited exemption from liability for public water systems based on the contribution by the public water system of water treatment residuals to an uncontrolled hazardous substance site.

The amendment requires that, on or before January 15, 2022, the Department of Environmental Protection report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding the investigation or removal of hazardous substances at certain uncontrolled hazardous substance sites and the investigation or removal of substances that are pollutants or contaminants at certain uncontrolled pollutant or contaminant sites.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over in the Senate.

**LD 1942 An Act To Protect Water Quality by Requiring Additional Disclosures to Purchasers of Consumer Fireworks Regarding Safe and Proper Use**

**PUBLIC 646**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J	OTP-AM	H-755

This bill bans the use of consumer fireworks in the shoreland zone except during the calendar week that includes July 4th and on New Year's Eve, Labor Day and Memorial Day. It exempts from this prohibition fireworks displays that have a permit issued by the Commissioner of Public Safety or the commissioner's designee.

**Committee Amendment "A" (H-755)**

This amendment changes the title of and replaces the bill. It amends the State's consumer fireworks laws to provide that the required disclosures to purchasers of consumer fireworks by sellers of consumer fireworks must include guidelines regarding the safe and proper use of consumer fireworks around bodies of water; guidelines regarding the prevention of littering in the use of consumer fireworks; and guidelines regarding the effects from the use of consumer fireworks on wildlife, livestock and domesticated animals.

**Enacted Law Summary**

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Public Law 2019, chapter 646 amends the State's consumer fireworks laws to provide that the required disclosures to purchasers of consumer fireworks by sellers of consumer fireworks must include guidelines regarding the safe and proper use of consumer fireworks around bodies of water; guidelines regarding the prevention of littering in the use of consumer fireworks; and guidelines regarding the effects from the use of consumer fireworks on wildlife, livestock and domesticated animals.

**LD 1998    An Act To Amend the Waste Motor Oil Disposal Site Remediation Program** **CARRIED OVER**

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

This bill amends the Finance Authority of Maine's waste motor oil disposal site remediation program by directing all remaining funds in the Waste Motor Oil Revenue Fund to the Department of Environmental Protection's Uncontrolled Sites Fund and by repealing the laws governing the program. Except for the premium imposed on the sale or distribution of motor vehicle oil, the laws governing the program are repealed June 30, 2020. The repeal of the premium imposed on the sale or distribution of motor vehicle oil is effective when the legislation is approved. The bill also amends other sections of law by correcting cross-references and making technical changes resulting from the repeal of the laws governing the program.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over as reported out of the committee without having been taken up by the House or the Senate.

**LD 2006    An Act To Amend the Laws Governing Waste Discharge Analysis by Laboratories Operated by Waste Discharge Facilities** **PUBLIC 580**

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

This bill allows a laboratory operated by a licensed waste discharge facility to analyze waste discharges for enterococcus without being certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention for the use of programs of the department or the Department of Environmental Protection.

**Enacted Law Summary**

Public Law 2019, chapter 580 allows a laboratory operated by a licensed waste discharge facility to analyze waste discharges for enterococcus without being certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention for the use of programs of the department or the Department of Environmental Protection.

**LD 2033    An Act To Ensure Proper Closure of Oil Terminal Facilities** **PUBLIC 678**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARNEY A MILLETTR	OTP-AM ONTP	H-710

This bill ensures proper closure of oil terminal facilities by establishing financial assurance and facility closure requirements. It develops a process for assessing the costs of decommissioning oil terminal facilities and

***Joint Standing Committee on Environment and Natural Resources***

infrastructure and establishing financial responsibility for closure costs. It requires, upon closure, removal of facilities and appurtenances and remediation of the site to an unrestricted use standard or the most protective use standard determined by the Department of Environmental Protection to be practicable. It also requires facilities not in use for 10 years to file a closure plan. The bill also requires oil terminal facilities to provide evidence of financial ability to satisfy liability under existing law.

**Committee Amendment "A" (H-710)**

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. It removes from the bill the requirement that oil terminal facilities not in use for 10 years file a closure plan.
2. It adds to the laws governing oil terminal facilities a definition for the term "related appurtenances."
3. It makes a number of technical clarifications and other changes to provisions in the bill dealing with the definitions of "facility closure" and "oil" and financial responsibility, liability and facility closure requirements related to oil terminal facilities.

**Enacted Law Summary**

Public Law 2019, chapter 678 establishes financial assurance and facility closure requirements for oil terminal facilities. It develops a process for assessing the costs of decommissioning oil terminal facilities and infrastructure and establishing financial responsibility for closure costs. It requires, upon closure, removal of facilities and appurtenances and remediation of the site such that it is suitable for residential use or meets the the most protective use standard practicable. It also requires oil terminal facilities to provide evidence of financial ability to satisfy liability under existing law.

**LD 2104    An Act To Support and Increase the Recycling of Packaging**

**CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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This bill, which is reported out by the Joint Standing Committee on Environment and Natural Resources pursuant to Resolve 2019, chapter 42, section 2, establishes a stewardship program for packaging to be operated by a stewardship organization contracted by the Department of Environmental Protection following a competitive bidding process.

Under that program, producers of packaging pay into a fund based on the amount by weight of packaging material they sell, offer for sale or distribute for sale in the State. Producers can wholly or partially offset this payment obligation by implementing independent programs to recycle packaging of the same material type for which they have a payment obligation and can further reduce their payment obligation by reducing the amount of packaging they sell, offer for sale or distribute for sale in the State, by redesigning that packaging to make it more valuable as a recyclable material or by meeting other program incentive requirements.

Producer payments received by the stewardship organization are used to reimburse eligible municipalities for certain incurred recycling and waste management costs. To be eligible for such reimbursements, a municipality must share with the stewardship organization certain data regarding its incurred recycling and waste management costs. Recycling-related reimbursements to municipalities will be based on the median recycling costs incurred by similarly situated municipalities, while disposal-related reimbursements will be based on per capita disposal costs. The stewardship organization is authorized to use producer payments remaining after all reimbursements are paid to cover operational costs for the program, department fees, investments by the organization in education and



*Joint Standing Committee on Environment and Natural Resources*

**LD 2148    An Act To Implement the Recommendations of the Department of  
Environmental Protection Regarding the State's Plastic Bag Reduction  
Law**

**PUBLIC 674**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was not referred to committee.

This bill was reported out by the Joint Standing Committee on Environment and Natural Resources pursuant to the Maine Revised Statutes, Title 38, section 1772, subsection 5 to implement the recommendations of the Department of Environmental Protection regarding the State's plastic bag reduction law, as contained in its annual report on the State's product stewardship programs pursuant to Title 38, section 1772, subsection 2. The bill amends in that law the definition of "single-use carry-out bag" to clarify that this definition includes bags provided within a retail establishment other than at the point of sale and includes bags used for packaging, protecting or otherwise containing merchandise within the retail establishment.

**Enacted Law Summary**

Public Law 2019, chapter 674 amends the definition of "single-use carry-out bag" in the State's plastic bag reduction law to clarify that this definition includes bags provided within a retail establishment other than at the point of sale and includes bags used for packaging, protecting or otherwise containing merchandise within the retail establishment.

*Joint Standing Committee on Environment and Natural Resources*

**SUBJECT INDEX**

**Coastal Areas**

**Not Enacted**

LD 559	An Act To Restore Regular Mapping of Eelgrass Beds in the State	CARRIED OVER
LD 774	Resolve, To Protect Maine's Beaches and Shoreline	HELD BY GOVERNOR

**Dams**

**Not Enacted**

LD 1687	An Act Regarding the Water Quality Certification of Graham Lake on the Union River	ONTP
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**Greenhouse Gases**

**Not Enacted**

LD 2112	An Act To Limit the Use of Hydrofluorocarbons To Fight Climate Change	CARRIED OVER
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**Hazardous Substances**

**Not Enacted**

LD 1923	An Act To Define as a Hazardous Substance under Maine Law Any Substance Defined under Federal Law as a Hazardous Substance, Pollutant or Contaminant	CARRIED OVER
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**Littering**

**Enacted**

LD 544	An Act Regarding Tobacco Product Waste	PUBLIC 620
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**Miscellaneous**

**Enacted**

LD 1942     **An Act To Protect Water Quality by Requiring Additional Disclosures to Purchasers of Consumer Fireworks Regarding Safe and Proper Use**     **PUBLIC 646**

**Not Enacted**

LD 327     **An Act To Revise Maine's Environmental Laws**     **Leave to Withdraw Pursuant to Joint Rule 310**

LD 951     **An Act To Improve the Research Capabilities of State Agencies**     **ONTP**

LD 952     **An Act To Coordinate and Standardize Data Collection Protocols**     **ONTP**

LD 1750     **An Act To Establish Appliance Energy and Water Standards**     **CARRIED OVER**

**Natural Resources Protection Act**

**Enacted**

LD 1777     **An Act To Add Rivers, Streams and Brooks to the Department of Environmental Protection's Compensation Fee Program**     **PUBLIC 581**

**Oil Storage Facilities**

**Enacted**

LD 1915     **Resolve, Directing the Department of Environmental Protection To Evaluate Emissions from Aboveground Petroleum Storage Tanks**     **RESOLVE 128**

LD 2033     **An Act To Ensure Proper Closure of Oil Terminal Facilities**     **PUBLIC 678**

**Oil/Fuel**

**Enacted**

LD 1780     **An Act To Support Replacement of At-risk Home Heating Oil Tanks**     **PUBLIC 583**

**Not Enacted**

LD 1080	Resolve, Regarding Biofuel in Heating Oil	CARRIED OVER
LD 1998	An Act To Amend the Waste Motor Oil Disposal Site Remediation Program	CARRIED OVER

**Product Stewardship**

**Not Enacted**

LD 1460	An Act To Support Collection and Proper Disposal of Unwanted Drugs	CARRIED OVER
LD 1594	An Act To Establish a Stewardship Program for Consumer Batteries	ONTP
LD 2104	An Act To Support and Increase the Recycling of Packaging	CARRIED OVER

**Recycling**

**Not Enacted**

LD 102	An Act To Improve the Manufacturing of Plastic Bottles and Bottle Caps	CARRIED OVER
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**Regulation of Chemicals**

**Not Enacted**

LD 1786	An Act To Update Maine's Sales Prohibition on Upholstered Furniture Treated with Flame-retardant Chemicals	ONTP
LD 2147	An Act To Require Reporting of Perfluoroalkyl and Polyfluoroalkyl Substances, PFAS, in Products and of Discharges of Firefighting Foam Containing PFAS	CARRIED OVER

**Shoreland Zoning**

**Not Enacted**

LD 1823	An Act To Allow a Float Haul-out or Marine Way within Shoreland Zone Setbacks	ONTP
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**Solid Waste**

**Enacted**

**LD 401      An Act To Preserve State Landfill Capacity and Promote Recycling      PUBLIC 619**

**Not Enacted**

**LD 988      An Act To Reduce the Landfilling of Municipal Solid Waste      CARRIED OVER**

**LD 1781      An Act To Allow the Board of Environmental Protection To Make Changes through Routine Technical Rulemaking to Federally Based Screening Levels for the Beneficial Use of Solid Waste      CARRIED OVER**

**St. Croix International Waterway**

**Not Enacted**

**LD 450      An Act To Increase Funding for the St. Croix International Waterway Commission      CARRIED OVER**

**Wastes**

**Enacted**

**LD 2148      An Act To Implement the Recommendations of the Department of Environmental Protection Regarding the State's Plastic Bag Reduction Law      PUBLIC 674**

**Wastewater**

**Enacted**

**LD 1779      An Act To Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems      PUBLIC 582**

**LD 1832      An Act To Ensure Adequate Funding for the Maine Pollutant Discharge Elimination System and Waste Discharge Licensing Program      PUBLIC 631**

**LD 2006      An Act To Amend the Laws Governing Waste Discharge Analysis by Laboratories Operated by Waste Discharge Facilities      PUBLIC 580**

STATE OF MAINE  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES  
AND TECHNOLOGY**

November 2020

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SEN. DAVID R. MIRAMANT  
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*Joint Standing Committee on Energy, Utilities and Technology*

**LD 13      An Act To Allow Microgrids That Are in the Public Interest**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill directs the Public Utilities Commission to approve a petition to construct and operate a new microgrid if the commission finds the proposal to be in the public interest and the new microgrid meets other specified requirements. It provides the commission with the ability to impose such terms, conditions or requirements as, in its judgment, it considers necessary in approving a new microgrid and also gives the commission oversight to ensure reliability and security of the electrical system and consumer protections for new microgrid consumers. It specifies that a new microgrid does not become a public utility as a result of its furnishing electrical service to participating consumers. It provides that a new microgrid that has been approved by the commission may construct, maintain or operate its lines in, upon, along, over, across or under the roads and streets. The bill directs the Public Utilities Commission to submit a report regarding its activities relating to new microgrids to the joint standing committee of the Legislature having jurisdiction over energy and utility matters by January 15, 2021.

**Committee Amendment "A" (H-742)**

This amendment is the majority report of the committee. The amendment makes the following changes to the bill:

1. Clarifies the definitions of "distributed energy resources" and "new microgrid";
2. Amends the requirements for approval of a new microgrid to: increase the maximum load from 10 to 25 megawatts; require that the microgrid be located in a service territory of a transmission and distribution utility with more than 50,000 customers; clarify the renewable portfolio requirements the new microgrid must meet; and remove the prohibition in the bill that a person owning or operating the new microgrid may not be an investor-owned utility or affiliate;
3. Adds a provision to require that any increases in costs to the electric transmission and distribution system in the State as a result of the new microgrid must be fully recovered from the microgrid owner and customers of the microgrid and not passed on to other electric ratepayers;
4. Revises the dates in the bill to reflect that the bill is being considered in 2020 rather than 2019; and
5. Adds language to clarify that this legislation does not modify or nullify the framework and precedent for analyzing whether an entity is a transmission and distribution utility or a competitive electricity provider established by the Public Utilities Commission in related cases.

At adjournment, this amendment had been adopted by the House and had not been taken up by the Senate. This bill was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Energy, Utilities and Technology*

**LD 173      An Act To Provide Critical Communications for Family Farms,  
Businesses and Residences by Strategic Public Investment in High-speed  
Internet and Broadband Infrastructure**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREAD CARSON B	OTP-AM	H-698

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to increase funding to the ConnectME Authority from \$1,000,000 to \$5,000,000 to expand universal broadband and high-speed Internet into rural areas identified as the 6% of the State unserved by high-speed Internet. This bill proposes to make expanding high-speed Internet into unserved rural areas a key emphasis in the economic development of the State by directing the ConnectME Authority to use the increased funding to increase the rate of strategic broadband investment and leverage additional federal funding to provide middle-mile and last-mile infrastructure in the unserved areas and to correct broadband deficiencies identified in the ConnectME Authority's baseline update of 2013.

**Committee Amendment "A" (H-698)**

This amendment replaces the bill, which is a concept draft. The amendment requires that 33% of sales and use tax revenue collected by the State Tax Assessor from marketplace facilitators, with respect to marketplace-facilitated sales, after required transfers to other funds be transferred to the ConnectME Authority to further deployment of high-speed Internet and broadband infrastructure to unserved and underserved areas of the State. This amendment also adds an emergency preamble and emergency clause to the bill.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 432      An Act To Amend the Greater Augusta Utility District Charter**

**P & S 18**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C POULIOTM	OTP-AM	H-684

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to make technical changes to the charter of the Greater Augusta Utility District to accommodate the district's growth and change in services and to change its voting membership.

*Joint Standing Committee on Energy, Utilities and Technology*

**Committee Amendment "A" (H-684)**

This amendment replaces the concept draft. The amendment adds a provision to the Greater Augusta Utility District charter that authorizes the district to disconnect water service for the nonpayment of wastewater charges. The amendment also adds a provision to the charter to allow the nonvoting representative of the City of Hallowell on the district's board of trustees to vote in the absence of the voting representative of the City of Hallowell on the board.

**Enacted Law Summary**

Private and Special Law 2019, chapter 18 adds a provision to the Greater Augusta Utility District charter that authorizes the district to disconnect water service for the nonpayment of wastewater charges. The law also adds a provision to the charter to allow the nonvoting representative of the City of Hallowell on the district's board of trustees to vote in the absence of the voting representative of the City of Hallowell on the board.

**LD 790      An Act To Eliminate the Cap on the Number of Accounts or Meters Designated for Net Energy Billing      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D EVANGELOS J	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill prohibits the Public Utilities Commission from adopting or amending net energy billing rules pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A to impose any limit on the number of accounts or meters that customers may designate for net energy billing or any limit on the number of customers that may share an interest in a generation facility for which the energy output is credited as part of any net energy billing.

**LD 912      An Act To Establish the Wood Energy Investment Program      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T FECTEAUR	OTP-AM	S-193

This bill was carried over in the Senate from the First Regular Session of the 129th Legislature by joint order, H.P. 1322 after having been passed to be enacted by the Legislature and then recalled from the Governor's desk.

This bill establishes the wood energy investment fund and creates the Wood Energy Investment Program within the Efficiency Maine Trust. The bill specifies that, if the Public Utilities Commission finds that an entity awarded a contract for biomass resources pursuant to Public Law 2015, chapter 483 is not meeting contract requirements and therefore is not qualified to receive the full contract payment or any contract payment, those funds that would have been paid had contract requirements been met must be transferred to the wood energy investment fund. It also specifies that any funds remaining in the cost recovery fund established in Public Law 2015, chapter 483, section 1, subsection 5 that are not needed to pay above-market costs for biomass resources must also be transferred by the Public Utilities Commission to the wood energy investment fund. It requires the trust to use funds from the wood energy investment fund, if there are any, to provide incentives and low-interest or no-interest loans for new wood-derived thermal energy or cogeneration projects. It requires that the trust consult with the Finance Authority of Maine, when appropriate, in the development of any Wood Energy Investment Program incentives and the distribution of money from the wood energy investment fund. It prohibits the use of funds for incentives or loans

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for the refurbishment or maintenance of existing facilities.

**Committee Amendment "A" (S-193)**

This amendment adds an appropriations and allocations section. The amendment allocates funds to establish the Wood Energy Fund within the Efficiency Maine Trust.

This bill was again carried over, still in the Senate, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1127 An Act To Expand Community-based Solar Energy in Maine**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts with community-based solar photovoltaic energy generating facilities. The total amount of resources procured through these long-term contracts may not exceed 100 megawatts, and 20% of resources procured must come from generators with a capacity of less than two megawatts. The bill requires the commission to establish provisions to protect the interests of utility customers over the term of the contracts.

The bill sets forth eligibility requirements for community-based solar resources to enter into long-term contracts. To be eligible, a resource must have a capacity of no more than 10 megawatts, have an in-service date between June 30, 2020, and December 31, 2021, and meet local ownership requirements. In addition, to be eligible, the owners of the resource must: demonstrate to the Public Utilities Commission completion of an interconnection agreement application with the local transmission and distribution utility; include a plan to obtain all required federal, state and local permits and approvals; demonstrate financial capability to operate the resource over the term of the contract; include a letter or resolution of support from the local community in which the resource is located; and outline expected economic benefits from the long-term contract to the local community in which the resource is located.

The bill establishes a minimum contract length of 20 years and requires the contract rate to be less than 9¢ per kilowatt-hour and fixed for a period of at least 20 years. Contracts may be for energy or capacity. Contracts may also include renewable energy credits, or the owners of the resource may retain the renewable energy credits associated with the resource, as determined by the owners. Finally, the bill specifies that available energy contracted for under the provisions of this bill must be sold into the wholesale electricity market in conjunction with solicitations for standard-offer supply bids.

**LD 1563 An Act To Encourage the Development of Broadband Coverage in Rural Maine**

**PUBLIC 625**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S BERRY S	OTP-AM	S-405 S-443 BELLOWS S

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish the Maine Broadband Initiative to encourage, promote, stimulate, invest in and support universal high-speed broadband to unserved and underserved areas of the State. The bill would also establish the Maine Broadband Initiative Fund to provide ongoing funding for high-speed broadband through funding sources that would be identified in the bill.

### **Committee Amendment "A" (S-405)**

This amendment replaces the bill, which is a concept draft. The amendment does the following:

1. Renames the ConnectME Authority the ConnectMaine Authority in the Maine Revised Statutes;
2. Amends the law governing collection of data by the authority to require, rather than permit, the authority to collect certain data from communication service providers and certain wireless providers and to specify the purposes for which data may be required. It also specifies that the authority may initiate a proceeding to determine whether to remove the confidential designation of specific information;
3. Repeals the broadband sustainability fee;
4. Amends the law regarding broadband plans funded by broadband planning grants to remove the requirement that the plans include certain elements, instead allowing these elements to be included; and
5. Requires the authority to initiate rulemaking within 90 days of the effective date of the Act to implement the provisions of the Act.

### **Senate Amendment "A" To Committee Amendment "A" (S-443)**

Under current law, data that communication service providers and certain wireless providers are required to provide to the ConnectME Authority may be designated as confidential information by an order of the authority and not subject to the Freedom of Access Act. This amendment instead designates all data provided to the authority as confidential and, like the committee amendment, allows the authority to remove that confidential designation following a proceeding to determine whether to remove the confidential designation of specific information.

### **Enacted Law Summary**

Public Law 2019, chapter 625 amends the laws governing the ConnectME Authority as follows:

1. Renames the ConnectME Authority the ConnectMaine Authority in the Maine Revised Statutes;
2. Amends the law governing collection of data by the authority to require, rather than permit, certain data collection; to specify the purposes for which data may be required; and to designate all data provided to the authority as confidential. The Act also specifies that the authority, upon request or its own motion, may initiate a proceeding remove the confidential designation of specific information.
3. Repeals the broadband sustainability fee;
4. Amends the law regarding broadband plans funded by broadband planning grants to remove the requirement that the plans include certain elements, instead allowing these elements to be included; and
5. Requires the authority to initiate rulemaking within 90 days of the effective date of the Act to implement the provisions of the Act.

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**LD 1634 An Act To Create the Maine Clean Energy Fund and To Authorize a General Fund Bond Issue To Capitalize the Fund**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates the Maine Clean Energy Fund within and with oversight from the Efficiency Maine Trust to support the development of renewable and clean energy technologies and infrastructure through providing financing support including loans, loan guarantees and other financial and risk mitigation products. The fund is administered by a nine-member board of directors consisting of certain government officials and members of the public appointed by the Governor.

This bill also provides for a bond issue in the amount of \$100,000,000 to be used to capitalize the Maine Clean Energy Fund.

**Committee Amendment "A" (H-730)**

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve. The amendment directs the Maine Climate Council, established in the Maine Revised Statutes, Title 38, section 577-A, directly or through one of its working groups to:

1. Research, evaluate and identify the level and types of investment in clean energy technology and infrastructure necessary to achieve the State's goals for greenhouse gas emissions reduction and for the increased consumption of electricity from renewable resources;
2. Examine and make policy recommendations regarding funding options, capital requirements and effective financing tools and strategies to support the level and types of investment identified; and
3. Report on its activities, findings and recommendations in the update of the state climate action plan that is due December 1, 2020, pursuant to Title 38, section 577, subsection 1.

This bill was carried over in the House, pending acceptance of either committee report, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1646 An Act To Restore Local Ownership and Control of Maine's Power Delivery Systems**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates the Maine Power Delivery Authority as a consumer-owned utility to acquire and operate all transmission and distribution systems in the State currently operated by the investor-owned transmission and

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distribution utilities known as Central Maine Power Company and Emera Maine.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1741      *Resolve, Directing the Public Utilities Commission To Examine Performance-based Rates for Electric Utilities*      ONTP**

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

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve requires the Public Utilities Commission to open a proceeding to examine the rate plans of each investor-owned transmission and distribution utility in the State. The commission is directed to examine rate design, existing performance metrics and any incentives for efficient operation that are currently in place for each investor-owned transmission and distribution utility and to specifically consider performance measures including a utility's reliability, billing accuracy, level of renewable energy generation integration and customer satisfaction. Based on its review, the commission shall determine the appropriateness of any reasonable rate-adjustment mechanisms, including enhanced positive and negative financial incentives linked to performance.

**LD 1748      *An Act To Allow for the Establishment of Commercial Property Assessed Clean Energy Programs*      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H STROM S		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows the Efficiency Maine Trust or a municipality to establish a commercial property assessed clean energy program to finance energy savings improvements on qualifying property.

This bill, which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1853      *An Act To Prohibit Door-to-door Marketing of Retail Energy Supply*      CARRIED OVER**

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

This bill prohibits door-to-door sales practices directed at residential consumers by competitive electricity providers.

This bill, which had been voted (OTP-A) but not yet reported out of committee, was carried over in committee to

***Joint Standing Committee on Energy, Utilities and Technology***

any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1877 An Act To Amend the Kittery Water District Charter**

**ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to make changes to the charter of the Kittery Water District.

**LD 1880 An Act To Repeal and Replace the Canton Water District Charter**

**P & S 15**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETTR HAMPERJ	OTP-AM	H-670

This bill repeals and replaces the charter of the Canton Water District to update and modernize the district's charter and to clarify that, going forward, the district is to be considered a standard district as that term is defined in the Standard Water District Enabling Act.

**Committee Amendment "A" (H-670)**

This amendment changes the threshold at which public notification of proposed debt and its purposes becomes necessary from \$30,000 to \$300,000.

**Enacted Law Summary**

Private and Special Law 2019, chapter 15 repeals and replaces the charter of the Canton Water District to update and modernize the district's charter and to clarify that, going forward, the district is to be considered a standard district as that term is defined in the Standard Water District Enabling Act. This law also changes the threshold at which public notification of proposed debt and its purposes becomes necessary from \$30,000 to \$300,000.

**LD 1881 An Act Regarding Utility-related Fees**

**CARRIED OVER**

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

This bill requires the Public Utilities Commission to report annually to the joint standing committee of the Legislature having jurisdiction over public utilities matters on any utility-related fees and penalties that have not been adjusted in the previous five years and to submit legislation to adjust each utility-related fee or penalty based on the Consumer Price Index. The commission is also required to submit legislation to the First Regular Session of the 130th Legislature to adjust all fees and penalties paid by public utilities based on the actuarially compounded Consumer Price Index for each fee or penalty since enactment.

The bill also requires the commission and the Public Advocate, beginning in 2021, to annually review their expenses relating to all consumer-owned public utilities and expenses relating to all investor-owned public utilities

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over the past year, determine the average regulatory cost per customer per year for all consumer-owned public utilities and all investor-owned public utilities in each utility industry and amend their rules or introduce legislation to address a significant discrepancy in the average regulatory costs.

**Committee Amendment "A" (H-713)**

This amendment, which is the majority report of the committee, replaces the bill. The amendment does the following:

1. It requires the Public Utilities Commission and the Public Advocate, respectively, in calculating assessments charged to public utilities to apportion the assessment within each category of public utility, that is, transmission and distribution, gas, telephone and water, between investor-owned utilities and consumer-owned utilities. The assessment must be apportioned based on an accounting of the portion of the commission's resources and the Public Advocate's resources, respectively, devoted to matters related to investor-owned utilities and the portion devoted to matters related to consumer-owned utilities.
2. It requires the commission, in its annual report, to report on any filing fees or penalties collected from public utilities in the previous year for which the amount of the filing fee or penalty has not been adjusted in the previous five years and to provide draft legislation to adjust the dollar value of filing fees and penalties based on the actuarially compounded Consumer Price Index for each fee and penalty since the last adjustment.
3. It requires the commission and the Public Advocate each to report annually, beginning in 2021, on the portion of agency resources devoted to matters related to investor-owned utilities and the portion of resources devoted to matters related to consumer-owned utilities and on agency expenses per dollar of intrastate gross operating revenue for investor-owned utilities and consumer-owned utilities.
4. It amends the law governing filing fees for reorganizations of utilities to authorize the commission to order a filing fee of up to .05% of the estimated total value of the reorganization and to require the commission to order payment of a filing fee equal to .05% of the estimated total value of the reorganization if a reorganization would result in the transfer of ownership and control of a public utility or the parent company of a public utility. Under current law the commission may charge a filing fee of up to \$50,000 to an applicant seeking approval for a reorganization.
5. It requires the commission to submit legislation to the First Regular Session of the 130th Legislature to adjust all fees and penalties paid by public utilities based on the actuarially compounded Consumer Price Index for each fee or penalty since enactment.

At adjournment, this amendment had been adopted by the House and had not been taken up by the Senate. This bill was carried over in the Senate to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1892     An Act To Make Changes to the So-called Dig Safe Law**

**PUBLIC 592  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S LAWRENCE M	OTP-AM	H-685

This bill specifies that liquefied propane gas distribution systems that have underground pipes are subject to the so-called dig safe law. It also increases the administrative penalties for violations of the so-called dig safe law from \$500 to \$1,000 for a violation and from \$5,000 to \$10,000 for a subsequent violation occurring within 12 months of an earlier violation.

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**Committee Amendment "A" (H-685)**

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

**Enacted Law Summary**

Public Law 2019, chapter 592 specifies that liquefied propane gas distribution systems that have underground pipes are subject to the so-called dig safe law. The law also increases the administrative penalties for violations of the so-called dig safe law from \$500 to \$1,000 for a violation and from \$5,000 to \$10,000 for a subsequent violation occurring within 12 months of an earlier violation.

Public Law 2019, chapter 592 was enacted as an emergency measure effective March 17, 2020.

**LD 1895 An Act Regarding Positions at the Public Utilities Commission**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M BERRY S		

This bill reclassifies the Public Utilities Commission's director of emergency services communication to be consistent with other commission directors. The bill also adds four positions to the commission: a Utility Analyst to perform utility rate case revenue requirement analysis and other activities; a Utility Analyst to perform communications and customer outreach activities; a Senior Consumer Assistance Specialist to perform administrative work in the receipt, analysis and resolution of consumer complaints; and a Public Service Coordinator II to perform 9-1-1 standards compliance, contract management and other tasks related to the administration of the Emergency Services Communication Bureau.

This bill, which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1896 An Act To Amend the Laws Governing Thermal Renewable Energy Credits**

**PUBLIC 576**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLIE BERRY S	OTP-AM ONTP	S-384

This bill provides that retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on September 19, 2019, are exempt from the requirement for the purchase of thermal renewable energy credits until the end date of the existing term of the supply contract or standard-offer service arrangement. It also allows the Public Utilities Commission to set separate alternative compliance payment rates for Class I resources, Class IA resources and thermal renewable energy credits under the laws governing renewable resources.

**Committee Amendment "A" (S-384)**

This amendment is the majority report of the committee. The amendment removes the provision of the bill regarding separate alternative compliance payment rates for different resource classes and thermal renewable energy credits. It also removes the emergency preamble and emergency clause, which were related to the provision removed from the bill.

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**Enacted Law Summary**

Public Law 2019, chapter 576 provides that retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on September 19, 2019, are exempt from the requirement for the purchase of thermal renewable energy credits until the end date of the existing term of the supply contract or standard-offer service arrangement.

**LD 1913      An Act To Prohibit Certain Wheeling Charges for the Transmission of Electricity      ONTP**

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

This bill prohibits an investor-owned transmission and distribution utility located in an area administered by the Northern Maine Independent System Administrator from charging a person generating or selling electricity for the transmission, or wheeling, of that electricity to or from Canada over the utility's transmission system.

**LD 1917      An Act To Eliminate Direct Retail Competition for the Supply of Electricity to Residential Consumers      Accepted Majority (ONTP) Report**

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

This bill eliminates retail-level competition for residential electricity customers and amends the competitive process for selecting standard-offer service providers for residential and small commercial electricity customers. It also requires the Public Utilities Commission to designate or hire an employee to assist the commission in administering standard-offer service.

**Committee Amendment "A" (S-406)**

This amendment is the minority report of the committee. The amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission to submit a report to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters regarding the competition in the retail market for the supply of electricity to residential customers. The amendment authorizes the committee to report out a bill to the First Regular Session of the 130th Legislature related to the report. This amendment was not adopted.

**LD 2013      An Act To Extend Arrearage Management Program Requirements for Transmission and Distribution Utilities for One Year      PUBLIC 608**

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

This bill delays by one year, from September 30, 2021, to September 30, 2022, the repeal of the requirement that an investor-owned transmission and distribution utility implement an arrearage management program to assist low-income residential customers with their electricity bills and the requirement that the Efficiency Maine Trust work with utilities that participate in an arrearage management program.



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At adjournment, this amendment had been adopted by the Senate and had not been taken up by the House. This bill was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2031    An Act To Require a Cable System Operator To Provide a Pro Rata Credit When Service Is Cancelled by a Subscriber**

**PUBLIC 657**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S LAWRENCE M	OTP-AM ONTP	H-717

This bill requires a cable system operator to grant a subscriber a pro rata credit or rebate if that subscriber requests service disconnection during the first two weeks of a monthly billing period.

**Committee Amendment "A" (H-717)**

This amendment is the majority report of the committee. The amendment makes the following changes to the bill.

1. It adds a provision to require a cable system operator to discontinue billing a subscriber within two working days after a request to cancel service, instead of within 10 working days of the request, which is current law.
2. It amends the provision of the bill regarding the pro rata credit or rebate for cancellation of service to require the credit or rebate if a subscriber requests cancellation three or more working days before the end of the monthly billing period.
3. It clarifies the provision in the bill regarding the notice on subscriber bills regarding the right to a pro rata credit or rebate.

**Enacted Law Summary**

Public Law 2019, chapter 657 shortens the time period within which a cable system must discontinue billing a subscriber from within 10 working days of a request to cancel service to within two working days of a request to cancel service. The law also requires a cable system operator to grant a pro rata credit or rebate for cancellation of service if a subscriber requests cancellation three or more working days before the end of the monthly billing period.

**LD 2032    An Act To Reduce Financial Burdens on Small Water Utilities**

**PUBLIC 586  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S HERBIG E	OTP	

Under current law, a qualified small water utility with gross annual revenues of \$50,000 or less is required to have an independent audit of internal accounts of that water utility performed by a certified public accountant for any year the water utility seeks a rate increase. This bill allows the Public Utilities Commission to waive that independent audit requirement if the water utility shows good cause as to why the requirement should be waived.

**Enacted Law Summary**

Public Law 2019, chapter 586 allows the Public Utilities Commission to waive the requirement that a qualified small water utility with gross annual revenues of \$50,000 or less have an independent audit of internal accounts of

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that water utility performed by a certified public accountant for any year the water utility seeks a rate increase if the water utility shows good cause as to why the requirement should be waived.

Public Law 2019, chapter 586 was enacted as an emergency measure effective March 12, 2020.

**LD 2081      *Resolve, Regarding Legislative Review of Portions of Chapter 311: Portfolio Requirement, a Major Substantive Rule of the Public Utilities Commission*      **RESOLVE 124 EMERGENCY****

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

This resolve provides for legislative review of portions of Chapter 311: Portfolio Requirement, a major substantive rule of the Public Utilities Commission.

**Enacted Law Summary**

Resolve 2019, chapter 124 authorizes adoption of portions of Chapter 311: Portfolio Requirement, a major substantive rule of the Public Utilities Commission.

Resolve 2019, chapter 124 was finally passed as an emergency measure effective March 17, 2020.

**LD 2093      *An Act Regarding Net Energy Billing Limits*      **CARRIED OVER****

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

Under current law, any number of customers of an investor-owned transmission and distribution utility with a shared financial interest in a distributed generation resource may participate in net energy billing, except that the number of eligible customers or meters is limited to 10 for a shared financial interest in a distributed generation resource located in the service territory of an investor-owned transmission and distribution utility located in an area administered by the independent system administrator for northern Maine unless the Public Utilities Commission determines that the utility's billing system can accommodate more than 10 accounts or meters for the purpose of net energy billing. This bill removes this exception.

**Committee Amendment "A" (S-413)**

This amendment is a minority report of the committee. The amendment adds an effective date of December 31, 2021.

This bill was carried over in the Senate, pending acceptance of either committee report, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 2097     An Act To Establish Requirements for the Construction of Elective  
Transmission Lines by Transmission and Distribution Utilities**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHOSKI N LAWRENCE M		

This bill establishes requirements for the approval of construction of elective transmission lines when the party seeking approval from the Public Utilities Commission is a transmission and distribution utility. The bill defines "elective transmission line" as a transmission line that is not being constructed primarily for reliability purposes or to serve retail customers in the State. In addition to meeting the existing requirements in law for approval of a transmission line, a transmission and distribution utility petitioning for commission approval for an elective transmission line is required to demonstrate: that the petitioner provided equal access to rights-of-way and data and information about the petitioner's transmission system to any person seeking to compete with the petitioner to construct the transmission line and that the proposed elective transmission line either will not use ratepayer-funded assets or will use ratepayer-funded assets and the petitioner made these assets available on equal terms to any person seeking to compete with the petitioner to construct the transmission line and agrees to provide a benefit to ratepayers in the State of equal value, as determined by the commission, to the ratepayer-funded assets used to construct the transmission line.

This bill, which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2164     Resolve, To Reject the New England Clean Energy Connect  
Transmission Project**

**CARRIED OVER**

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

This resolve, an initiated bill, directs the Public Utilities Commission to amend "Order Granting Certificate of Public Convenience and Necessity and Approving Stipulation," entered by the Public Utilities Commission on May 3, 2019, for the New England Clean Energy Connect (NECEC) transmission project. The resolve requires that amended order find that the construction and operation of the NECEC transmission project are not in the public interest and that there is not a public need for the NECEC transmission project. Finally, the resolve requires that the amended order deny the request for a certificate of public convenience and necessity for the NECEC transmission project.

At adjournment, this resolve had been referred to committee by the House but had been tabled pending consideration by the Senate. This resolve was carried over in the Senate to any special session of the 129th Legislature by joint order, S.P. 788.



*Joint Standing Committee on Energy, Utilities and Technology*

**SUBJECT INDEX**

**Agency Matters – PUC/OPA/GEO/EMT**

**Not enacted**

**LD 1895      An Act Regarding Positions at the Public Utilities Commission      CARRIED OVER**

**Broadband/ConnectME Authority**

**Enacted**

**LD 1563      An Act To Encourage the Development of Broadband Coverage in Rural Maine      PUBLIC 625**

**Not Enacted**

**LD 173      An Act To Promote Economic Development and Critical Communications for Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet and Broadband Infrastructure      CARRIED OVER**

**LD 2021      An Act To Provide Funding for Broadband Internet Infrastructure in Unserved and Underserved Areas      CARRIED OVER**

**Cable Television**

**Enacted**

**LD 2031      An Act To Require a Cable System Operator To Provide a Pro Rata Credit When Service Is Cancelled by a Subscriber      PUBLIC 657**

**Dig Safe**

**Enacted**

**LD 1892      An Act To Make Changes to the So-called Dig Safe Law      PUBLIC 592  
EMERGENCY**

## *Electricity*

### Enacted

LD 2013	An Act To Extend Arrearage Management Program Requirements for Transmission and Distribution Utilities for One Year	PUBLIC 608
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### Not Enacted

LD 13	An Act To Allow Microgrids That Are in the Public Interest	CARRIED OVER
LD 1646	An Act To Restore Local Ownership and Control of Maine's Power Delivery Systems	CARRIED OVER
LD 1741	Resolve, Directing the Public Utilities Commission To Examine Performance-based Rates for Electric Utilities	ONTP
LD 1853	An Act To Prohibit Door-to-door Marketing of Retail Energy Supply	CARRIED OVER
LD 1913	An Act To Prohibit Certain Wheeling Charges for the Transmission of Electricity	ONTP
LD 1917	An Act To Eliminate Direct Retail Competition for the Supply of Electricity to Residential Consumers	Majority (ONTP) Report
LD 2097	An Act To Establish Requirements for the Construction of Elective Transmission Lines by Transmission and Distribution Utilities	CARRIED OVER
LD 2164	Resolve, To Reject the New England Clean Energy Connect Transmission Project	CARRIED OVER

## *Renewable Resources*

### Enacted

LD 1896	An Act To Amend the Laws Governing Thermal Renewable Energy Credits	PUBLIC 576
LD 2081	Resolve, Regarding Legislative Review of Portions of Chapter 311: Portfolio Requirement, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 124 EMERGENCY

### Not Enacted

LD 790	An Act To Eliminate the Cap on the Number of Accounts or Meters Designated for Net Energy Billing	ONTP
LD 912	An Act To Establish the Wood Energy Investment Program	CARRIED OVER

LD 1127	An Act To Expand Community-based Solar Energy in Maine	ONTP
LD 1634	An Act To Create the Maine Clean Energy Fund and To Authorize a General Fund Bond Issue To Capitalize the Fund	CARRIED OVER
LD 1748	An Act To Allow for the Establishment of Commercial Property Assessed Clean Energy Programs	CARRIED OVER
LD 2017	An Act To Promote Renewable Energy Resources by Establishing an Energy-to-Gas Pilot Project	CARRIED OVER
LD 2093	An Act Regarding Net Energy Billing Limits	CARRIED OVER

**Utilities - General**

**Not Enacted**

LD 1881	An Act Regarding Utility-related Fees	CARRIED OVER
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**Water/Sewer/Sanitary - General**

**Enacted**

LD 2032	An Act To Reduce Financial Burdens on Small Water Utilities	PUBLIC 586 EMERGENCY
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**Water/Sewer/Sanitary Charters**

**Enacted**

LD 432	An Act To Amend the Greater Augusta Utility District Charter	P & S 18
LD 1880	An Act To Repeal and Replace the Canton Water District Charter	P & S 15

**Not Enacted**

LD 1877	An Act To Amend the Kittery Water District Charter	ONTP
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**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON HEALTH COVERAGE,  
INSURANCE AND FINANCIAL SERVICES**

November 2020

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REP. GREGORY LEWIS SWALLOW



*Joint Standing Committee on Health Coverage, Insurance and Financial Services*

**LD 30      An Act To Improve Health Care Data Analysis**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact measures designed to improve the State's capacity to use data regarding health care costs and health care systems. The State's ability to better analyze and use data regarding health care utilization and health care quality will serve to inform the State's health care policy.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 51      An Act To Implement the Recommendations of the Task Force on Health  
Care Coverage for All of Maine**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to implement the recommendations of the Task Force on Health Care Coverage for All of Maine.

**LD 366      An Act To Protect Elderly Persons from Financial Abuse**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to protect elderly persons from financial scamming and abuse.

*Joint Standing Committee on Health Coverage, Insurance and Financial Services*

**LD 477      An Act To Provide Relief to Federal Employees Affected by a Federal  
Shutdown**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON S	OTP-AM ONTP	S-1

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

The bill establishes the Federal Shutdown Loan Guarantee Program. The program, administered by the Finance Authority of Maine, provides easier access to no-interest loans for certain federal employees in Maine affected by the partial shutdown of the Federal Government, which began December 22, 2018, by guaranteeing up to 10% of the loans eligible credit unions and financial institutions make to affected employees. Under the bill, affected employees are eligible for up to three loans, each equal to their monthly after-tax pay, up to \$5,000, less unemployment benefits. The bill prohibits interest on the loans during the shutdown and for 270 days after the shutdown ends. Following the end of the 270 days, an eligible financial institution that made a loan under the program, after a good faith effort to collect the principal amount of the loan, may apply to the authority for repayment of the uncollected amount of the loan in default. The authority is required to make reasonable efforts to recoup the amount of any payments made to eligible financial institutions from the employee who defaulted on the loan.

The bill gives the Joint Standing Committee on Appropriations and Financial Affairs authority to report out legislation to address any funding needs of the program.

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

This amendment is the majority report of the committee. This amendment:

1. Amends the definition of "shutdown" to mean a full or partial shutdown of the Federal Government between February 15, 2019, and December 31, 2019, that lasts longer than 14 days;
2. Adds language to require that any unexpended funds be returned to the unappropriated surplus of the General Fund upon the termination of the program;
3. Amends the definition of a credit union or financial institution in good standing to mean a credit union or financial institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration;
4. Simplifies the process for a credit union or financial institution to participate in the program;
5. Extends the time period for an eligible financial institution to make a claim for a loan guarantee from between 180 and 210 days following the end of the grace period to between 180 and 300 days following the end of the grace period;
6. Requires the Treasurer of State to make loan guarantee payments to the Finance Authority of Maine, or FAME, instead of the eligible financial institution;
7. Clarifies that an eligible financial institution may not use an affected employee's creditworthiness as a factor to determine eligibility for the program;

*Joint Standing Committee on Health Coverage, Insurance and Financial Services*

- 8. Clarifies that the terms of the loan agreement under the program apply notwithstanding any other state or federal law to the contrary;
- 9. Requires that an eligible financial institution disclose that loan information may be shared with FAME;
- 10. Clarifies that loans may not be made under the program after a shutdown ends;
- 11. Requires that the transfer from the unappropriated surplus of the General Fund happen no later than 14 days following the effective date of this legislation instead of no later than February 15, 2019;
- 12. Requires that the Joint Standing Committee on Appropriations and Financial Affairs consult with the Joint Standing Committee on Health Coverage, Insurance and Financial Services before reporting out any legislation to address funding needs for the program; and
- 13. Corrects an error in the allocations section of the bill.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 519      An Act To Expand Adult Dental Health Insurance Coverage      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill expands the availability of coverage for comprehensive dental services.

Part A of the bill broadens the scope of required coverage under the MaineCare program for adults. Under current law, coverage for adults over age 21 is limited to certain services.

Part B of the bill requires health insurance carriers to provide coverage for comprehensive dental services. Part B applies to policies and contracts issued or renewed on or after January 1, 2020.

Part C of the bill requires dentists as a condition of license renewal to adopt and implement policies to provide comprehensive dental services through charity care or financial assistance to persons without MaineCare coverage or private health insurance. Part C also authorizes the Board of Dental Practice to adopt rules relating to this requirement.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 594      An Act To Promote Individual Savings Accounts through a Public-Private Partnership      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLIE TEPLER D		

*Joint Standing Committee on Health Coverage, Insurance and Financial Services*

This bill was carried over in committee from the First Regular Session of the 129 Legislature by joint order, H.P. 1322

This bill establishes the Maine Retirement Savings Board and authorizes the board to develop a program to offer individual defined contribution retirement accounts for persons employed in the State who do not have access to a qualified retirement plan through their employers or who are self-employed.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 598      An Act Regulating Employee Benefit Excess Insurance**

**Accepted Majority  
(ONTP) Report**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides that an insurer or a subsidiary of an insurer may not provide employee benefit excess insurance to an employer that is eligible for a small group health plan.

**Committee Amendment "A" (S-404)**

This amendment is the minority report of the committee and replaces the bill. The amendment sets forth requirements for rating of employee benefit excess insurance offered to small employers and for reporting information related to employee benefit excess insurance for small employers to the Superintendent of Insurance.

Committee Amendment "A" was not adopted.

**LD 1085      An Act To Ensure That Maine Residents Have Adequate and Affordable  
Access to Health Care**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L HUBBELL B	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to ensure that consumer protections in health insurance are maintained under state law.

*Joint Standing Committee on Health Coverage, Insurance and Financial Services*

**LD 1138      An Act To Ensure Health Insurance Coverage for Treatment for Childhood Postinfectious Neuroimmune Disorders Including Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D DESCHAMBAULT S	ONTP	

This bill was carried over from the First Regular Session after referral of the bill to the Bureau of Insurance for review and evaluation of the financial impact, social impact and medical efficacy of the mandated health benefit proposal pursuant to Maine Revised Statutes, Title 24-A, Section 2752.

This bill requires health insurance coverage for treatment of childhood postinfectious neuroimmune disorders, a group of medical conditions that includes autoinflammatory encephalopathic conditions including pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome. The treatments authorized include certain treatments described as the standard of care in a series of articles in the 2017 Journal of Child and Adolescent Psychopharmacology, Volume 27, Number 7. The requirements apply to all individual and group policies and contracts issued or renewed on or after January 1, 2020.

**LD 1387      An Act To Increase Access to Safe and Affordable Prescription Drugs      ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Under the Federal Food, Drug, and Cosmetic Act, the importation of unapproved new prescription drugs, including foreign-made versions of prescription drugs that have been approved by the federal Department of Health and Human Services, Food and Drug Administration, is prohibited. However, the Food and Drug Administration has developed guidance that allows the personal importation of certain drugs. This bill, using the guidance developed by the federal Department of Health and Human Services, Food and Drug Administration, enacts the Maine Pharmaceutical Drug Safety Act to allow an individual in Maine to import prescription drugs from Canada as long as specific criteria are met, including that the drug is imported for personal use, that the individual importing the drug has a valid prescription, that the drug does not present an unreasonable risk to the individual and that no more than a 90-day supply of the drug is imported. The prescription drug to be imported must also meet specific requirements. The importation of controlled substances and prescription drugs for sale or resale is specifically prohibited.

**LD 1434      An Act To Allow Certified Registered Nurse Anesthetists To Bill for Their Services      CARRIED OVER**

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

***Joint Standing Committee on Health Coverage, Insurance and Financial Services***

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires insurers, health maintenance organizations and nonprofit hospitals or medical service organizations to provide coverage for the services of certified registered nurse anesthetists provided to individuals.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1591      An Act To Provide Access to Health Care for Maine Citizens      ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill specifies that the base year for the hospital tax imposed under the Maine Revised Statutes, Title 36, section 2892 is 2018. It directs the Department of Health and Human Services to submit a plan to the Joint Standing Committee on Health and Human Services regarding how the additional state revenue resulting from that change can be used for the Medicare Buy-in Program and for subsidies under the federal Patient Protection and Affordable Care Act.

Current law provides that each hospital may voluntarily hold its consolidated operating margin to no more than 3% and its increase in its expense per casemix-adjusted inpatient and volume-adjusted outpatient discharge to no more than 110% of the forecasted increase in the hospital market basket index for the coming federal fiscal year. The bill does not change those percentages but requires the Department of Health and Human Services to annually establish recommended percentages for each hospital.

The bill requires the Department of Health and Human Services, in consultation with relevant other state agencies, federal agencies and interested parties, to design a wholesale prescription drug importation program. It requires the department to submit the design for the wholesale prescription drug importation program to the Joint Standing Committee on Health Coverage, Insurance and Financial Services and authorizes the committee to report out a bill to the Second Regular Session of the 129th Legislature.

**LD 1611      An Act To Support Universal Health Care      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS H BELLOWS S		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes the Maine Health Plan to provide universal health care coverage to all residents of this State. The bill is modeled on proposed legislation considered in Minnesota.



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and geographic area may not exceed 2.5. The changes in the bill reinstate the rating provisions in place before the enactment of Public Law 2011, chapter 90.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1660 An Act To Improve Access to Physician Assistant Care**

**PUBLIC 627  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L STEWART T	OTP-AM	S-432 S-444 SANBORN L

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill makes the following changes to the laws governing the licensing and scope of practice of physician assistants.

1. It increases the membership of the Board of Osteopathic Licensure and the Board of Licensure in Medicine from 10 to 11 members by changing the number of members on each board who are physician assistants from one member to two members.
2. It establishes provisions for the scope of practice, insurance coverage of services and immunity from liability for providing volunteer medical services during emergencies or disasters and clarifies that physician assistants are primary care providers when practicing in a medical specialty required for a physician to be a primary care provider.
3. It removes registration and physician supervisory requirements.
4. It establishes requirements for physician assistant collaboration and consultation with physicians and other health care professionals.
5. It changes the initial licensing fee from \$250 to \$300.
6. It provides a transition provision for physician assistant licenses that are current and not subject to disciplinary action.

**Committee Amendment "A" (S-432)**

This amendment replaces the bill and does the following.

In Part A, the amendment requires health insurance carriers to allow physician assistants to serve as primary care providers under managed care plans. It also specifies that carriers are required to provide coverage for services provided by physician assistants if those services are within a physician assistant's scope of practice and are covered services under a health plan and makes that provision applicable to contracts issued or renewed on or after January 1, 2021.

In Part B, the amendment makes the following changes to the laws governing the licensing and scope of practice of physician assistants.

1. It increases the membership of the Board of Osteopathic Licensure and the Board of Licensure in Medicine from 10 to 11 members by changing the number of members on each board who are physician assistants from one

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member to two members.

2. It establishes provisions for the scope of practice of physician assistants based on practice setting.
3. It removes registration and physician supervisory requirements and establishes requirements for physician assistants to have collaborative agreements and practice agreements with physicians and other health care professionals.
4. It clarifies that physician assistants are legally responsible for any medical services provided in accordance with collaborative and practice agreements and authorizes the licensing boards to adopt rules related to requirements for collaborative and practice agreements.
5. It changes the fee for an application for initial licensure from up to \$250 to up to \$300.
6. It provides a transition provision for physician assistant licenses that are current and not under investigation.

In Part C, the amendment adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-444)**

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

### **Enacted Law Summary**

Public Law 2019, chapter 627 makes changes to laws governing the licensing, scope of practice and health insurance coverage of physician assistants.

Part A of Public Law 2019, chapter 627 requires health insurance carriers to allow physician assistants to serve as primary care providers under managed care plans. It also specifies that carriers are required to provide coverage for services provided by physician assistants if those services are within a physician assistant's scope of practice and are covered services under a health plan and makes that provision applicable to contracts issued or renewed on or after January 1, 2021.

Part B of Public Law 2019, chapter 627 makes the following changes to the licensing and scope of practice laws for physician assistants.

1. It increases the membership of the Board of Osteopathic Licensure and the Board of Licensure in Medicine from 10 to 11 members by changing the number of members on each board who are physician assistants from one member to two members.
2. It establishes provisions for the scope of practice of physician assistants based on practice setting.
3. It removes registration and physician supervisory requirements and establishes requirements for physician assistants to have collaborative agreements and practice agreements with physicians and other health care professionals.
4. It clarifies that physician assistants are legally responsible for any medical services provided in accordance with collaborative and practice agreements and authorizes the licensing boards to adopt rules related to requirements for collaborative and practice agreements.
5. It changes the fee for an application for initial licensure from up to \$250 to up to \$300.
6. It provides a transition provision for physician assistant licenses that are current and not under investigation.

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**LD 1661 An Act To Create the Drug Donation and Redispensing Program**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N	OTP-AM	S-227

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order H.P. 1322.

This bill establishes the drug donation and redispensing program under the Department of Health and Human Services. The program collects donations of unused prescription and legend drugs from health care providers, health care facilities and other sources, including at drop-off locations throughout the State, and redispenses the drugs through participating pharmacies to qualified low-income persons.

**Committee Amendment "A" (S-227)**

This amendment adds a provision to protect a person from civil or criminal liability and from professional discipline of a licensing board for actions taken by a person in good faith in accordance with the requirements of the drug donation and redispensing program established in the bill.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1673 An Act To Prohibit Prescription Drug Advertising**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill amends current law, which allows the advertising of prescription drugs only if the advertisement is not misleading, to ban completely, beginning January 1, 2020, the advertising of prescription drugs, either by broadcast by a television or radio station in this State, over the Internet from a location in this State or in a magazine or newspaper printed, distributed or sold in this State. A violation is a violation of the Maine Unfair Trade Practices Act.

**LD 1704 An Act To Establish the Securities Restitution Assistance Fund for Victims of Securities Violations**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARNETT T CARPENTER M	OTP-AM	H-569

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This bill was carried over from the First Regular Session on the Special Appropriations Table by joint order H.P. 1322.

This bill establishes in the Department of Professional and Financial Regulation, Office of Securities the Securities Restitution Assistance Fund. The fund will be used to provide financial assistance to victims of securities violations that have been awarded restitution in a final order issued by the Securities Administrator or were awarded restitution in a final order in a legal action initiated by the administrator and that have not received the full amount of restitution ordered before the application for restitution assistance is due. The fund will be funded initially by a one-time transfer of \$350,000 from the dedicated revenue of the Office of Securities. Thereafter, the fund will be funded by the civil fines ordered or agreed to by the administrator, a portion of broker-dealer agent and investment adviser representative renewal fees and any grants, donations or other money received by the administrator for victim restitution assistance.

**Committee Amendment "A" (H-569)**

This amendment replaces the appropriations and allocations section in the bill.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1755 An Act To Move Maine Toward Affordable Health Care for Everyone**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires the Commissioner of Health and Human Services to submit a waiver under Section 1332 of the federal Patient Protection and Affordable Care Act to establish a MaineCare purchase option so that residents of Maine who are not otherwise eligible for the MaineCare program may participate in the program. The waiver must include authority for individuals who qualify for advance tax credits and cost-sharing credits to use them to purchase coverage through the MaineCare program. Individuals participating in the MaineCare purchase option may access the same services as other MaineCare members. The commissioner is required to implement mechanisms to ensure the long-term sustainability of the MaineCare purchase option. Rates are set by the Department of Health and Human Services and determined actuarially, and the open enrollment period is the same as the period for individuals purchasing insurance on the federal exchange. The department is required to submit a progress report on the request for the waiver as well as annual reports to the joint standing committees of the Legislature having jurisdiction over health and human services matters and insurance matters.

**LD 1764 An Act To Prevent Insurance Discrimination in Life, Long-term Care and Disability Income Insurance**

**PUBLIC 596**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H	OTP-AM ONTP	S-403

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This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order H.P. 1322.

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the Maine Insurance Code to prevent denial of life insurance for persons who take preexposure prophylaxis medication to prevent HIV infection.

### **Committee Amendment "A" (S-403)**

This amendment, which is the majority report of the committee, replaces the bill and changes the title. The amendment prohibits a denial or limitation of coverage or an increase in insurance premiums under a life, disability income or long-term care insurance policy based on the fact that an individual has been prescribed preexposure prophylaxis medication to prevent HIV infection.

### **Enacted Law Summary**

Public Law 2019, chapter 596 prohibits a denial or limitation of coverage or an increase in insurance premiums under a life, disability income or long-term care insurance policy based on the fact that an individual has been prescribed preexposure prophylaxis medication to prevent HIV infection.

### **LD 1767    An Act To Increase the Efficiency of Certain Consumer Credit Protection Laws**

**CARRIED OVER**

Sponsor(s)

FOLEYR

Committee Report

Amendments Adopted

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Part A of this bill does the following.

1. It clarifies the jurisdiction of the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection to regulate transactions entered into by mail, telephone or electronic mail or using a creditor's website when the consumer is located in Maine.
2. It establishes that an automobile seller is regularly engaged in credit sales if the seller sells more than 15 cars per year on credit. Currently, a dealer can sell up to 25 cars a year on credit without complying with any disclosure, rate cap or repossession standards.
3. It defines a supervised lender to include a company that purchases and collects on supervised loans, regardless of whether the company maintains an office in this State. Current law already holds in-state companies to this standard.
4. It clarifies confidentiality provisions by referencing an exception currently found in another section of the Maine Consumer Credit Code.
5. It authorizes the Superintendent of Consumer Credit Protection to adjust fees to support the costs of compliance and staff attorney positions with revenues derived from nonbank mortgage companies. It also allows the superintendent to reduce fees by order.
6. It corrects a reference to the Superintendent of Consumer Credit Protection.
7. It specifically provides that the Superintendent of Consumer Credit Protection or the Superintendent of Financial

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Institutions has the authority, after notice to the licensee and opportunity to be heard, to suspend, revoke or deny renewal of a payroll processor's license.

8. It confirms the ability of the Bureau of Consumer Credit Protection to regulate transmission of digital currencies, such as Bitcoin.

9. It clarifies the definition of "debt buyer" as a regular purchaser of delinquent debt, regardless of whether the delinquent debt has been charged off and removed as an account from the books of the creditor as an asset and treated as a loss or expense.

10. It establishes the Superintendent of Consumer Credit Protection's authority over debt collectors consistent with authority granted the administrator with respect to other license types.

11. It adds to the laws governing debt collectors' routine enforcement authority consistent with authority currently applied with respect to consumer lenders and creditors.

12. It adds to the laws governing debt collectors an assurance of discontinuance as an enforcement option consistent with current law applicable to consumer lenders and creditors.

Part B repeals mortgage lending restrictions applicable to nonbank mortgage lenders that have been made unnecessary due to subsequent enhancements to federal mortgage lending laws.

Part C does the following.

1. It permits the use of a nationwide multistate licensing system to process licenses and registrations with respect to general creditors, debt collectors, money transmitters and other entities regulated by the Bureau of Consumer Credit Protection. It also authorizes the use of that system by large, national companies that already use the system for their licenses in other states.

2. It amends a notification date provision in the law to permit the Bureau of Consumer Credit Protection to use the nationwide mortgage licensing system for different business types.

Part D does the following.

1. It repeals language that requires annual reports to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters.

2. It repeals language that requires a report to the Legislature every 90 days on the activities of the Bureau of Consumer Credit Protection's foreclosure intake, counseling and referral program.

3. It consolidates accounts within the Bureau of Consumer Credit Protection.

4. It repeals language that requires the Bureau of Consumer Credit Protection to report to the Legislature every six months on the budgetary aspects of the bureau's foreclosure intake, counseling and referral program.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1854     An Act To Increase the Minimum Amount of Insurance Coverage  
Required for Medical Payments for Vehicle Liability Insurance** **Accepted Majority  
(ONTP) Report**

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

This bill increases from \$2,000 to \$5,000 the amount of minimum medical payment coverage for motor vehicle liability policies issued or renewed on or after January 1, 2021.

**LD 1866     An Act To Increase the Automatic Draft Authority for Licensed  
Insurance Producers** **PUBLIC 591  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R SAMPSON H	OTP-AM	S-399

This bill increases the standard automatic draft authority for licensed insurance producers from \$5,000 to \$10,000 and allows for a temporary increase of \$20,000 in the event of a severe weather occurrence.

**Committee Amendment "A" (S-399)**

This amendment adds a cross-reference to the bill to maintain consistency with current law that recognizes the ability of the Superintendent of Insurance to authorize the adjustment of insurance claims by unlicensed adjusters after catastrophic losses.

**Enacted Law Summary**

Under current law, licensed insurance producers may be authorized by contract with an insurer to settle and pay claims in amounts up to \$5000 without a separate adjuster license. Public Law 2019, chapter 591 increases that amount from \$5,000 to \$10,000 and allows for a temporary increase to \$20,000 after catastrophic losses.

Public Law 2019, chapter 591 was enacted as an emergency measure effective March 17, 2020.

**LD 1872     Resolve, Regarding Legislative Review of Portions of Chapter 12:  
Licensure of Manufacturers and Wholesalers, a Major Substantive Rule  
of the Department of Professional and Financial Regulation, Maine  
Board of Pharmacy** **RESOLVE 115  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 12: Licensure of Manufacturers and Wholesalers, a major substantive rule of the Department of Professional and Financial Regulation, Maine Board of Pharmacy.

**Enacted Law Summary**

Resolve 2019, chapter 115 authorizes final adoption of portions of Chapter 12: Licensure of Manufacturers and Wholesalers, a Major Substantive Rule of the Department of Professional and Financial Regulation, Maine Board of

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Pharmacy.

Resolve 2019, chapter 115 was finally passed as an emergency measure effective March 9, 2020.

### **LD 1928     An Act To Prohibit Health Insurance Carriers from Retroactively Reducing Payment on Clean Claims Submitted by Pharmacies**

**PUBLIC 643**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N TEPLER D	OTP-AM OTP-AM	S-434

This bill prohibits a health insurance carrier from retroactively reducing payment on a properly submitted claim by a pharmacy provider. The bill also prohibits a carrier from charging a pharmacy provider or holding a pharmacy provider responsible for any fee related to a claim that is not apparent at the time the carrier processes the claim, that is not reported on the remittance advice or after the initial claim is adjudicated by the carrier.

#### **Committee Amendment "A" (S-434)**

This amendment replaces the bill and is the majority report of the committee. The amendment prohibits a contract between a carrier and a pharmacy provider that is entered into or renewed on or after January 1, 2021, from containing a provision that purports to directly or indirectly charge the pharmacy provider or hold the pharmacy provider responsible for any fee related to a claim that is not apparent at the time the carrier processes the claim, that is not reported on the remittance advice or after the initial claim is adjudicated. The amendment also clarifies that the provision applies to any contract with respect to a prescription drug plan offered by the carrier under which a pharmacy provider is legally obligated, either directly or through an intermediary.

#### **Committee Amendment "B" (S-435)**

This amendment replaces the bill and is the minority report of the committee. The amendment prohibits a carrier, a carrier's pharmacy benefits manager or any other entity contracting with a pharmacy provider, either directly or through an intermediary, from charging a pharmacy provider or holding a pharmacy provider responsible for any charge or fee related to a claim that is not apparent at the time the carrier processes the claim, that is not reported on the remittance advice or after the initial claim is adjudicated, unless the carrier provides supporting documentation to the pharmacy provider explaining the contractual basis for the charge or fee.

Committee Amendment "B" was not adopted.

#### **Enacted Law Summary**

Public Law 2019, chapter 643 prohibits a contract between a carrier and a pharmacy provider that is entered into or renewed on or after January 1, 2021, from containing a provision that purports to directly or indirectly charge the pharmacy provider or hold the pharmacy provider responsible for any fee related to a claim that is not apparent at the time the carrier processes the claim, that is not reported on the remittance advice or after the initial claim is adjudicated. The law also clarifies that the provision applies to any contract with respect to a prescription drug plan offered by the carrier under which a pharmacy provider is legally obligated, either directly or through an intermediary.

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**LD 1948 An Act To Prohibit, Except in Emergency Situations, the Performance without Consent of Certain Examinations on Unconscious or Anesthetized Patients**

**PUBLIC 602**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUDERA V SANBORN H	OTP-AM	H-688

This bill provides that, prior to administering or supervising a pelvic examination on an anesthetized or unconscious patient, a physician must obtain the patient's informed consent to the pelvic examination unless the examination is within the scope of the procedure or examination for which the patient has already consented, the pelvic examination of an unconscious patient is required for diagnostic purposes and is medically necessary or the pelvic examination is authorized pursuant to the implied consent provision in the Maine Health Security Act relating to forensic examinations of unconscious alleged victims of sexual assault.

**Committee Amendment "A" (H-688)**

This amendment replaces the bill.

The amendment requires that, prior to performing or supervising a pelvic, rectal or prostate examination, a health care practitioner must obtain the patient's informed consent to that examination unless the examination of an unconscious patient is required for diagnostic purposes and is medically necessary or the examination is authorized pursuant to the implied consent provision in the Maine Health Security Act relating to forensic examinations of unconscious alleged victims of sexual assault.

The amendment clarifies that the provisions apply more broadly to licensed health care practitioners, not just physicians as in the bill, and reallocates the provision to the Maine Revised Statutes, Title 24, chapter 21, subchapter 5. The amendment expands the scope of the bill to include rectal and prostate examinations and also requires a health care practitioner to obtain the patient's informed consent orally and in writing.

**Enacted Law Summary**

Public Law 2019, chapter 602 requires that, prior to performing or supervising a pelvic, rectal or prostate examination, a health care practitioner must obtain the patient's informed consent, orally and in writing, to that examination unless the examination of an unconscious patient is required for diagnostic purposes and is medically necessary or the examination is authorized pursuant to the implied consent provision in the Maine Health Security Act relating to forensic examinations of unconscious alleged victims of sexual assault.

**LD 1972 An Act To Increase Access to and Reduce the Cost of Epinephrine Autoinjectors by Amending the Definition of "Epinephrine Autoinjector"**

**PUBLIC 560  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H CARNEY A	OTP-AM	S-379

This bill amends the definition of "epinephrine autoinjector" in different Titles of the Maine Revised Statutes to include devices approved by the federal Food and Drug Administration that deliver a specific dose of epinephrine by means other than automatic injection of epinephrine into the human body. The bill changes references to epinephrine pen to epinephrine autoinjector.

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## **Committee Amendment "A" (S-379)**

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

## **Enacted Law Summary**

Public Law 2019, chapter 560 amends the definition of "epinephrine autoinjector" in different Titles of the Maine Revised Statutes to include devices approved by the federal Food and Drug Administration that deliver a specific dose of epinephrine by means other than automatic injection of epinephrine into the human body. The law also changes references to epinephrine pen to epinephrine autoinjector.

Public Law 2019, chapter 560 was enacted as an emergency measure effective February 21, 2020.

## **LD 1975 An Act To Facilitate Dental Treatment for Children**

**PUBLIC 605**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H FARNSWORTH D	OTP-AM OTP-AM	S-401

This bill prohibits a health insurance carrier from imposing a waiting period for any dental or oral health service or treatment, except for orthodontic treatment, for an enrollee under 19 years of age.

## **Committee Amendment "A" (S-401)**

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

Like the bill, the amendment prohibits a health insurance carrier or dental insurer from imposing a waiting period for any dental or oral health service or treatment, except for orthodontic treatment, for an enrollee under 19 years of age. The bill allocates the prohibition to the Maine Insurance Code, chapter 56-A. The amendment allocates the prohibition to the appropriate chapters of the Maine Insurance Code to ensure the prohibition applies to stand-alone dental insurance plans and to health insurance plans that provide coverage for dental or oral health services.

The amendment makes clear that the provisions apply to policies and contracts issued or renewed on or after January 1, 2021.

The amendment also corrects a conflict created by Public Law 2019, chapters 274 and 388, which affected the same provision of law.

## **Committee Amendment "B" (S-402)**

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

Like the bill, the amendment prohibits a health insurance carrier or dental insurer from imposing a waiting period for any dental or oral health service or treatment, except for orthodontic treatment, for an enrollee under 19 years of age. The bill allocates the prohibition to the Maine Insurance Code, chapter 56-A. The amendment allocates the prohibition to the appropriate chapters of the Maine Insurance Code to ensure the prohibition applies to stand-alone dental insurance plans and to health insurance plans that provide coverage for dental or oral health services.

The amendment makes clear that the provisions apply to policies and contracts issued or renewed on or after January 1, 2021, and repeals the provisions in two years.

The amendment also corrects a conflict created by Public Law 2019, chapters 274 and 388, which affected the same

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provision of law.

Committee Amendment "B" was not adopted.

**Enacted Law Summary**

Public Law 2019, chapter 605 prohibits a health insurance carrier or dental insurer from imposing a waiting period for any dental or oral health service or treatment, except for orthodontic treatment, for an enrollee under 19 years of age.

The law applies to policies and contracts issued or renewed on or after January 1, 2021.

**LD 1985      Resolve, Directing the Board of Speech, Audiology and Hearing To      ONTP**  
**Adopt Rules To Facilitate Speech-Language Therapy**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S HARNETT T	ONTP	

This resolve directs the Department of Professional and Financial Regulation, Board of Speech, Audiology and Hearing to adopt rules to permit speech-language pathology assistants serving children in school districts to practice under the supervision of more than one speech-language pathologist and to allow speech-language pathologists to supervise up to three speech-language pathology assistants on their license.

**LD 1994      An Act To Promote Efficiency in Regulation of Consumer Credit      CARRIED OVER**  
**Statutes**

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

Part A of this bill amends application and renewal fee provisions for entities licensed and regulated by the Bureau of Consumer Credit Protection to allow the bureau to utilize rulemaking to adjust fees when necessary to fund the consumer protection and regulatory work of the agency or to reduce fees if cash balances in bureau accounts reach unnecessarily high levels. The bill also allows the bureau to use the nationwide mortgage licensing system and registry to license or register regulated entities.

Part B of the bill authorizes the Superintendent of Consumer Credit Protection to appoint a deputy superintendent.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1995      An Act To Enact the Maine Insurance Data Security Act      CARRIED OVER**

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

This bill enacts the Maine Insurance Data Security Act. The bill establishes standards for information security programs based on ongoing risk assessment for protecting consumers' personal information. The bill establishes

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requirements for the investigation of and notification to the Superintendent of Insurance regarding cybersecurity events.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1996      An Act Concerning the Reporting of Health Care Information to the      CARRIED OVER**  
**Emergency Medical Services' Board**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H GATTINE D		

This bill amends the laws governing the reporting of health care information to the Department of Public Safety, Maine Emergency Medical Services, Emergency Medical Services' Board.

The bill allows the board to collect or receive health care information or records, including information or records that identify a patient. The bill requires hospitals and physicians, upon request by the board for the purpose of evaluating follow-up assessment and treatment by physicians and hospitals and determining health outcomes, to provide health care information concerning individuals who have received emergency medical treatment.

The bill also makes the reportable health care information confidential. Personally identifiable trauma information is already confidential.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2007      An Act To Enact the Made for Maine Health Coverage Act and Improve      PUBLIC 653**  
**Health Choices in Maine**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S JACKSON T	OTP-AM	H-765

This bill:

1. Establishes the Made for Maine Health Coverage Act;
2. Establishes the Maine Health Insurance Marketplace Trust Fund;
3. Authorizes the State to enter into state-federal health coverage partnerships that support the availability of affordable health coverage;
4. Establishes a pooled market for individual health plans and small group health plans and changes reinsurance to be retrospective and applied to the pooled market; and
5. Creates clear choice design for cost sharing and requires coverage of certain primary care and behavioral health visits without the application of any deductible.

**Committee Amendment "A" (H-765)**

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This amendment makes the following changes to the bill.

1. It specifies that the reporting to the Legislature on the operations of the Maine Health Insurance Marketplace is to the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters.
2. It adds cross-references to the definitions of "individual health plan" and "small group health plan" to clarify that the requirements for the pooled market do not extend to certain limited benefit insurance plans.
3. It clarifies the intent that a health plan in the pooled market must comply with the requirements of the Maine Revised Statutes, Title 24-A, chapter 56-A.
4. It clarifies that the pooled market does not change current law allowing carriers to limit their operations to a designated service area or to offer different plans within different service areas.
5. It clarifies that the "average premium" trigger is not intended to allow the pooled market to go forward merely on a finding that average premiums for the pooled group will be lower, if savings for nongroup policyholders come at the expense of increased costs for small business. It also adds language requiring the Superintendent of Insurance to conduct an analysis of alternative proposals to stabilize the small group market, should the pooled market not be implemented.
6. It clarifies that the Superintendent of Insurance is required to develop at least one clear choice design plan for each tier and allows carriers to offer up to three alternative plans subject to submission of a satisfactory actuarial certification to the Superintendent of Insurance.
7. It allows the Maine Guaranteed Access Reinsurance Association the option to continue to charge a ceding premium even after converting to a retrospective program.
8. It clarifies that the Maine Guaranteed Access Reinsurance Association is not required to transition to a retrospective reinsurance model in 2022 if the pooled market is not in effect. It does provide the option that the association may elect to move to a retrospective model regardless of the pooled market, subject to approval by the Superintendent of Insurance.
9. It affirms that the reinsurance program is contingent on federal approval, which is an important technical distinction, in order for the program to generate pass-through funding.
10. It limits the scope of the primary care and behavioral health benefit to the individual, small group and future pooled markets and corrects an error that inadvertently made it applicable to large group plans. It clarifies the intent of the bill to apply the primary health services requirement to a total of six visits, three primary care visits and three behavioral health visits, and further requires that copays for the second and third primary care and behavioral health visits must count toward the enrollee's deductible. It adds the word "office" after "behavioral health" for clarity. It requires the Superintendent of Insurance to analyze the effects of the primary health services requirement on premiums following implementation and authorizes the superintendent to adopt rules to address the coordination of the requirements for coverage without cost sharing for the first primary care visit and the requirements with respect to coverage of an annual well visit.
11. It adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2019, chapter 653 establishes the Made for Maine Health Coverage Act. Under the Act, the Maine Health Insurance Marketplace is established pursuant to the federal Affordable Care Act to facilitate the purchase of

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qualified health plans from health insurance carriers in the State and to improve consumer education and outreach related to enrollment in health coverage through the marketplace.

The law authorizes the Commissioner of Health and Human Services to direct the operations of the marketplace and consult with stakeholders regarding the execution of the marketplace's functions. The law requires the Commissioner to accept the recommendations of the Superintendent of Insurance on certification of qualified health plans and to exercise discretion to delegate certain duties to the Superintendent, including plan management.

Initially, the State will operate the marketplace using the federal platform. The law directs the Commissioner to study and assess the feasibility of whether the State should perform all of the functions of a state-based marketplace.

The law requires that all health insurance carriers pay a user fee of 0.5% to support the costs of the marketplace when it operates using the federal platform; the user fee increases to 3% if the State performs all of the marketplace's functions. The Maine Health Insurance Marketplace Trust Fund is created for the deposit of all user fees and other private and public funds to support the purposes of the marketplace.

Public Law 2019, chapter 653 authorizes the State to enter into state-federal health coverage partnerships that support the availability of affordable health coverage, including innovation waivers pursuant to the federal Affordable Care Act. The law allows the Superintendent of Insurance to apply to the appropriate federal agency or agencies to establish or participate in a state-federal health coverage partnership or to modify the terms and conditions of an existing partnership if the superintendent determines that the application, if approved, is likely to improve the affordability, availability or quality of health coverage in this State and the Governor approves the submission of the application.

Public Law 2019, chapter 653 also establishes a pooled market for individual health plans and small group health plans with effective dates of coverage on or after January 1, 2022. The implementation of a pooled market is preconditioned on the adoption of rules and the approval of an innovation waiver by the federal government that both extends reinsurance to the pooled market and projects that average premium rates would be the same or lower than they would have been absent the provisions of this law.

The law changes the scope of the reinsurance mechanism under the Maine Guaranteed Access Reinsurance Association from prospective to retrospective and expands the availability of reinsurance to the pooled market. The law makes other technical changes to statutes governing the association to facilitate reinsurance to the pooled market. It allows the Maine Guaranteed Access Reinsurance Association the option to continue to charge a ceding premium even after converting to a retrospective program. It clarifies that the Maine Guaranteed Access Reinsurance Association is not required to transition to a retrospective reinsurance model in 2022 if the pooled market is not in effect. It does provide the option that the association may elect to move to a retrospective model regardless of the pooled market, subject to approval by the Superintendent of Insurance.

Public Law 2019, chapter 653 requires the Superintendent of Insurance to develop at least one clear choice design plan for each metal level tier under the federal Affordable Care Act for the individual and small group health insurance markets and allows carriers to offer up to three alternative plans subject to submission of a satisfactory actuarial certification to the Superintendent of Insurance. Under the law, "clear choice design" means a set of annual copayments, coinsurance and deductibles for all or a designated subset of the essential health benefits.

The law also requires a health plan in the individual, small group and future pooled markets with an effective date on or after January 1, 2021, to provide coverage without cost sharing for the first primary care and behavioral health visits in each plan year and not to apply a deductible or coinsurance to the second or third primary care and behavioral health visits in a plan year. The requirement does not apply to a plan offered for use with a health savings account unless the federal Internal Revenue Service determines that the benefits required by the law are permissible benefits in a high deductible health plan as defined in the federal Internal Revenue Code.

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**LD 2025    An Act To Clarify the Authorization of Emergency Medical Services  
Personnel to Provide Medical Services in a Hospital**

**PUBLIC 609**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T TEPLER D	OTP-AM	S-400

This bill allows a hospital to authorize an emergency medical services person to provide to a patient of the hospital in a hospital setting treatment that is within the scope of practice of the emergency medical services person.

The bill repeals and replaces the definition of "emergency medical treatment" in the Maine Emergency Medical Services Act of 1982 to allow that treatment to be provided by emergency medical services persons in a hospital setting if the hospital has authorized treatment in the hospital by emergency medical services persons.

**Committee Amendment "A" (S-400)**

This amendment replaces the bill. The amendment clarifies that licensing requirements for an emergency medical services person may not be construed to prohibit a person licensed under the Maine Emergency Medical Services Act of 1982 from providing medical services as an employee of a hospital if those services are authorized by the hospital and delegated by a physician.

**Enacted Law Summary**

Public Law 2019, chapter 609 clarifies that licensing requirements for an emergency medical services person may not be construed to prohibit a person licensed under the Maine Emergency Medical Services Act of 1982 from providing medical services as an employee of a hospital if those services are authorized by the hospital and delegated by a physician.

**LD 2026    An Act To Revise Certain Financial Regulatory Provisions of the Maine  
Insurance Code**

**CARRIED OVER**

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

This bill updates several provisions of the Maine Insurance Code by incorporating recent amendments to model laws adopted by the National Association of Insurance Commissioners, or NAIC, and making related technical changes.

It corrects a conflict in the law governing examination of insurers by the Superintendent of Insurance and eliminates obsolete transition language.

It clarifies that adjudicatory proceedings conducted under the Maine Revised Statutes, Title 24-A, section 222 to review changes of control of domestic insurers are governed by the same procedural requirements as other Department of Professional and Financial Regulation, Bureau of Insurance adjudicatory proceedings and that multistate proceedings conducted under Maine law are considered public proceedings to the same extent as single-state proceedings subject only to the exceptions expressly enumerated in Title 24-A, section 222, subsection 7-A, paragraph D.

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It clarifies that when an insurer or insurance group is required to conduct an own risk and solvency assessment, the assessment must be conducted in compliance with the NAIC Own Risk and Solvency Assessment (ORSA) Guidance Manual, as well as include the summary report as required under current law.

It corrects a conflict between Title 24-A, section 731-B, subsections 1 and 3, clarifying that subsection 1 is not the exclusive mechanism by which credit for reinsurance may be granted.

It provides that documents that a certified reinsurer is required to file are not public records if they are confidential under the laws of the reinsurer's domiciliary jurisdiction.

It brings Maine into compliance with the bilateral agreements entered into by the United States with the European Union and the United Kingdom by enacting the 2019 amendments to the NAIC Credit for Reinsurance Model Law, which provide a mechanism for large, financially strong non-United States reinsurers to qualify for eligibility by reciprocity to assume reinsurance from domestic insurers without posting security.

It corrects a NAIC drafting error from 2000 that inadvertently transposed the content of the definitions of "repurchase transaction" and "reverse repurchase transaction."

It corrects an inconsistency between Title 24-A, section 4215, subsection 1, which requires health maintenance organizations, or HMOs, to be examined by the Superintendent of Insurance at least every three years, and Title 24-A, section 221, which applies to HMOs pursuant to Title 24-A, section 4222-B, subsection 5 and which permits the examination period to be extended to five years. It also authorizes the superintendent to accept the domiciliary chief regulatory official's examination in satisfaction of Maine's requirement when a company is domiciled outside Maine. The purpose of these amendments is to allow Maine to participate in coordinated examinations with synchronized schedules for HMOs that are members of insurance groups.

It amends the reciprocity provisions of Maine's receivership laws by recognizing as reciprocal states those states with laws determined by the superintendent to be adequate or substantially similar to the NAIC's model insolvency laws, and brings Maine into conformity with the NAIC's guidelines for interstate recognition of stays and injunctions in receivership.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 2027    An Act To Clarify Insurance Requirements under the Peer-to-peer Car Sharing Insurance Act**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H TEPLER D		

This bill makes the following changes to clarify the Peer-to-peer Car Sharing Insurance Act.

1. It allows a peer-to-peer car sharing program provider to provide satisfactory evidence of solvency and a financial ability to pay in lieu of comprehensive and collision insurance coverage.
2. It limits the liability of a peer-to-peer car sharing program provider for a loss or injury during a car sharing period or while a motor vehicle is under the control of a provider to no more than three times the State's minimum financial responsibility requirements.
3. It provides that a peer-to-peer car sharing program provider is not liable for a loss or injury during a car sharing



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amendments to the rule prior to final adoption.

### Enacted Law Summary

Resolve 2019, chapter 136 authorizes final adoption of portions of Chapter 104: Maine State Services Manual, Section 8, Wholesale Prescription Drug Importation Program, a major substantive rule of the Department of Health and Human Services, only if the department incorporates certain specific amendments to the rule prior to final adoption.

The resolve requires that the rule be amended to specify that the Department of Health and Human Services shall submit an application to the United States Department of Health and Human Services to establish a state importation program no later than May 1, 2020. The resolve also requires that the rule be amended to also require that, if the final federal rule is not released before May 1, 2020, the department shall submit a subsequent or revised application to establish a state importation program as soon as is practicable after the release of the final federal rule.

Resolve 2019, chapter 123 was finally passed as an emergency measure effective March 18, 2020.

### **LD 2095      An Act To Require Appropriate Coverage of and Cost-sharing for      ONTP** **Generic Drugs and Biosimilars**

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

This bill establishes requirements for the coverage of and cost-sharing for generic drugs, biosimilars and branded pharmaceuticals when dispensed by pharmacies as outpatient prescription drugs under health plans offered by carriers that provide coverage for prescription drugs.

### **LD 2096      An Act To Save Lives by Capping the Out-of-pocket Cost of Certain      PUBLIC 666** **Medications**      **EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S JACKSON T	OTP-AM	H-772 H-778 MOONEN M

This bill provides that a health insurance carrier that provides coverage for prescription insulin drugs may not impose a cost-sharing requirement on the enrollee that results in out-of-pocket costs to the enrollee in excess of \$100 per 30-day supply of insulin.

#### **Committee Amendment "A" (H-772)**

This amendment replaces the bill.

Part A provides that a health insurance carrier that provides coverage for prescription insulin drugs may not impose a cost-sharing requirement on an enrollee that results in out-of-pocket costs to the enrollee in excess of \$35 per prescription for a 30-day supply of insulin. The requirements apply to all health insurance policies issued or renewed on or after January 1, 2021.

Part B authorizes a pharmacist to dispense emergency refills of insulin and associated insulin-related supplies. The amendment requires that the insulin dispensed be in a quantity that is the lesser of a 30-day supply and the smallest

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available package. The amendment also requires the Maine Board of Pharmacy to adopt rules to establish adequate training requirements and protocols for dispensing insulin.

### **House Amendment "A" To Committee Amendment "A" (H-778)**

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

### **Enacted Law Summary**

Public Law 2019, chapter 666 provides that a health insurance carrier that provides coverage for prescription insulin drugs may not impose a cost-sharing requirement on an enrollee that results in out-of-pocket costs to the enrollee in excess of \$35 per prescription for a 30-day supply of insulin. The requirements apply to all health insurance policies issued or renewed on or after January 1, 2021.

Public Law 2019, chapter 666 also authorizes a pharmacist to dispense emergency refills of insulin and associated insulin-related supplies. The law requires that the insulin dispensed be in a quantity that is the lesser of a 30-day supply and the smallest available package. The law also requires the Maine Board of Pharmacy to adopt rules to establish adequate training requirements and protocols for dispensing insulin.

Public Law 2019, chapter 666 was enacted as an emergency measure effective March 18, 2020.

### **LD 2105      An Act To Protect Consumers from Surprise Emergency Medical Bills**

**PUBLIC 668  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S SANBORN H	OTP-AM	H-773 H-777 MOONEN M

This bill amends the law providing consumer protection for surprise medical bills to include surprise bills for emergency services. In the event of a dispute with respect to a surprise medical bill, the bill directs the Superintendent of Insurance to develop an independent dispute resolution process to determine a reasonable payment for health care services.

### **Committee Amendment "A" (H-773)**

This amendment replaces the bill.

The amendment amends the law providing consumer protection for surprise medical bills to include surprise bills for emergency services and also extends the same protections to bills for covered emergency services rendered by out-of-network providers. The amendment clarifies that consumers must be held harmless and not subject to balance billing for these services and specifies that consumers are responsible only for any applicable cost sharing determined as if the health care services were rendered by a network provider.

In the event of a dispute with respect to only a surprise bill for emergency services or a bill for covered emergency services rendered by an out-of-network provider, the amendment directs the Superintendent of Insurance to develop an independent dispute resolution process to determine a reasonable payment for health care services beginning no later than October 1, 2020.

The amendment requires the Emergency Medical Services' Board to convene a stakeholder group to review reimbursement rates for ambulance services.

The amendment also adds an appropriations and allocations section.

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## House Amendment "A" To Committee Amendment "A" (H-777)

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

### Enacted Law Summary

Public Law 2019, chapter 668 amends the law providing consumer protection for surprise medical bills to include surprise bills for emergency services and also extends the same protections to bills for covered emergency services rendered by out-of-network providers. The law clarifies that consumers must be held harmless and not subject to balance billing for these services and specifies that consumers are responsible only for any applicable cost sharing determined as if the health care services were rendered by a network provider.

In the event of a dispute with respect to only a surprise bill for emergency services or a bill for covered emergency services rendered by an out-of-network provider, the law directs the Superintendent of Insurance to develop an independent dispute resolution process to determine a reasonable payment for health care services beginning no later than October 1, 2020.

Public Law 2019, chapter 668 also requires the Emergency Medical Services' Board to convene a stakeholder group to review reimbursement rates for ambulance services.

Public Law 2019, chapter 668 was enacted as an emergency measure effective March 18, 2020.

## LD 2106 An Act Regarding Prior Authorizations for Prescription Drugs

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G HYMANSON P		

This bill makes the following changes.

1. It adds a definition of "prior authorization" and clarifies the definitions of "medically necessary health care" and "participating provider" used in the Maine Insurance Code, chapter 56-A.
2. It sets forth additional requirements for carriers to facilitate the processing of prior authorization requests for prescription drugs by providers.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

## LD 2108 An Act Regarding Health Insurance Options for Town Academies

PUBLIC 669  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M JAVNER K	OTP	

This bill makes a retired employee of an academy approved for tuition purposes in accordance with the Maine Revised Statutes, Title 20-A, sections 2951 to 2955 eligible for coverage under the group health plan available to state employees and other eligible persons.

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**Enacted Law Summary**

Public Law 2019, chapter 669 makes a retired employee of an academy approved for tuition purposes in accordance with the Maine Revised Statutes, Title 20-A, sections 2951 to 2955 eligible for coverage under the group health plan available to state employees and other eligible persons.

Public Law 2019, chapter 669 was enacted as an emergency measure effective March 18, 2020.

**LD 2110 An Act To Lower Health Care Costs**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON S	OTP-AM	S-441

This bill establishes the Maine Commission on Affordable Health Care to monitor health care spending growth in the State and also set health care quality benchmarks. The bill also requires the commission to establish health care spending targets for public payors, including separate targets for prescription drugs.

**Committee Amendment "A" (S-441)**

This amendment replaces the bill.

The amendment establishes the Office of Affordable Health Care within the Legislature. The office is charged with analyzing data from the Maine Health Data Organization and the Maine Quality Forum and making recommendations to the joint standing committee of the Legislature having jurisdiction over health coverage matters on methods to improve the cost-efficient provision of high-quality health care to the residents of this State. The office is required to hold an annual public hearing on cost trends no later than October 1st annually at which the public may comment on health care cost trends. The office is required to submit an annual report.

The office is independent and nonpartisan, and the legislative committee and an advisory council provide advice on matters affecting health care costs in the State. The advisory council consists of eight appointed members, including a member who represents hospital interests, a member who represents primary care provider interests, a member who represents a health care consumer advocacy organization, a member who represents health insurance interests, a member who represents purchasers of health care, a member who represents the health care workforce, a member who represents the interests of older residents of this State and a member with demonstrated expertise in health care delivery, health care management at a senior level or health care finance and administration. The Commissioner of Administrative and Financial Services and the Commissioner of Health and Human Services are ex officio members of the advisory council.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2111 An Act To Establish Patient Protections in Billing for Health Care**

**PUBLIC 670  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N TEPLER D	OTP-AM	H-781 MOONEN M S-442

## *Joint Standing Committee on Health Coverage, Insurance and Financial Services*

This bill makes the following changes.

1. The bill requires health care entities, which includes health care practitioners and facilities, to disclose the average cost in the State for the service for which a patient has been scheduled and the entities offering the service at the highest and lowest rates in the State if the patient has been scheduled or referred for one of the 25 highest cost services or procedures.
2. The bill requires health care entities to disclose that a health care facility use fee will be charged and identify that fee separately on any bill provided to a patient.
3. The bill prohibits a health care entity from charging a patient when a billing statement has not been provided within six months of the date the patient received the services.
4. The bill requires a health care entity to disclose to a federal Medicare patient who is on observation status that the patient's observation status may increase the patient's out-of-pocket costs associated with a stay at a health care entity and the estimated increase in the patient's out-of-pocket costs.
5. The bill provides that a carrier must require a provider receiving a referral to disclose to the patient whether the provider is an out-of-network provider.
6. The bill prohibits a health insurance carrier from charging any fee for the transfer of a patient between providers or for the transfer of patient records between providers unless the fee is disclosed and directly related to the costs associated with making that transfer of the patient or the patient's medical records.

### **Committee Amendment "A" (S-442)**

This amendment replaces the bill and makes the following changes.

1. It requires a health care entity to disclose to a federal Medicare patient who is on observation status in a single notice the required disclosure of that status required by federal Medicare rules, that the patient's observation status may have an impact on the patient's financial liability and that the patient may meet with a representative from the health care entity's financial office to discuss the patient's potential financial liability.
2. It requires that a provider receiving a nonemergency referral disclose to the patient whether the provider is an out-of-network provider.
3. It prohibits a health care entity from charging any fee for the transfer of a patient between providers or for the transfer of patient records between providers unless the fee is disclosed and directly related to the costs associated with making that transfer of the patient or the patient's medical records.

### **House Amendment "A" To Committee Amendment "A" (H-781)**

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

### **Enacted Law Summary**

Public Law 2019, chapter 670 requires a health care entity to disclose to a federal Medicare patient who is on observation status in a single notice the required disclosure of that status required by federal Medicare rules, that the patient's observation status may have an impact on the patient's financial liability and that the patient may meet with a representative from the health care entity's financial office to discuss the patient's potential financial liability.

The law requires that a provider receiving a nonemergency referral disclose to the patient whether the provider is an out-of-network provider.

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The law prohibits a health care entity from charging any fee for the transfer of a patient between providers or for the transfer of patient records between providers unless the fee is disclosed and directly related to the costs associated with making that transfer of the patient or the patient's medical records.

Public Law 2019, chapter 670 was enacted as an emergency measure effective March 18, 2020.

**LD 2116 An Act To Improve Prescription Information Access**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN M SANBORN L	ONTP	

This bill requires a two-dimensional machine-scannable barcode that allows a patient to digitally access prescription information to appear on the prescription label. It also makes a clarifying technical correction.

**LD 2133 An Act To Implement Recommendations for Review of the Licensing Laws for Certain Licensed Health Professionals Pursuant to the State Government Evaluation Act**

**CARRIED OVER**

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

This bill was reported out by the Joint Standing Committee on Health Coverage, Insurance and Financial Services pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

The bill implements recommendations related to the committee's review of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the State Board of Nursing, the State Board of Optometry and the Board of Dental Practice.

The bill directs each board, in consultation with interested parties, to review the licensing laws and rules for the board and to recommend changes to update those laws and rules no later than February 15, 2021. The bill authorizes the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters to report out a bill to the First Regular Session of the 130th Legislature based on the board's recommendations.

The committee reported the bill out for the sole purpose of turning the recommendations into a printed bill that could be referred to the committee for an appropriate public hearing and subsequent processing in the normal course. The committee took this action to ensure clarity and transparency in the legislative review of this bill.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 2143 An Act Regarding Travel Insurance in the Maine Insurance Code**

**CARRIED OVER**

Sponsor(s)

MORRIS J

Committee Report

Amendments Adopted

This bill amends the laws governing the sale of travel insurance in the State.

The bill:

1. Defines necessary terms;
2. Provides that travel insurance must be classified and filed under an inland marine line of insurance subject to certain exceptions;
3. Amends the license requirements for selling travel insurance;
4. Assesses a premium tax on travel insurance premiums and establishes reporting requirements;
5. Establishes requirements for travel protection plans;
6. Establishes sales practices for travel insurers;
7. Establishes requirements for travel administrators for travel insurance; and
8. Authorizes the Superintendent of Insurance to adopt rules relating to the sale of travel insurance.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2146 An Act To Implement the Recommendations of the Board of Dental Practice Related to the Definitions of "Supervision" and "Teledentistry"**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported by the committee to implement the recommendations of the Board of Dental Practice that were included in the report required by Public Law 2019, chapter 388. This bill was referred back to the committee for processing in the normal course.

The bill makes the following changes.

1. It makes changes to the definitions of "direct supervision" and "general supervision" and makes corresponding changes to the activities that may be performed under direct or general supervision by a person licensed by the Board of Dental Practice.
2. It makes changes to provisions governing the delegation authority of dentists to unlicensed persons and to

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persons licensed by the Board of Dental Practice.

3. It adds a definition of "teledentistry" and authorizes oral health care services and procedures to be provided through teledentistry in accordance with rules adopted by the Board of Dental Practice.

4. It directs the Board of Dental Practice to recommend changes to the scope of practice for dental hygienists and dental therapists for the purpose of aligning current practice settings and reflecting advancements in the profession and technology. The Board of Dental Practice is required to submit its recommendations to the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters no later than February 1, 2021. The joint standing committee may report out a bill to the First Regular Session of the 130th Legislature based on the board's recommendations.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**SUBJECT INDEX**

**Banking and Credit Unions**

**Not Enacted**

**LD 366**      **An Act To protect Elderly Persons from Financial Abuse**      **ONTP**

**Consumer Credit**

**Not Enacted**

**LD 1767**      **An Act To Increase the Efficiency of Certain Consumer Credit Protection  
Laws**      **CARRIED OVER**

**LD 1994**      **An Act To Promote Efficiency in Regulation of Consumer Credit Statutes**      **CARRIED OVER**

**Health Information and Data**

**Enacted**

**LD 2078**      **Resolve, Regarding Legislative Review of Portions of Chapter 100:  
Enforcement Procedures, a Major Substantive Rule of the Maine Health  
Data Organization**      **RESOLVE 123  
EMERGENCY**

**Not Enacted**

**LD 30**      **An Act To Improve Health Care Data Analysis**      **CARRIED OVER**

**Insurance, Health**

**Enacted**

**LD 1928**      **An Act To Prohibit Health insurance Carriers from Retroactively  
Reducing Payment on Clean Claims Submitted by Pharmacies**      **PUBLIC 643**

**LD 1975**      **An Act To Facilitate Dental Treatment for Children**      **PUBLIC 605**

<b>LD 2007</b>	<b>An Act To Enact the Made for Maine Health Coverage Act and improve Health Choices in Maine</b>	<b>PUBLIC 653</b>
<b>LD 2096</b>	<b>An Act To Save Lives by Capping the Out-of-pocket Cost of Certain Medications</b>	<b>PUBLIC 666 EMERGENCY</b>
<b>LD 2105</b>	<b>An Act To protect Consumers from Surprise Emergency Medical Bills</b>	<b>PUBLIC 668 EMERGENCY</b>
<b>LD 2108</b>	<b>An act Regarding Health Insurance Options for Town Academies</b>	<b>PUBLIC 669 EMERGENCY</b>
 <b><u>Not Enacted</u></b>		
<b>LD 51</b>	<b>An Act To Implement the Recommendations of the Task Force on Health Care Coverage for All of Maine</b>	<b>ONTP</b>
<b>LD 519</b>	<b>An act To Expand Adult Dental Health Insurance Coverage</b>	<b>CARRIED OVER</b>
<b>LD 598</b>	<b>An Act Regarding Employee Benefit Excess insurance</b>	<b>Majority (ONTP) Report</b>
<b>LD 1085</b>	<b>An Act to Ensure that Maine Residents Have Adequate and Affordable Access to Health Care</b>	<b>ONTP</b>
<b>LD 1138</b>	<b>An Act To Ensure Health Insurance Coverage for Treatment for Childhood Postinfectious Neuroimmune Disorders Including Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal infections and Pediatric Acute-onset Neuropsychiatric Syndrome</b>	<b>ONTP</b>
<b>LD 1434</b>	<b>An Act To Allow Certified Registered Nurse Anesthetists To Bill for Their Services</b>	<b>CARRIED OVER</b>
<b>LD 1591</b>	<b>An Act to Provide Access to Health Care for Maine Citizens</b>	<b>ONTP</b>
<b>LD 1611</b>	<b>An Act To Support Universal Health Care</b>	<b>CARRIED OVER</b>
<b>LD 1617</b>	<b>An Act To Create a Single-payer Health Care Program in Maine</b>	<b>ONTP</b>
<b>LD 1650</b>	<b>An Act To Strengthen Consumer Protection in Health Care</b>	<b>CARRIED OVER</b>
<b>LD 1755</b>	<b>An Act To Move Maine Toward Affordable Health Care for Everyone</b>	<b>Leave to Withdraw Pursuant to Joint Rule 310</b>
<b>LD 2095</b>	<b>An Act To Require Appropriate Coverage of and Cost-sharing for Generic Drugs and Biosimilars</b>	<b>ONTP</b>

LD 2106 An Act Regarding prior Authorizations for prescription drugs CARRIED OVER

LD 2110 An Act To Lower Health Care Costs CARRIED OVER

**Insurance, Motor Vehicle**

**Not Enacted**

LD 1854 An Act to increase the Minimum Amount of Insurance Coverage Required for Medical Payments for Vehicle Liability Insurance Majority (ONTP) Report

LD 2027 An Act To Clarify Insurance Requirements under the Peer-to-peer Car Sharing Insurance Act CARRIED OVER

**Insurance, Regulation and Practices**

**Enacted**

LD 1764 An Act To Prevent Insurance Discrimination in life, Long-term Care and Disability Income Insurance PUBLIC 596

LD 1866 An Act To Increase the Automatic Draft Authority for licensed Insurance Producers PUBLIC 591 EMERGENCY

**Not Enacted**

LD 1995 An Act To Enact the Maine Insurance Data Security Act CARRIED OVER

LD 2026 An Act To Revise Certain Financial Regulatory Provisions of the Maine Insurance Code CARRIED OVER

LD 2143 An Act regarding Travel Insurance in the Maine Insurance Code CARRIED OVER

**Miscellaneous**

**Not Enacted**

LD 477 An Act To Provide Relief to Federal Employees Affected by a Federal Shutdown CARRIED OVER

LD 594 An Act To Promote Individual Savings Accounts through a Public-Private Partnership CARRIED OVER

LD 1613 An Act Regarding Women's Health and Economic Security CARRIED OVER

**Occupational and Professional Regulation, Health Professions**

**Enacted**

LD 1660	An Act to Improve Access to Physician Assistant Care	PUBLIC 627 EMERGENCY
LD 1872	Resolve, Regarding Legislative Review of Portions of Chapter 12: Licensure of Manufacturers and Wholesalers, a Major substantive Rule of the Department of Professional and Financial Regulation, Maine Board of Pharmacy	RESOLVE 115 EMERGENCY
LD 1948	An Act To prohibit, Exception Emergency Situations, the Performance Without onsent of Certain Examinations on Unconscious or Anesthetized Patients	PUBLIC 602
LD 2025	An Act To Clarify the Authorization of Emergency Medical Services Personnel to Provide Medical Services in a Hospital	PUBLIC 609
LD 2111	An Act To Establish Patient Protections in Billing for Health Care	PUBLIC 670 EMERGENCY

**Not Enacted**

LD 1985	Resolve, Directing the Board of Speech, Audiology and Hearing To Adopt Rules To Facilitate peech-Language Therapy	ONTP
LD 1996	An Act Concerning the Reporting of Health Care Information to the Emergency Medical Services' Board	CARRIED OVER
LD 2133	An Act To Implement Recommendations for Review of the Licensing Laws for Certain Licensed Health Professionals Pursuant to the State Government Evaluation Act	CARRIED OVER
LD 2146	An Act To Implement the Recommendations of the Board of Dental Practice Related to the Definitions of "Supervision" and "Teledentistry"	CARRIED OVER

**Prescription Drugs**

**Enacted**

LD 1972	An Act To Increase Access to and Reduce the Cost of Epinephrine	PUBLIC 560 EMERGENCY
LD 2080	Resolve, Regarding Legislative Review of Portions of Chapter 104: Maine State Services Manual, Section I, Wholesale Prescription Drug Importation Program, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 136 EMERGENCY

**Not Enacted**

LD 1387	An Act To Increase Access to Safe and Affordable Prescription Drugs	ONTP
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**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON HEALTH AND  
HUMAN SERVICES**

November 2020

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***Joint Standing Committee on Health and Human Services***

**LD 46      Resolve, To Establish the Cumberland County Jail Substance Use Disorder Rehabilitation Pilot Project**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CHENETTE J	OTP-AM	H-354

This bill was amended to a resolve in the First Regular Session of the 129th Legislature and then carried over on the Special Appropriations Table from the First Regular Session by joint order, H.P. 1322.

This bill provides funding to create a substance use disorder clinic at the Cumberland County jail.

**Committee Amendment "A" (H-354)**

This amendment replaces the bill with a resolve. It provides funding to the Department of Corrections to establish a 24-month pilot project at the Cumberland County jail to assist in the rehabilitation of individuals incarcerated or detained at the jail who need substance use disorder treatment. The pilot project must focus on the health of the individual and provide services that include counseling, medication-assisted treatment, education and employment opportunities and community service. The contract must include outcome measures for those who are no longer in the jail.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 115      An Act To Appropriate Funds for Home Visiting Services To Provide Child Development Education and Skills Development for New Parents**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN M	OTP-AM	H-137

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill appropriates funds for home visiting services to provide child development education and skills development for new parents.

**Committee Amendment "A" (H-137)**

This amendment directs the Board of the Maine Children's Trust Incorporated to use state funds it receives to maximize its receipt of federal funds. This amendment also adds an appropriation of funds to stabilize the workforce by bringing salaries of home visitors in line with comparable positions. It reduces the additional funding provided in the bill for home visiting services from \$4,000,000 for fiscal year 2019-20 and \$3,000,000 for fiscal year 2020-21 to \$500,000 for each year and provides that the funding must be used to reduce any waiting lists for home visiting services. It directs these funds to go to the Maine Children's Trust.

This bill was carried again over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Health and Human Services*

**LD 154 An Act To Amend the Law Governing MaineCare Coverage of Chiropractic Treatment**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N MARTIN J	OTP-AM ONTP	S-37

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill requires all chiropractic services that are within the scope of practice of chiropractic doctors and performed by a licensed chiropractic doctor to be reimbursed under the MaineCare program. Under current law, the Department of Health and Human Services is required to reimburse for only chiropractic evaluation and management examinations. The bill also corrects a numbering problem created by Public Law 2017, chapters 421 and 454, which enacted two substantively different provisions with the same section number.

**Committee Amendment "A" (S-37)**

This amendment, which is the majority report of the committee, requires the Department of Health and Human Services to apply for a state plan amendment to allow for Medicaid reimbursement for all chiropractic services within the scope of practice of chiropractic doctors no later than January 1, 2020. If the state plan amendment is not approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, chiropractic doctors will not be reimbursed by MaineCare for any additional chiropractic services not currently eligible for reimbursement. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 177 Resolve, To Improve Access to Bariatric Care**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A GRATWICK G	OTP-AM	H-472

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve requires the Department of Health and Human Services to provide 16 new specialized bariatric care beds in one or more nursing facilities to serve individuals with a body mass index greater than 40.

**Committee Amendment "A" (H-472)**

This amendment replaces the resolve. It requires the Department of Health and Human Services to develop a plan to provide up to 16 new specialized bariatric care nursing facility beds by September 1, 2020. The amendment also adds an emergency preamble and emergency clause.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Health and Human Services*

**LD 181      An Act To Provide Funding to the Department of Health and Human Services To Support Free Health Clinics in the State**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D	ONTP OTP-AM	H-11

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides funding to support free health clinics in the State.

**Committee Amendment "A" (H-11)**

This amendment, which is the minority report of the committee, clarifies that the health clinics being funded provide all services to the public at no charge. It also clarifies that the additional funding in the bill is only in the 2020-21 biennium and the funding is distributed through a request for proposals.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 227      Resolve, Directing the Department of Health and Human Services To Review the State's Public Health Infrastructure**

**RESOLVE 114**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A CARSON B	OTP-AM	H-667

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill proposes to enact measures designed to strengthen the State's public health infrastructure by:

1. Identifying community-level geographic regions where essential public health services, including competent and qualified comprehensive community health coalitions, can be funded equitably;
2. Ensuring that basic and essential public health services be delivered in each public health district and tribal health district;
3. Identifying emerging nonclinical public health workers, including community health workers, community paramedics, recovery coaches and resiliency coaches, who can strengthen the efficiency and effectiveness of public health service delivery;
4. Facilitating, when possible, the integration and collaboration of public and private public health professionals with public safety professionals and emergency preparedness professionals; and
5. Enabling the operation of public health professionals, public safety professionals and emergency preparedness professionals as a cohesive and coordinated public health team to improve the visibility and understanding of public

*Joint Standing Committee on Health and Human Services*

health among Maine children and adults.

**Committee Amendment "A" (H-667)**

This amendment replaces the bill, which is a concept draft, with a resolve. It directs the Commissioner of Health and Human Services to review, with stakeholder input, the State's public health infrastructure and develop recommendations to strengthen the efficiency and effectiveness of public health service delivery and to submit a report with those recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 1, 2021. The committee may report out legislation to the First Regular Session of the 130th Legislature related to the recommendations of the report.

**Enacted Law Summary**

Resolves 2019, chapter 114 directs the Commissioner of Health and Human Services to review, with stakeholder input, the State's public health infrastructure and develop recommendations to strengthen the efficiency and effectiveness of public health service delivery and to submit a report with those recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 1, 2021. The committee may report out legislation to the First Regular Session of the 130th Legislature related to the recommendations of the report.

**LD 231      An Act To Improve Public Health by Maximizing Federal Funding Opportunities      ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill proposes to increase federal funding to improve the State's public health outcomes and workforce by designating the Maine Public Health Institute within the University of Southern Maine's Edmund S. Muskie School of Public Service as an agent of the Department of Health and Human Services for the purpose of applying for federal funds to support public health research and programming. To provide guidance to the Maine Public Health Institute in carrying out this duty, this bill would establish an advisory board composed of officials from the department, including the Director of the Maine Center for Disease Control and Prevention, and representatives of statewide public health organizations and care providers. The bill would require that the Maine Public Health Institute report every two years to the department and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

**LD 232      Resolve, Directing the Department of Health and Human Services To Review the Progressive Treatment Program and Processes by Which a Person May Be Involuntarily Admitted to a Psychiatric Hospital or Receive Court-ordered Community Treatment      HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MOORE M	OTP-AM	H-707

***Joint Standing Committee on Health and Human Services***

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill changes the process by which a petition to the District Court is made to admit a patient at a designated nonstate mental health institution to a progressive treatment program. Current law provides that the superintendent or chief administrative officer of a psychiatric hospital, including a designated nonstate mental health institution, directly petition the District Court. This bill provides that the superintendent or chief administrative officer of a designated nonstate mental health institution request the Commissioner of Health and Human Services to petition the District Court on the superintendent's or chief administrative officer's behalf.

**Committee Amendment "A" (H-707)**

This amendment replaces the bill with a resolve. It adds an emergency preamble and emergency clause. It directs the Commissioner of Health and Human Services to convene a stakeholder group of interested parties to review the progressive treatment program under the Maine Revised Statutes, Title 34-B, section 3873-A to increase participation of nonstate mental health institutions in that program and to review for efficiency and effectiveness the processes by which a person may be involuntarily admitted to a psychiatric hospital or receive court-ordered community treatment pursuant to Title 34-B, chapter 3, subchapter 4, article 3. The commissioner is directed to submit a report with recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 1, 2020. The committee may report out legislation to the First Regular Session of the 130th Legislature related to the recommendations of the report.

**LD 234      Resolve, To Increase Certain Chiropractic Reimbursement Rates under      CARRIED OVER**  
**the MaineCare Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J LIBBY N	OTP-AM ONTP	H-22

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve requires the Department of Health and Human Services, by January 1, 2020, to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15 to increase reimbursement rates for chiropractic services for manipulative treatments under procedure codes 98940, 98941 and 98942 to no less than 70% of the federal Medicare reimbursement rate for these services as long as the rate is no lower than the rate reimbursed as of January 1, 2019. If the department conducts a rate study of chiropractic services for manipulative treatments, the department may adopt new rates. The rules adopted are routine technical rules.

**Committee Amendment "A" (H-22)**

This amendment, which is the majority report of the committee, amends the appropriations and allocations section of the bill to reflect a more accurate estimate of the cost of the bill.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Health and Human Services*

**LD 284      An Act To Improve Care Provided to Forensic Patients**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BREEN C	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes a residential forensic step-down facility, which provides treatment of forensic patients who no longer require hospital level care but cannot be safely treated in a community setting, in Augusta in the Capitol Area. It authorizes the Commissioner of Health and Human Services to maintain and operate the 21-bed forensic step-down facility. It provides that the facility must be licensed and that the Department of Health and Human Services must adopt rules that apply specifically to the licensure of a forensic step-down facility and that include the admission and discharge standards of the facility, the staffing model, security, patients' access to treatment and patient rights protections. It requires that the department provisionally adopt rules to implement the licensure of the forensic step-down facility no later than January 11, 2020. It creates an advisory committee to participate in and guide the planning process for the facility and to report to the Joint Standing Committee on Health and Human Services. It authorizes the committee to report out a bill based on the advisory committee's report. It requires the department to report to the committee on the progress of creating the facility and developing rules. It provides that the transfer of a forensic patient into the forensic step-down facility must be approved by a court of appropriate jurisdiction. It includes the forensic step-down facility in the Maine Revised Statutes, Title 34-B, chapter 1 as a "state institution."

**LD 315      Resolve, To Promote Healthy Living in Maine**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C POULIOTM	OTP-AM	H-197

This bill was amended to a resolve in the First Regular Session of the 129th Legislature and then carried over on the Special Appropriations Table by joint order, H.P. 1322.

This bill appropriates funds for evidence-based programs to promote healthy living of the State's older adults.

**Committee Amendment "A" (H-197)**

This amendment replaces the bill with a resolve that directs the Department of Health and Human Services to establish a two-year program designed to support and improve the health and well-being of the State's older adults and reduce health care treatment costs by preventing disease, injury and falls. It directs the department to contract for the implementation of this program with one or more community-based organizations that have a demonstrated ability to deliver evidence-based programs to serve older adults statewide, especially in rural, underserved and unserved areas of the State. The amendment describes the criteria that a community-based organization must meet in order to be awarded a contract. It also changes the appropriations and allocations section to indicate that it is one-time funding.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th

*Joint Standing Committee on Health and Human Services*

Legislature by joint order, S.P. 788.

**LD 325      An Act To Provide Emergency Funds for Clients of the Adult Protective Services System      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITTL	OTP-AM ONTP	H-140

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides funding for emergency funds for Adult Protective Services caseworkers to access for needy clients.

**Committee Amendment "A" (H-140)**

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

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 362      Resolve, To Require the Department of Health and Human Services To Submit a State Plan Amendment To Exempt Retirement and Educational Assets from Calculations for Medicaid Eligibility      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S HARNETT T	OTP-AM	S-387

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve requires the Department of Health and Human Services to prepare and submit a state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services in order to make a change in Medicaid eligibility requirements for individuals with disabilities under 65 years of age who have dependent children living in the home by disregarding assets held in qualifying retirement and education accounts.

**Committee Amendment "A" (S-387)**

This amendment adds an appropriations and allocations section.

This resolve was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Health and Human Services*

**LD 373      An Act To Provide MaineCare Coverage for Dental Services to Adults  
with Intellectual Disabilities or Autism Spectrum Disorder, Brain  
Injuries and Other Related Conditions**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D GRATWICK G	OTP-AM	H-353

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill directs the Department of Health and Human Services to extend MaineCare dental services to a person 21 years of age or older who receives support services for adults with intellectual disabilities or autism spectrum disorder. Dental services provided to such a person must be the same as those provided under the MaineCare program to an eligible person under 21 years of age.

**Committee Amendment "A" (H-353)**

This amendment expands the adult dental benefit proposed in the bill to include individuals receiving home-based or community-based services under the brain injury and other related conditions waivers under Medicaid. It requires the Department of Health and Human Services to seek any necessary amendments to the waivers from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. It also reallocates the provisions of the bill to the existing section in the Maine Revised Statutes governing adult dental services under the MaineCare program. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 399      An Act To Align Wages for Direct Care Workers for Persons with  
Intellectual Disabilities or Autism with the Minimum Wage**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN M LIBBY N	ONTP OTP-AM	H-412

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill specifies that the MaineCare reimbursement rate for direct care workers for adults with intellectual disabilities or autism must be at least 125% of the state minimum wage.

**Committee Amendment "A" (H-412)**

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

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Health and Human Services*

**LD 414 An Act To Increase the Number of Intensive Case Managers**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J HERBIG E	OTP-AM	H-196

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill directs the Department of Health and Human Services to create additional intensive case manager positions so that counties that do not have a county jail or regional jail will have an intensive case manager. An intensive case manager oversees persons who are detained by a law enforcement officer and who have intellectual disabilities or mental health conditions or have misused substances and connects them to the services for which they qualify, works with the court system to ensure that they receive due process and speedy trials and assists persons who qualify for the MaineCare program to apply for and receive MaineCare benefits and services while being detained or incarcerated, including during the implementation of diversion and reentry plans.

**Committee Amendment "A" (H-196)**

This amendment replaces the bill. It provides funding for four additional Intensive Case Manager positions in the Department of Health and Human Services.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 428 An Act To Establish Wage and Employment Parity between Adult and Child Protective Services Caseworkers in the Department of Health and Human Services**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITTL	ONTP OTP-AM	H-139 H-549 MADIGAN C

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill requires the Department of Health and Human Services to provide at least one week of training to new employees engaged in adult protective services. It requires the number of supervisory positions in adult protective services and child protective services to be identical. It provides funding for the recruitment and retention of employees in Adult Protective Services Caseworker positions and Adult Protective Services Caseworker Supervisor positions with a \$5 per wage-hour stipend payment.

**Committee Amendment "A" (H-139)**

This amendment, which is the minority report of the committee, amends the bill to require the Department of Health and Human Services to provide at least one week of training to any employee engaged in adult protective services instead of to only new employees. It clarifies that it is the ratio of supervisors to caseworkers, instead of the number of supervisors, that must be identical in adult protective services and child protective services. The amendment also provides that Adult Protective Services Caseworker positions, Adult Protective Services Caseworker Supervisor

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positions, Adult Protective Services Public Service Manager I positions and Adult Protective Services Public Service Manager II positions receive a \$1 per wage-hour stipend for employees holding or obtaining a relevant master's degree. It provides that the \$5 per wage-hour stipend payment and \$1 per wage-hour stipend payment authorized for Adult Protective Services Caseworker positions, Adult Protective Services Caseworker Supervisor positions, Adult Protective Services Public Service Manager I positions and Adult Protective Services Public Service Manager II positions must be considered part of those employees' base pay for purposes of transfers, promotions, cost-of-living adjustments, merit increases and collectively bargained wage increases. The amendment also replaces the appropriations and allocations section.

**House Amendment "A" To Committee Amendment "A" (H-549)**

This amendment removes language requiring the Department of Health and Human Services to provide at least one week of training to new employees and removes language regarding the ratio of supervisors to caseworkers. It provides funding to support the recruitment and retention of certain employees in the Department of Health and Human Services, Office of Aging and Disability Services with a stipend payment of up to \$5 per wage-hour and an additional \$1 per wage-hour stipend payment for employees holding a relevant master's degree.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 474      Resolve, To Establish a Medically Tailored Food Pilot Project      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L PIERCE T	OTP-AM	S-36

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve directs the Department of Health and Human Services to request the United States Department of Agriculture to waive the asset test for determining the eligibility for the federal supplemental nutrition assistance program of any household in which there is an individual who is 60 years of age or older. It also directs the department to develop a pilot project to provide home-delivered meals to individuals who are 60 years of age or older and who are homebound or at risk for readmission to a health care facility. It requires the department to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters at the conclusion of the pilot project. The bill also provides funding to eliminate the waiting list for home-delivered meals to homebound individuals who are over 60 years of age who cannot prepare meals and do not have others available to prepare meals for them.

**Committee Amendment "A" (S-36)**

This amendment removes from the resolve the provisions relating to requesting a waiver from the asset test for the federal supplemental nutrition assistance program and providing additional funds to eliminate the waiting list for home-delivered meals to homebound individuals. The amendment also clarifies that the demonstration waiver for medically tailored foods applies to individuals who are 60 years of age or older, homebound and at risk for readmission to a health care facility. It changes the date for reporting on the two-year pilot project to January 1, 2023 and clarifies that the pilot project goes forward only if the waiver is approved by the Federal Government. The amendment also includes an appropriations and allocations section.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 493      An Act To Provide Lung Cancer Counseling and Screening for  
MaineCare Recipients**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L GATTINE D	OTP-AM	S-223

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill requires that shared decision-making counseling and annual screening for lung cancer for certain recipients be reimbursed under the MaineCare program. The Department of Health and Human Services may adopt routine technical rules to implement this requirement.

**Committee Amendment "A" (S-223)**

This amendment adds an appropriations and allocations section. The amendment also reallocates the statutory language to avoid a numbering conflict with a prior enacted section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 498      Resolve, Regarding Reimbursement of Physical Medicine and  
Rehabilitation Codes under MaineCare**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L BRENNAN M	OTP-AM	S-144

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve sets the reimbursement rates for occupational therapy and physical therapy services under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 68 and 85 at 70% of the federal Medicare reimbursement rate as long as the rate is no lower than the rate in effect on January 1, 2019.

**Committee Amendment "A" (S-144)**

This amendment adds an appropriations and allocations section.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 508      Resolve, To Study the Protection of Youth and Young Adults from      ONTP**  
**Addiction and Premature Death by Restricting Marketing of Tobacco**  
**Products**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHOSKIN MOORE M	ONTP	

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve requires the Office of the Attorney General to research marketing practices by the tobacco industry and regulatory options for the State to employ to curb youth and young adult use of and addiction to tobacco products, including electronic nicotine delivery systems. The Office of the Attorney General is required to report its findings to the Joint Standing Committee on Health and Human Services by February 1, 2020, and the committee is required to submit a bill to the Second Regular Session of the 129th Legislature related to the report.

**LD 511      An Act To Create a Position within the Department of Health and      CARRIED OVER**  
**Human Services To Coordinate Dementia Programs and Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN M SANBORN L	OTP-AM	H-159

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill establishes a position within the Department of Health and Human Services, Office of Aging and Disability Services for coordinating programs and services to Maine's population with Alzheimer's disease and other dementias across departments and branches of State Government. The coordinator is required to implement recommendations developed by the United States Department of Health and Human Services, Centers for Disease Control and Prevention and national organizations such as the Alzheimer's Association and plans developed by the Department of Health and Human Services relating to Alzheimer's disease and other dementias. The department is required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters outlining the activities and progress of the coordinator and the department. The bill includes funding for the coordinator position.

**Committee Amendment "A" (H-159)**

This amendment replaces references to "Alzheimer's disease and other dementias" from the bill and uses the term "dementia" instead. It also clarifies that the coordinator oversees the implementation of any state or federal plans related to dementia and that programs and services are for both individuals with dementia and their families.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 539      Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Nursing Facilities      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREAD MILLETTR	OTP-AM	H-131

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve directs the Department of Health and Human Services to amend its MaineCare rules to provide for increases in the personal needs allowances of residents in nursing facilities and residential care facilities. The rules are designated as routine technical rules.

**Committee Amendment "A" (H-131)**

This amendment increases the personal needs allowance for residents of nursing facilities to \$50 rather than the \$70 required in the resolve. It removes the section of the resolve that increases the personal needs allowance for residents of residential care facilities. The amendment also specifies the rule chapter of the Department of Health and Human Services that is changed, changes the title of the resolve and adds an appropriations and allocations section.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 593      Resolve, To Stabilize the Behavioral Health Workforce and Avert More Expensive Treatments      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C MADIGAN C	OTP-AM ONTP	S-143 S-161 BREEN C

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve provides funding to increase rates by 8% in rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services. The resolve also specifies that the increase in reimbursement rates must be applied to wages and benefits for employees who provide direct care services and not to administrators or managers and that to qualify for the rate increase an agency providing services must demonstrate, to the satisfaction of the Department of Health and Human Services, that an increase in wages and benefits has been granted to employees providing direct care services that equals the amount of the projected increase in reimbursement to be received.

**Committee Amendment "A" (S-143)**

This amendment, which is the majority report of the committee, updates the appropriations and allocations section to reflect a more recent estimate of the cost.

**Senate Amendment "A" To Committee Amendment "A" (S-161)**

This amendment removes the emergency preamble and clause and changes the date by which the Department

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of Health and Human Services must amend its rule.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 633      An Act To Create a Kinship Care Navigator Program within the      CARRIED OVER**  
**Department of Health and Human Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S	OTP-AM	H-195

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill requires the Commissioner of Health and Human Services to appoint one person to administer all issues related to the placement of a child with a relative.

**Committee Amendment "A" (H-195)**

This amendment replaces the bill. It establishes within the Department of Health and Human Services the kinship care navigator program to provide resources and information to persons providing kinship care to children in the State. It requires the Commissioner of Health and Human Services to designate one person to administer the program. It also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 653      Resolve, To Establish the Task Force To Study Opportunities for      ONTP**  
**Improving Home and Community-based Services**

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

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve establishes the Task Force To Study Opportunities for Improving Home and Community-based Services. The task force membership consists of Legislators, representatives of entities knowledgeable about or involved in home and community-based services, one provider of such services, one recipient of such services, the Commissioner of Health and Human Services, the Commissioner of Labor, and one member of the public. The task force's duties include examination and review of the unmet need for home and community-based services, adequacy of the workforce providing home and community-based services, current systems for delivering home and community-based services and reimbursement arrangements in the home and community-based services sector. The task force is required to publish an interim report by October 15, 2019 and then seek input from stakeholders around the State. The task force must report its findings and recommendations, including any necessary implementing legislation, to the Joint Standing Committee on Health and Human Services by December 15, 2019.

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**LD 692      Resolve, To Address Reimbursement Rates for Licensed Clinical Social Workers under MaineCare      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICHL BELLOWS S	OTP-AM	H-407

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve directs the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III to increase reimbursement rates for counseling services provided by licensed clinical social workers to no less than the lowest reimbursement rate for the same counseling services paid by an insurance carrier licensed in this State. The rules are routine technical rules and must be amended no later than January 1, 2020.

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

This amendment specifies that the services provided by independent licensed clinical social workers are provided under Section 65 of rule Chapter 101: Benefits Manual, Chapter III. Rather than increasing rates to the lowest reimbursement rate for the same service paid by an insurance carrier licensed in Maine, the amendment increases rates to 70% of the Medicare rate for the closest equivalent service, since there is no exact equivalent rate under Medicare. The amendment also adds an appropriations and allocations section

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 697      Resolve, Directing the Department of Health and Human Services To Conduct a Review of Rules Governing In-home Personal Care Assistance Services      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S PEOPLES A	ONTP	

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve directs the Department of Health and Human Services to review and update its rules governing the provision of and reimbursement for in-home personal care assistance services to ensure the provision of high-quality care and to provide protections to vulnerable people who receive personal care assistance services.

**LD 706      An Act To Reduce the Incidence of Obesity and Chronic Disease in the State      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBYN	OTP-AM	S-33

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This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides for reimbursement under the MaineCare program for medical nutritional therapy and prescription drug therapy.

**Committee Amendment "A" (S-33)**

This amendment amends the bill by changing the term "medical nutritional therapy" to "medical nutrition therapy" to accurately reflect common usage of the term. It adds physician assistants to the group of medical providers authorized to provide medical nutrition therapy that is reimbursable under MaineCare. It clarifies that medical nutrition therapy is reimbursable by MaineCare in any setting in which the authorized medical provider practices. It also removes the provisions of the bill that provide for the reimbursement under the MaineCare program for certain prescription drugs to treat obesity.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 745      An Act To Support the Northern New England Poison Center      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E CLAXTON N	OTP-AM	H-67

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill appropriates funds to the Northern New England Poison Center to ensure continued access to 24-hour expert medical treatment advice and information on potentially harmful substances.

**Committee Amendment "A" (H-67)**

This amendment incorporates a fiscal note.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 763      An Act To Ensure the Availability of Community Integration Services      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M	OTP-AM ONTP	H-252 S-162    GRATWICK G

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides funding to increase reimbursement rates in the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 17 for community integration services to \$24.25 per quarter-hour.

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

This amendment, which is the majority report of the committee, replaces the appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-162)**

This amendment removes the emergency preamble and emergency clause, changes the date by which the reimbursement rate increase must start to October 1, 2019 and reduces the appropriation for fiscal year 2019-20 due to the delayed start.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 775      Resolve, To Authorize the Department of Health and Human Services To      RESOLVE 117  
Amend Its Rules for Eligibility for Community Support Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L MOORE M	OTP-AM ONTP	H-403 H-699 GRAMLICH L

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. During the Second Regular Session the resolve was recalled from the Governor's desk and, as described in this summary, was acted upon without reference to committee.

This bill directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services to include access to services to persons who have a diagnosis of bipolar disorder, major depressive disorder, panic disorder or post-traumatic stress disorder.

**Committee Amendment "A" (H-403)**

This amendment, which is the majority report of the committee, strikes and replaces the bill with a resolve. It directs the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services concerning eligibility criteria for services under that section. It requires the department to report to the Joint Standing Committee on Health and Human Services by January 15, 2020 on the rulemaking process, proposed and provisionally adopted rules and justification for the adoption of the proposed rules. It authorizes the committee to report out legislation regarding the subject matter of the rules.

**House Amendment "A" To Committee Amendment "A" (H-699)**

This amendment removes the mandate that the Department of Health and Human Services amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services, instead authorizing the department to amend the rule. This amendment also requires the department to report, by January 15, 2021, to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the following:

1. Whether the department amended the rule and, if so, the justification for the changes;
2. Data regarding eligibility criteria and the number of applicants for community support services under the rule, including the number initially accepted and rejected and, of those rejected, how many appealed and were accepted after appeal; and

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3. Whether the department is meeting the intended purpose of the rule and its plan for communicating to providers how the department plans to ensure the provision of community support services pursuant to the rule.

The joint standing committee is authorized to report out legislation based on the department's report to the First Regular Session of the 130th Legislature.

### **Enacted Law Summary**

Resolve 2019, chapter 117 authorizes the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services to include access to services to persons who have a diagnosis of bipolar disorder, major depressive disorder, panic disorder or post-traumatic stress disorder. It also requires the department to report, by January 15, 2021, to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the following:

1. Whether the department amended the rule and, if so, the justification for the changes;
2. Data regarding eligibility criteria and the number of applicants for community support services under the rule, including the number initially accepted and rejected and, of those rejected, how many appealed and were accepted after appeal; and
3. Whether the department is meeting the intended purpose of the rule and its plan for communicating to providers how the department plans to ensure the provision of community support services pursuant to the rule.

The joint standing committee is authorized to report out legislation based on the department's report to the First Regular Session of the 130th Legislature.

### **LD 803      An Act To Create 4 Regional Mental Health Receiving Centers**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes four crisis intervention centers regionally throughout the State that will be operated and maintained by the Department of Health and Human Services. It requires the crisis intervention centers to provide treatment 24 hours a day, seven days a week and to provide sufficient staffing. It provides that the Department of Health and Human Services must adopt rules that include the certification of the crisis intervention centers; the location of the crisis intervention centers to ensure regional accessibility throughout the State; admission and discharge standards; requirements for notice of a person's admission; availability of and patients' access to treatment; the staffing model, with specific descriptions of staffing levels, roles and responsibilities; and patient rights protections; and that, to the extent possible, the rules must be consistent with the Maine Revised Statutes, Title 5, chapter 511; Title 34-B, chapter 1, subchapter 8; and Title 34-B, chapter 3, subchapter 4.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 836 An Act To Expand Maine's School-based Health Centers**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J BELLOWS S	OTP-AM ONTP	H-158

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides ongoing funding to the school-based health centers within the Fund for a Healthy Maine program within the Department of Health and Human Services to add an additional 15 school-based health center sites.

**Committee Amendment "A" (H-158)**

This amendment, which is the majority report of the committee, removes the reference to 15 new school-based health centers from the bill but retains the funding amount. The Department of Health and Human Services distributes the funding through a request for proposals process for the number of sites the funding will support.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 880 An Act To Respond to Federal Changes to Social Programs**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	OTP-AM	H-470

This bill was amended to a resolve and carried over to the Second Regular Session on the Special Appropriations Table by joint order, H.P. 1322.

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

This bill proposes to provide methods of allowing the State to respond more quickly to changes in federal law affecting social programs used by citizens of Maine.

**Committee Amendment "A" (H-470)**

This amendment replaces the bill, which is a concept draft. It requires the Department of Health and Human Services to study the impact of increases in the minimum wage and any statutory requirements for earned paid leave on the reimbursement rates for all services reimbursed under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III. The department is required to develop an assessment of future shortfalls and develop a plan to ensure that reimbursement rates remain sufficient to cover any future increases. The department may consult or contract with any experts or stakeholders that the department determines appropriate. The department shall report its findings, recommendations and suggested legislation to the Joint Standing Committee on Health and Human Services no later than March 1, 2020.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 915 An Act To Provide Adequate Reimbursement under MaineCare for Ambulance and Neonatal Transport Services**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T DILLINGHAM K	OTP-AM	S-104

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill specifies that beginning September 1, 2019 the reimbursement rate for ambulance services under the MaineCare program may not be less than the average allowable reimbursement rate under Medicare and reimbursement for neonatal transport services under MaineCare must be at the average rate for critical care transport services under Medicare.

**Committee Amendment "A" (S-104)**

This amendment adds an appropriations and allocations section to provide funding to increase the reimbursement rate for ambulance services.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 931 An Act To Reduce Obesity by Reimbursing for Prescription Drug Therapy Provided by a Member of a Weight Management Team**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	OTP-AM ONTP	H-138

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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

This bill proposes to amend the laws governing the Department of Health and Human Services.

**Committee Amendment "A" (H-138)**

This amendment, which is the majority report of the committee, strikes the bill, which is a concept draft, to provide for reimbursement under the MaineCare program for prescription drug therapy services to treat obesity. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 935      An Act To Increase the Viability of Assisted Living Facilities by  
Increasing the Rate of Reimbursement**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A CLAXTONN	OTP-AM	H-198

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

Under current law, the MaineCare payment rates attributable to wages and salaries for personal care and related services for adult family care services, adult day services and homemaker services must be increased by a cost-of-living adjustment until the Department of Health and Human Services has completed a rate study conducted by a third party, including participation of providers, for adult family care services, adult day services or homemaker services and the rates in the rate study have been implemented. This bill requires that the rates determined by the department pursuant to the rate study also must be increased by a cost-of-living adjustment.

**Committee Amendment "A" (H-198)**

This amendment adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 972      Resolve, To Increase Access to Brain Injury Waiver Services**

**CARRIED OVER**

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

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve directs the Department of Health and Human Services to increase the rates for services provided to MaineCare members receiving Home Support (Residential Habilitation) Level I under the brain injury waiver, rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 18, to no less than \$8.63 per quarter hour. It also allows up to 400 units of care coordination each year rather than only in the first year of receiving services under the waiver. The Department of Health and Human Services is directed to explore opportunities to provide additional telehealth services, including care coordination services, provided by both licensed medical personnel and nonlicensed personnel.

**Committee Amendment "A" (H-245)**

This amendment clarifies that the Department of Health and Human Services must seek approval from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the brain injury waiver to increase rates for Home Support (Residential Habilitation) Level I to no less than \$8.63 per quarter hour. It also requires the department to include any findings from exploring telehealth opportunities for brain injury services to be submitted to the joint standing committee of the Legislature having jurisdiction over health and human services matters as part of the annual telehealth report. The amendment also adds an appropriations and allocations section.

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This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1012     An Act To Provide Stable Funding and Support for Child Care Providers**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETTR	OTP-AM	S-211
GATTINE D	OTP-AM	

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill amends the child care services provisions in the following ways:

1. It establishes graduated quality differential rates for steps 2 to 4 in the 4-step child care quality rating system currently required by law;
2. It requires that contracts with providers of child care services prioritize infants, toddlers and preschool children up to four years of age in a variety of ways; and
3. It directs the Department of Health and Human Services to develop a shared services program for providers of child care services to realize efficiencies and achieve financial sustainability by sharing administrative and program services and costs.

**Committee Amendment "A" (S-211)**

This amendment, which is the majority report, lowers the increases to graduated quality differential rates for child care services for children other than infants from the bill. It also clarifies that the Department of Health and Human Services may use state funds to pay a quality differential rate for high-quality child care services if it chooses to do so. It allows the Department of Health and Human Services to use up to 25% of the State's federal child care and development block grant funding for contracts for high-quality child care to underserved children and areas of the State rather than requiring use of funding for contracts. The department is required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the number of contracts, the percentage of block grant funding used for the contracts and the number of children served. It allows, rather than requires as in the bill, the department to develop a shared services program.

**Committee Amendment "B" (S-212)**

This amendment, which is the minority report, removes the sections of the bill that require increased reimbursement levels for graduated quality differential rates for child care. It allows the Department of Health and Human Services to use up to 25% of the State's federal child care and development block grant funding for contracts for high-quality child care to underserved children and areas of the State rather than requiring the use of contracts. The department is required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the number of contracts, the percentage of block grant funding used for the contracts and the number of children served. It allows, rather than requires as in the bill, the department to develop a shared services program. This amendment was not adopted.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Health and Human Services*

**LD 1039      Resolve, To Establish and Fund Interventions for At-risk Families and Children**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C MOORE M	OTP-AM	H-250

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve requires the Department of Health and Human Services to provide grants to behavioral health providers to fund costs to attract, retain and train new professional employees to provide treatment services known as "functional family therapy - child welfare" and "multisystemic therapy for child abuse and neglect" to children and families involved in the child protective services. The department is required to develop a rate of reimbursement for these services under MaineCare and amend its rules in rule Chapter 101: MaineCare Benefits Manual, Sections 28 and 65 accordingly. The department is required to seek federal funding including under the Family First Prevention Services Act of 2017 for the grants. If federal funding is not available, the department is required to provide grants using general funds.

**Committee Amendment "A" (H-250)**

The amendment adds an appropriations and allocations section.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1052      An Act To Require Regular and Transparent Review of MaineCare Reimbursement Rates**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H FARNSWORTH D	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes a regular review process for MaineCare reimbursement rates. The Department of Health and Human Services shall review all rates over a three-year period except those that are already subject to regular review, based on cost, reimbursed at a capitated rate, or tied to Medicare or some other rates. The three-year schedule and the reviews are required to be submitted to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs. The results of reviews are also submitted to the Governor for consideration for inclusion in the biennial budget. The bill also establishes the MaineCare Reimbursement Rates Review Advisory Committee made up of stakeholders appointed by the Presiding Officers and the minority leaders in the Legislature to provide advice and input to the department on rate reviews. The advisory committee also submits an annual review of its activities to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs. The advisory committee is staffed by the Department of Health and Human Services.

***Joint Standing Committee on Health and Human Services***

**LD 1106    An Act To Improve the Health and Economic Security of Older Residents**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M VITELLI E	OTP-AM ONTP	H-355

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill removes the asset test for the Medicare savings program and the elderly low-cost drug program. It also increases the income eligibility levels for the Medicare savings program and the elderly low-cost drug program to the levels in effect prior to Public Law 2011, chapter 657. The Department of Health and Human Services is required to submit any necessary state plan amendments for approval for the increases in income eligibility.

**Committee Amendment "A" (H-355)**

This amendment, which is the majority report of the committee, removes the provisions in the bill relating to income eligibility levels for the Medicare savings program and the elderly low-cost drug program. It also removes the asset test for the Medicare savings program and requires the Department of Health and Human Services to submit any necessary Medicaid state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. The amendment adds an appropriations and allocations section.

Public Law 2019, chapter 343 (the biennial budget) changed the income eligibility levels for the Medicare savings program and the elderly low-cost drug program.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1126    Resolve, To Classify Employee Health Insurance as a Fixed Cost for MaineCare Reimbursement in Nursing Homes**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J MORRIS J	OTP-AM	S-87

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve requires the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities no later than January 1, 2020 to move health insurance costs for personnel from direct care and routine cost components to fixed costs components. This was a majority recommendation of the Commission To Study Long-term Care Facilities, which reported in December 2013.

**Committee Amendment "A" (S-87)**

This amendment adds an appropriations and allocations section.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th



*Joint Standing Committee on Health and Human Services*

**LD 1142      Resolve, To Expand Transportation Services for Seniors Who Are  
MaineCare Members**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAXMIN C DOW D		

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This emergency resolve requires the Department of Health and Human Services to submit an amendment request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to the 1915(c) waiver that provides services to the elderly under the department's rule Chapter 101: MaineCare Benefits Manual, Section 19 to allow for coverage of transportation services required to access services specified in the individual's service plan that are nonmedical in nature. The waiver request must be submitted no later than October 1, 2019. Upon approval, the department shall amend its rules to cover the new service. The department shall submit a progress report to the Joint Standing Committee on Health and Human Services regarding the waiver request and rulemaking. The resolve also requires the Department of Health and Human Services to convene a stakeholder group to develop a plan to provide nonmedical transportation services to travel to destinations to meet basic needs to persons who are 61 years of age or older with no other means of transportation and who are MaineCare members or receive state-funded services under the department's rule Chapter 5: Office of Elder Services Policy Manual, Section 63. The plan must be submitted to the Joint Standing Committee on Health and Human Services no later than January 30, 2020.

This resolve, which had been voted by the committee (OTPA/OTPA) but not yet reported out, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1146      An Act To Ensure the Provision of Housing Navigation Services to Older  
Adults and Persons with Disabilities**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J BELLOWS S	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates within the Department of Health and Human Services a housing navigator who:

1. Assists disabled and elderly persons in locating housing, transitioning between housing settings and accessing home repair and home modification services and materials;
2. Maintains and makes publicly available housing assistance information and resources; and
3. Identifies gaps in housing assistance needs of elderly persons and persons with disabilities and periodically submits a report on the gaps to the director of the Department of Health and Human Services' office of aging and disability services for inclusion in the state plan on aging.

*Joint Standing Committee on Health and Human Services*

**LD 1171 An Act To Prevent Sexual and Domestic Violence and To Support Survivors**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E DUNPHYM	OTP-AM	S-86

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides funding for sexual assault and domestic violence prevention and victim services.

**Committee Amendment "A" (S-86)**

This amendment incorporates a fiscal note.

Public Law 2019, chapter 343 (the biennial budget) included funding for sexual assault and domestic violence prevention and victim services at the same level as this bill but only for two years.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1178 An Act To Address the Needs of Children with Intellectual Disabilities and Autism Spectrum Disorder**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STOVER H	OTP-AM	H-410

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill requires the Department of Health and Human Services to apply for a home and community-based waiver from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to provide services to children up to 21 years of age with intellectual disabilities or autism spectrum disorder. Services must be provided according to a care plan process that requires participation by the child's family. The care plan must address safety as the highest priority. The care plan must address the child's developmental, mental health, emotional, social, educational and physical needs in the least restrictive environment. Services must be clinically appropriate, be provided in a location as close to the child's home as possible, be provided in a timely manner and promote early identification and intervention. The department is directed to apply for the waiver no later than January 1, 2020. Upon approval of the waiver, the department is directed to adopt rules within six months. The rules are major substantive rules.

**Committee Amendment "A" (H-410)**

This amendment removes the requirement for the Department of Health and Human Services to request a waiver pursuant to Section 1915(c) of the United States Social Security Act for services to children with intellectual disabilities or autism spectrum disorder and allows the department to apply for any waiver or state plan amendment that would accomplish this purpose. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th

*Joint Standing Committee on Health and Human Services*

Legislature by joint order, S.P. 788.

**LD 1180      *Resolve, To Establish the Task Force To Better Coordinate the Protection of Vulnerable Populations*      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S GRATWICK G	ONTP	

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve establishes the Task Force To Better Coordinate the Protection of Vulnerable Populations to identify areas of improvement in the coordination of information and processes of the entities that investigate allegations of abuse and neglect. The task force must report its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services by December 4, 2019.

**LD 1295      *An Act To Determine the Need To Increase the Number of Forensic Emergency and Crisis Beds*      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R DOW D	REFERRED ONTP	

This bill was carried over in the Criminal Justice and Public Safety Committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. During the Second Regular Session a majority of the Criminal Justice and Public Safety Committee voted to re-refer the bill to the Health and Human Services Committee; a minority of the committee voted Ought Not to Pass. It was re-referred to the Health and Human Services Committee in the Second Regular Session.

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

This bill proposes to direct the Department of Health and Human Services and the Department of Corrections to determine the current need for forensic emergency and crisis beds to ensure the prompt and humane treatment of arrested individuals who are suffering from mental illness and awaiting trial. In making this determination, the departments shall consider:

1. The number of currently available forensic emergency and crisis beds;
2. The number of individuals currently awaiting placement pretrial;
3. The annual average number of individuals needing forensic services pretrial;
4. Proposals to address unmet needs and associated costs; and
5. Other factors that would lessen wait times for placements and provide needed mental health services to individuals pretrial.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Health and Human Services*

**LD 1350     An Act To Improve Rural Health Care**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T PERRY A	OTP-AM	S-259

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides that, for taxable years beginning on or after January 1, 2019, student loan payments made by a taxpayer's employer directly to a lender on behalf of a qualified health care employee are not included in federal adjusted gross income for Maine income tax purposes. The bill also directs the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II and Chapter III regarding reimbursement to rural and nonrural hospitals, acute care critical access hospitals and rural health clinics.

**Committee Amendment "A" (S-259)**

This amendment makes the following changes to the bill.

1. It changes the reimbursement for acute care critical access hospitals to 100% for all hospital-based physician costs rather than facility and physician costs.
2. It clarifies that rural health clinics are paid under an alternative payment methodology option that is the same as the current system except for rebasing costs to 2016 and 2017 costs as long as the rural health clinics are not paid less than the current reimbursement rate.
3. It requires the Department of Health and Human Services to submit any necessary state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services no later than January 1, 2020. Rulemaking must be completed by the department within 180 days of receiving federal approval.
4. It adds language to clarify that taxpayers cannot claim a double benefit for educational opportunity tax credits.
5. It adds an appropriations and allocations section.

The substance of this bill was incorporated into Public Law 2019, chapter 530 (LD 1028 in TAX).

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1373     Resolve, To Reduce MaineCare Spending through Targeted Nutrition Interventions**

**ONTP**

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

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This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve directs the Department of Health and Human Services to file an application with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for a demonstration waiver to allow for reimbursement of medically tailored food and nutrition interventions when a health care provider determines that certain elements of nutrition or foods based upon a nutrition plan developed by a licensed dietitian are necessary for a patient's health. This resolve also directs the Department of Health and Human Services to file the application by October 1, 2019 with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to request that home-delivered meals be reimbursable under MaineCare as directed by Resolve 2015, chapter 54.

**LD 1377      An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish the Aging and Disability Mortality Review Panel      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C	OTP-AM	H-604

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill establishes the Panel To Review Deaths of and Serious Injuries to Persons with Intellectual Disabilities or Autism. The panel consists of 14 members, including a panel coordinator who is an employee of the Department of Health and Human Services, Maine Center for Disease Control and Prevention and is a registered nurse. The panel coordinator must review all cases of death of and serious injury to persons with intellectual disabilities or autism receiving adult developmental services and determine those that require further review by the panel. Other individuals may refer cases to the panel, and the panel may choose additional cases from the list of cases provided by the panel coordinator. The panel has access to records necessary for the review. The panel must provide reports to the Commissioner of Health and Human Services and the Maine Developmental Services Oversight and Advisory Board with findings and recommendations. The panel is required to provide reports to the Legislature on an annual basis and may provide trend analyses to the Legislature as necessary. Legislative reports are public documents.

The bill also makes changes to the laws governing the Maine Developmental Services Oversight and Advisory Board. It requires disclosure of final reports of investigations pursuant to the Adult Protective Services Act to the board and to the guardian of the person receiving adult developmental services who is the subject of the investigation. It provides the executive director with direct access to client records maintained by the Department of Health and Human Services and to medical examiner reports and records of department investigations into suspicious deaths of persons with intellectual disabilities or autism. It shifts administration of the board's budget to the Department of Administrative and Financial Services. It clarifies the appointment process for members of the board.

### **Committee Amendment "A" (H-604)**

This amendment replaces the bill. It establishes the Aging and Disability Mortality Review Panel to review deaths of and serious injuries to all adults receiving home-based and community-based services under a waiver approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services rather than a panel to review only deaths of or injuries to adults with intellectual disabilities or autism. It removes most of the changes to the Maine Developmental Services Oversight and Advisory Board in the bill. It keeps the provisions related to moving the budget of the board from the Department of Health and Human Services to the Department of

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Administrative and Financial Services and related to the disclosure of adult protective investigations of individuals with intellectual disabilities or autism to the board. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1399    An Act To Improve Oral Health and Access to Dental Care for Maine Children**

**PUBLIC 546**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L MOORE M	OTP-AM	H-249 S-343    BREEN C

This bill was passed to be enacted by the Legislature and held by the Governor at the end of the First Regular Session. It became law without signature at the beginning of the Second Regular Session.

This bill establishes within the Department of Health and Human Services one Oral Health Coordinator position in the oral health program within the Maine Center for Disease Control and Prevention, rural health and primary care division to lead the State's work on oral health; one Planning and Research Associate II position in the rural health and primary care division within the Maine Center for Disease Control and Prevention tasked with data analysis, performance management reporting and program planning and evaluation; and one Early Periodic Screening Diagnosis and Treatment Dental Coordinator position in the Office of MaineCare Services. The bill also provides funding to expand preventive oral health services provided in schools through the oral health program within the Maine Center for Disease Control and Prevention, rural health and primary care division to all schools in the State and a half-time Office Assistant II position to provide logistical and administrative support for that expansion.

#### **Committee Amendment "A" (H-249)**

This amendment makes the following changes to the bill.

1. It replaces the appropriations and allocations section to remove the funding to expand preventive oral health services provided in schools.
2. It removes the descriptions of the responsibilities of two positions created in the bill to provide the Department of Health and Human Services flexibility.
3. It removes the interim report on the oral health program.
4. It requires a report on the status of the oral health program rather than on the expansion of the program since the funding to expand the program has been removed.

#### **Senate Amendment "A" To Committee Amendment "A" (S-343)**

This amendment requires the Department of Health and Human Services, when completing the report on oral health care services provided in schools, to include methods for utilization and maximization of Medicaid funding for oral health staff positions and school-based services. This amendment also changes the date for submission of the report to February 15, 2020 and removes the funding for new positions in the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

#### **Enacted Law Summary**

Public Law 2019, chapter 546 requires the Department of Health and Human Services to report on the status of the

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preventive oral health services provided in schools through the Department of Health and Human Services, Maine Center for Disease Control and Prevention, rural health and primary care division's oral health program, including the number of schools and children served and the results of those services, which populations and geographic areas are not being covered by the services provided by the program and whether additional funding is needed. The department shall submit a report, no later than February 15, 2020, to the joint standing committee of the Legislature having jurisdiction over oral health matters. It also establishes the Early Periodic Screening Diagnosis and Treatment Dental Coordinator in the Office of MaineCare Services.

**LD 1403     An Act To Amend the General Assistance Laws Governing Reimbursement**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CHIPMAN B	OTP-AM ONTP	H-514

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill establishes presumptive eligibility for general assistance for persons who are provided shelter at emergency shelters for the homeless. It also reestablishes the 90% reimbursement rate for municipalities that incur net general assistance costs in any fiscal year in excess of .0003 of that municipality's most recent state valuation, which was amended in Public Law 2015, chapter 267, Part SSSS. It retains the 70% reimbursement rate for other municipalities and Indian tribes for costs below the .0003% of all state valuation amount.

**Committee Amendment "A" (H-514)**

This amendment, which is the majority report of the committee, removes the section of the bill relating to presumptive eligibility. It also grants 100% reimbursement for general assistance costs to Indian tribes. It clarifies that the municipality's most recent state valuation rather than the all state valuation is used for calculating when a municipality begins to be reimbursed 90% for general assistance costs and that the reimbursement is for gross costs rather than net costs. It establishes that the new departmental reimbursement to municipalities begins July 1, 2020.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1404     Resolve, To Provide Support Services and Funds To Prevent Homelessness**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CHIPMAN B	OTP-AM ONTP	H-368

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve requires the Department of Health and Human Services to apply to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for a waiver from the requirements of federal law and regulations to allow Maine to provide Medicaid-funded direct support services to individuals experiencing homelessness. In addition, the bill provides ongoing funds to the Housing First Assistance Program established within the Maine State Housing Authority to be distributed to community action agencies to assist individuals on the verge of becoming homeless.



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This bill:

1. Defines "behavioral health needs" to mean a wide range of mental health disorders and illnesses, substance use disorder, developmental disabilities and autism spectrum disorder;
2. Directs the Department of Health and Human Services to take measures to address the issue of extended stays in hospital emergency departments by minors with behavioral health needs by:
  - A. Maintaining a daily updated online statewide list of available mental health facility or program and community service provider placements for referral purposes by hospital emergency departments;
  - B. Maintaining a quarterly updated online resource list of mental health programs or facilities and community service providers that treat behavioral health needs; and
  - C. Collecting monthly data on and study the issue of extended stays of minors with behavioral health needs in hospital emergency departments and annually submitting a report with a summary of the study along with any recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters;
3. Directs the department to study the data and analysis on extended stays in hospital emergency departments by minors with behavioral health needs and submit an annual report to the Legislature that identifies:
  - A. Reasons for the extended stays;
  - B. Specific behavioral health needs treatment programs and the waiting list for admission to each program; and
  - C. Funding mechanisms to provide short-term transitional assistance to minors with behavioral health needs discharged from a hospital emergency department to residential placements, partial hospitalizations or home-based programs; and
4. Directs the department to study the feasibility of adding a child behavioral needs advocate within the department to coordinate the department's activities with those of various agencies and programs that provide behavioral health needs services to minors and to submit a report to the Legislature by January 1, 2020.

This bill, which had been voted but had not yet been reported out by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1429      An Act To Fund Opioid Use Disorder Prevention and Treatment**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes the Opioid Use Disorder Prevention and Treatment Fund administered by the Department of Health and Human Services for the purpose of supporting opioid use disorder analysis, prevention and treatment. The fund is funded by a 2¢ fee per morphine milligram equivalent assessed against prescription opioid drug

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manufacturers for prescription opioid drugs distributed in the State as well as appropriations, allocations and contributions from private and public sources.

**LD 1461 An Act To Support Early Intervention and Treatment of Mental Health Disorders**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C WARREN C	OTP-AM	S-244 S-300 BREEN C

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill requires the Department of Health and Human Services to establish a funding mechanism and reimbursement rate for the treatment of individuals showing early signs of a psychotic disorder using a coordinated specialty care model. Services must be evidence-based and treat both the individual and the family. The Department of Health and Human Services is directed to establish a funding mechanism to reimburse for the treatment of individuals in cooperation with the Department of Education and the Department of Labor. The Department of Health and Human Services is directed to apply to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for any necessary waivers and state plan amendments and to seek federal funding under the community mental health services block grant.

**Committee Amendment "A" (S-244)**

This amendment clarifies that the department must establish a bundled rate for coordinated specialty care. It also provides that the department may review, develop or apply for any source of funds that may be available to implement reimbursement for the coordinated specialty care model. The amendment also adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-300)**

This amendment amends the committee amendment. This amendment retains the emergency preamble and emergency clause and, as in the committee amendment and the bill, requires the Department of Health and Human Services to establish a reimbursement rate for a coordinated specialty care model to treat individuals showing early signs of psychotic disorder. Services must be evidence-based and treat both the individual and the family. Under this amendment, the Department of Health and Human Services is directed, in cooperation with the Department of Education and the Department of Labor and no later than July 1, 2020, to establish a bundled rate to reimburse for services provided under the coordinated specialty care model that are not otherwise covered under the MaineCare program. This amendment moves the statutory requirements for the reimbursement to the Maine Revised Statutes, Title 22. This amendment retains the requirement that the Department of Health and Human Services apply to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for any necessary waivers and state plan amendments and to seek federal funding under the community mental health services block grant but changes cross-references and requires that necessary applications be submitted no later than 90 days after the effective date of this legislation. The amendment also changes the appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1539 An Act To Provide Maine Children Access to Affordable Health Care**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARNEY A MILLETTR	OTP-AM OTP-AM	H-578

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill makes the following changes to the Cub Care program.

1. It changes the maximum eligibility level for family income from 200% of the federal poverty level to 325% of the federal poverty level.
2. It removes the three-month waiting period for enrollment in the Cub Care program following the loss of health insurance or coverage under an employer-based plan.
3. It establishes that eligibility is not subject to an asset test.
4. It provides coverage to persons 19 and 20 years of age and to noncitizens under 21 years of age. The Department of Health and Human Services is required to use state funds to fund the program but may apply for waivers or state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to receive federal matching funds.
5. It repeals the provisions regarding premium payments for the Cub Care program.
6. It requires the department to contract for outreach activities rather than providing them directly. The department must have a contract or contracts in place no later than January 1, 2020. The department is also required to seek federal grant funds for additional outreach activities under the federal Helping Ensure Access for Little Ones, Toddlers, and Hopeful Youth by Keeping Insurance Delivery Stable Act, Public Law 115-120 and the federal Advancing Chronic Care, Extenders and Social Services (ACCESS) Act, Public Law 115-123.
7. It requires the department to submit a state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the use of the express lane eligibility option no later than January 1, 2020 and to implement it no later than six months after receiving approval.

**Committee Amendment "A" (H-578)**

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. It changes the maximum eligibility level for family income from 325% of the federal poverty level to 300% of the federal poverty level.
2. It directs the Department of Health and Human Services to submit any waivers or state plan amendments to accomplish the eligibility criteria established in this legislation, including but not limited to removing the three-month waiting period for enrollment in the Cub Care program following the loss of health insurance or coverage under an employer-based plan.
3. It removes the provision that eligibility is not subject to an asset test because current rules do not make eligibility subject to an asset test.

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4. It removes the requirement to provide coverage to persons 19 and 20 years of age and to noncitizens under 21 years of age.
5. It removes the requirement that the department contract for outreach activities and removes the reference to specific federal grant funds the department must seek for additional outreach activities.
6. It removes the requirement for the department to submit a state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the use of the express lane eligibility option.
7. It makes the repeal of the waiting period and premium payment requirements under the Cub Care program contingent on the approval of a waiver of those requirements by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.
8. It also adds an appropriations and allocations section.

### **Committee Amendment "B" (H-579)**

This amendment, which is the minority report of the committee, makes the following changes to the bill.

1. It keeps the maximum eligibility level for family income at 200% of the federal poverty level, which is the amount established in current law.
2. It directs the Department of Health and Human Services to submit any waivers or state plan amendments to accomplish the eligibility criteria established in this legislation, including but not limited to removing the three-month waiting period for enrollment in the Cub Care program following the loss of health insurance or coverage under an employer-based plan.
3. It removes the provision that eligibility is not subject to an asset test because current rules do not make eligibility subject to an asset test.
4. It removes the requirement to provide coverage to persons 19 and 20 years of age and to noncitizens under 21 years of age.
5. It removes the requirement that the department contract for outreach activities and removes the reference to specific federal grant funds the department must seek for additional outreach activities.
6. It removes the requirement for the department to submit a state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the use of the express lane eligibility option.
7. It makes the repeal of the waiting period and premium payment requirements under the Cub Care program contingent on the approval of a waiver of those requirements by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.
8. It also adds an appropriations and allocations section.

This amendment was not adopted.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1577     An Act To Assist Nursing Homes in the Management of Facility Beds**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRYA	OTP-AM	H-350

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order H.P. 1322.

This bill restores the ability of nursing facilities to voluntarily reduce the number of their licensed beds and then later increase the number of their licensed beds to the prior level after obtaining a certificate of need and meeting certain conditions. It modifies the process to obtain certificate of need approval to reopen reserved beds. Applications that seek to reopen reserved beds must be approved if the projected incremental costs of reopening and operating the reopened beds are consistent with the facility's costs of operating its other beds. Applicants are not required to demonstrate that any increases in MaineCare costs are offset by other MaineCare savings. The costs of ongoing operation of both the restored beds and the complement of facility beds at the time the reserved beds are reopened must be recognized as allowable costs and incorporated into the facility's MaineCare payment rates.

The bill requires the Department of Health and Human Services to include in its calculation of reimbursement for services provided by a nursing facility the cost incurred by the facility for a medical director.

The bill requires the cost incurred by a nursing facility for the acquisition, use and maintenance of computer or cloud-based software systems to be included as a fixed cost.

The bill requires the Department of Health and Human Services to amend its rules governing adult family care services to provide reimbursement for up to 30 bed hold days per calendar year when a resident is absent from a facility.

The bill requires the Department of Health and Human Services to amend its rules governing principles of reimbursement for nursing facilities to include the cost of health insurance for employees attributable to MaineCare residents as a fixed cost. It also requires the department to amend these rules to include reimbursement for 50% of a nursing facility's charges for a maximum of six months for a newly admitted resident who is determined to be financially ineligible for MaineCare after the resident is admitted to the nursing facility and the charges remain unpaid after reasonable efforts are made by the nursing facility to collect the debt based on these charges.

**Committee Amendment "A" (H-350)**

This amendment removes from the bill the sections related to bed hold days, health insurance and bad debt and adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order S.P. 788.

**LD 1630     Resolve, To Ensure Access to Opiate Addiction Treatment**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S WOODSOME D	ONTP	

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This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve directs the Department of Health and Human Services to set the weekly MaineCare reimbursement rate paid to outpatient opioid treatment providers at \$110 per week, or at a higher rate if the department determines a higher rate is justified.

The substance of this resolve was incorporated in Public Law 2019, chapter 343 (the biennial budget).

**LD 1655     An Act To Improve and Modernize Home-based Care**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MEYER M MOORE M	OTP-AM	H-524

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill:

1. Establishes the Social Determinants of Health Stakeholder Advisory Group to collaborate with providers of home health care services and other services relating to the social determinants of health and make recommendations to the Department of Health and Human Services;
2. Provides for reimbursement for telehealth or telemonitoring private duty nursing, home health services and personal care services for an adult MaineCare member with a physical disability or an adult who is elderly who is receiving MaineCare services under a waiver granted by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services for home-based and community-based services or state-funded home-based and community-based support services. The services must include:
  - A. Services that support a member's ability to remain in the member's home, including, but not limited to, telehealth and telemonitoring services that support a member's safety, mobility or medication compliance, or that support virtual home visits and clinical consultation; and
  - B. Services of a pharmacist to provide medication evaluation or consultation to a member;
3. Expands the duties of the Maine Telehealth and Telemonitoring Advisory Group to include making recommendations about home technology to the Department of Health and Human Services;
4. Directs the Department of Health and Human Services, beginning in 2020 and at least every two years thereafter and whenever legislation is enacted that affects the costs of providing private duty nursing, home health services and personal care services, to review the rates for providers of services under a waiver granted by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services for home-based and community-based services or state-funded home-based and community-based support services;
5. Directs the Department of Health and Human Services to amend its rules for services provided under rule Chapter 101: MaineCare Benefits Manual, Chapter II, Sections 19, 40 and 96 and rule Chapter 5, Office of Elder Services Policy Manual, Section 63 so that:
  - A. A certified nurse practitioner licensed under the Maine Revised Statutes, Title 32, chapter 31 and a

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physician assistant licensed under Title 32, chapter 36 or 48 may authorize or amend a plan of care; and

B. Reimbursement is provided for activities performed outside of the home by a registered nurse licensed under Title 32, chapter 31 that are directly related to a member's care and are part of the member's plan of care;

6. Directs the Department of Health and Human Services to convene a work group to review options for adjusting rates in order to provide health care coverage and paid sick leave to home-based and community-based care providers and to report the recommendations of the work group to the Joint Standing Committee on Health and Human Services; and

7. Directs the Department of Health and Human Services to review its in-person supervisory requirement for home-based and community-based care providers to determine whether the use of technology that provides interactive, real-time communication is feasible and practical and to report its recommendations to the Joint Standing Committee on Health and Human Services.

**Committee Amendment "A" (H-524)**

This amendment removes the sections of the bill that establish the Social Determinants of Health Stakeholder Advisory Group within the Department of Health and Human Services, requires review of certain home-based and community-based MaineCare reimbursement rates every two years and convenes a work group to review options for adjusting reimbursement rates for home-based and community-based services. It requires the department to amend its rules for reimbursement for pharmacists conducting a medication evaluation or consultation in the home. It clarifies that certified nurse practitioners and physician assistants may only authorize or amend a plan of care under rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 40 after the federal government allows for it. It adds making recommendations to the department on best practices to the additional duties of the Maine Telehealth and Telemonitoring Advisory Group included in the bill. It also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1662      Resolve, To Save Lives by Establishing the Low Barrier Opioid Treatment Response Pilot Project within the Department of Health and Human Services**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N	OTP-AM	S-398

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires the Department of Health and Human Services to establish the Low Barrier Opioid Treatment Response Program in Maine's federally qualified health centers to improve the availability of medication-assisted treatment and enhance the effectiveness and sustainability of acute care responses to persons in urgent need of treatment for substance use disorders, including opioid use disorder. The department is required to implement the program on a pilot basis initially and expand the program statewide after reviewing initial outcomes of the pilot.

This bill also directs the department and representatives of federally qualified health centers to examine the extent to which existing structures for reimbursement and delivery of services by federally qualified health centers and other providers may hamper or facilitate access to opioid use disorder treatment and develop proposed changes to address identified barriers, reduce unnecessary costs and enhance coordination between federally qualified health centers and other providers serving persons at risk of opioid overdose. The department is required to report findings

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on these subjects and on initial pilot implementation of the Low Barrier Opioid Treatment Response Program to the Joint Standing Committee on Health and Human Services no later than January 15, 2020.

**Committee Amendment "A" (S-398)**

This amendment replaces the bill with a resolve. The resolve requires the Department of Health and Human Services to establish a 24-month pilot project to provide low barrier opioid treatment response in Maine's federally qualified health centers to improve the availability of medication-assisted therapy and enhance the effectiveness and sustainability of acute care responses to persons in urgent need of treatment for substance use disorder, including opioid use disorder. The resolve provides funding of \$460,000 for implementing the first year of the 24-month pilot project in eight federally qualified health centers. It is anticipated that the same amount of funding will be required in fiscal year 2021-22.

It also directs the department to submit reports by December 1, 2021 and at the conclusion of the pilot project regarding the implementation of the pilot project to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The joint standing committee of the Legislature having jurisdiction over health and human services matters may submit legislation relating to the pilot project to the Second Regular Session of the 130th Legislature.

This resolve was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1689      An Act To Address the Opioid Crisis through Evidence-based Public Health Policy      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L MCCREIGHT J	OTP-AM	S-177

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill expands the scope and capabilities of hypodermic apparatus exchange programs certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention. This bill requires the center to adopt rules that:

1. Allow the programs to distribute naloxone hydrochloride and other safer drug use supplies; and
2. Expand the criteria a program must meet in order to be awarded funds, including distributing naloxone hydrochloride and other safer drug use supplies; providing HIV, AIDS and hepatitis C testing; and maintaining referral agreements or having the capacity to provide counseling services, medication-assisted treatment services and infectious disease care.

The center is also required to consider geographic distribution of services provided by a program when allocating funding.

This bill also amends the Maine Criminal Code to remove the crimes of furnishing hypodermic apparatuses and illegal possession of hypodermic apparatuses and makes changes to other statutes to reflect that decriminalization.

**Committee Amendment "A" (S-177)**

This amendment removes the sections of the bill that decriminalize the crimes of furnishing or possessing

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hypodermic apparatuses. It removes the changes to the requirement to distribute educational materials. It removes the requirement to distribute naloxone hydrochloride and other safer drug use supplies. Instead of requiring that a hypodermic apparatus exchange program have a board, the amendment requires a program to have a process or system to regularly seek input from persons with a history of drug use. The amendment also makes changes to the allocation of funds appropriated for hypodermic apparatus exchange programs. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1737     An Act Relating to the Retention and Hiring of Mental Health Staff at the Department of Health and Human Services**

**Leave to Withdraw Pursuant to Joint Rule**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill proposes to enact measures designed to promote the hiring and retention of mental health professionals at the Department of Health and Human Services.

**LD 1758     An Act To Clarify and Amend MaineCare Reimbursement Provisions for Nursing and Residential Care Facilities**

**PUBLIC 533 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSONT	OTP-AM	S-265 S-368    BREEN C

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

This bill is an emergency bill amending statutory and unallocated provisions to require the Department of Health and Human Services to amend the department's rules regarding MaineCare reimbursement of nursing facility and residential care facility costs, including:

1. Clarifying and requiring additional cost-of-living adjustments to reimbursed costs based upon:
  - A. The costs paid by nursing facilities for goods and services required to provide patient care;
  - B. The forecasted increase in the skilled nursing facility market basket index for the coming federal fiscal year published by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services; and
  - C. Any further changes to the United States Department of Labor, Bureau of Labor Statistics Consumer Price

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Index medical care services index or market basket index projections over the payment year when the department is carrying out cost report audits and determining final prospective rates pursuant to department rules regarding costs related to resident care under principles of reimbursement for nursing facilities during the payment year;

2. Clarifying and amending nursing facility reimbursement provisions enacted in Public Law 2017, chapter 460 regarding a 10% special supplemental wage allowance by:

- A. Requiring the allowance to include contract labor and requiring an additional 10% wage allowance in state fiscal year 2019-20 and incorporating both requirements into a rebasing of the reimbursement rates in future years;
- B. Prohibiting department rules that require a nursing facility to ensure or otherwise demonstrate that the increase in rates applies only to wages and benefits;
- C. Changing the low-cost, high Medicaid facility supplemental payment by removing the low-cost requirement; and
- D. Providing a supplemental allowance of 60¢ per reimbursed MaineCare resident day for each 1% over 70% MaineCare occupancy to nursing facilities with specialty medical-psychiatric beds or units and to nursing facilities that provide intensive acquired brain injury rehabilitation services; and

3. Clarifying and amending residential care facility reimbursement provisions enacted in Public Law 2017, chapter 460 regarding a 10% special supplemental wage allowance by:

- A. Requiring the allowance to include contract labor and requiring an additional 10% wage allowance in state fiscal year 2019-20 and incorporating both requirements into a rebasing of the reimbursement rates in future years;
- B. Prohibiting department rules that require a residential care facility to ensure or otherwise demonstrate that the increase in rate applies only to wages and benefits; and
- C. Requiring reimbursement rates for allowable direct care, personal care services and routine care costs to be adjusted yearly for inflation.

### **Committee Amendment "A" (S-265)**

This amendment removes the sections of the bill that require additional cost-of-living adjustments to nursing facilities and residential care facilities and supplemental allowances for facilities with a high proportion of MaineCare residents and facilities with specialty beds. It retains the requirements for the 10% one-time supplemental payment provided in Public Law 2017, chapter 460, Part B to nursing facilities and residential care facilities to continue in successive years until rebasing incorporates the increase, but the amendment removes the retroactive requirement to include contract labor. It retains the requirement to grant an additional 10% increase that is carried forward until rebasing incorporates the increase, but it removes the language relating to requiring increases to go to routine care cost components of the rates. It removes the specific prohibition upon the Department of Health and Human Services to require a nursing facility or residential care facility to demonstrate how increased reimbursement is applied to wages and benefits to direct care workers but specifies that the increased reimbursement is not limited to only wages and wage-related costs. It removes the retroactivity section of the bill but retains the emergency provision of the bill. It adds an appropriations and allocations section.

### **Senate Amendment "B" To Committee Amendment "A" (S-368)**

This amendment directs the Department of Health and Human Services to amend its rules to determine, of the funds provided in the bill, the proportional amount to be distributed to each provider based on the supplemental allowances and additional special wage allowances established in the bill as amended by Committee Amendment

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"A". This amendment also replaces the appropriations and allocations section.

**Enacted Law Summary**

Public Law 2019, chapter 533 requires the one-time supplemental payment equal to 10% of allowable wages and associated benefits and taxes provided in Public Law 2017, chapter 460, Part B to nursing facilities and residential care facilities to continue in successive years until rebasing incorporates the increase. It also granted an additional 10% supplemental allowance to provide for increases in contract labor, wages and allowable benefits and taxes that is carried forward until rebasing incorporates the increase. It includes and appropriations and allocations section.

Public Law 2019, chapter 533 was enacted as an emergency measure effective January 12, 2020.

**LD 1760      An Act To Support Children's Healthy Development and School Readiness      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates the First 4 ME Early Care and Education Program under the Department of Health and Human Services to provide comprehensive, high-quality early child care and education services for at-risk children under six years of age who have not entered kindergarten and the children's parents by funding projects that integrate comprehensive resources and services with traditional center-based and family child care settings. The projects are sponsored by coalitions of stakeholders, providers and other community members within the communities that the projects serve. Each project is led and coordinated by a community contractor who staffs the project's operations and contracts with community providers to provide health care, education or parenting services, which may include services provided in a licensed child care center or by a licensed family child care provider, in a home visit or by an individual providing services to a family member within the individual's or family member's residence. The community contractor employs or contracts with community coaches who train and provide support to community providers. This bill also directs the department to request proposals for up to 10 pilot projects to implement the program and to report to the Legislature on the progress of the pilot projects toward the objectives, goals and intended outcomes of the projects in 2024.

This bill, which had been voted but not yet reported out by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1809      Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children      RESOLVE 110 EMERGENCY**

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

This resolve was finally passed by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

This resolve requires the Department of Health and Human Services to increase reimbursement rates for multisystemic therapy, multisystemic therapy for problem sexualized behavior and functional family therapy by

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20% until June 30, 2020. It requires the department to contract for a third-party rate study of the reimbursement rates for those therapies, including developing a rate set on a per case per week basis rather than the current 15-minute increments. The rate study must also take into account the costs to providers of delivering the services, including additional training, and maintenance of fidelity to the treatment models. The rate study must be completed no later than December 1, 2019. The department must submit a report on the results of the study to the Joint Standing Committee on Health and Human Services no later than January 30, 2020. The department is authorized to implement new rates through rulemaking as long as the rates are no lower than those that exist on April 1, 2019 and the rates are approved by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services.

### **Committee Amendment "A" (H-500)**

This amendment adds an appropriations and allocations section. This amendment was not adopted.

### **Enacted Law Summary**

Resolve 2019, chapter 110 requires the Department of Health and Human Services to increase reimbursement rates for multisystemic therapy, multisystemic therapy for problem sexualized behavior and functional family therapy by 20% until June 30, 2020. It requires the department to contract for a third-party rate study of the reimbursement rates for those therapies, including developing a rate set on a per case per week basis rather than the current 15-minute increments. The rate study must also take into account the costs to providers of delivering the services, including additional training, and maintenance of fidelity to the treatment models. The rate study must be completed no later than December 1, 2019. The department must submit a report on the results of the study to the Joint Standing Committee on Health and Human Services no later than January 30, 2020. The department is authorized to implement new rates through rulemaking as long as the rates are no lower than those that exist on April 1, 2019 and the rates are approved by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Resolve 2019, chapter 110 was finally passed as an emergency measure effective January 12, 2020.

### **LD 1822     An Act To Protect Access to Services for Adults with Serious and Persistent Mental Illness**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes the right of an adult with serious and persistent mental illness who is denied access to certain services by a provider contrary to the terms of the provider's contract with the Department of Health and Human Services to seek informal department review of the provider's action and informal dispute resolution by the department to facilitate access to the service. If the adult continues to be denied access to the mental health service following department review, the adult may bring a private civil action in Superior Court for injunctive relief to enforce the terms of the provider's contract with the department. The bill requires the department to adopt routine technical rules governing the process for informal department review, which must include a definition of "adult with serious and persistent mental illness."

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1838      Resolve, Requiring the Department of Health and Human Services To  
Examine Options for Upper Payment Limit Adjustments for MaineCare  
Services**

**RESOLVE 111**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-369    BREEN C

This resolve was finally passed by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

This resolve was reported by the committee pursuant to joint order, H.P. 1266. This resolve requires the Department of Health and Human Services to examine upper payment limit options to increase the federally approved limits for services provided under MaineCare. The department may contract with any consultant or third-party organization that the department determines appropriate for this purpose. The department may also consult with any stakeholders that the department determines appropriate. The department shall report its findings, actions taken, adjustments to upper payment limits, negotiations with United States Department of Health and Human Services, Centers for Medicare and Medicaid Services and any necessary legislation to the Joint Standing Committee on Health and Human Services no later than January 15, 2020.

**Senate Amendment "A" (S-369)**

This amendment decreases funding from \$26,000 to \$13,000 to contract with a third party to examine upper payment limit options to increase federally approved limits for services provided under MaineCare.

**Enacted Law Summary**

Resolve 2019, chapter 111 requires the Department of Health and Human Services to examine upper payment limit options to increase the federally approved limits for services provided under MaineCare. The department may contract with any consultant or third-party organization that the department determines appropriate for this purpose. The department may also consult with any stakeholders that the department determines appropriate. The department shall report its findings, actions taken, adjustments to upper payment limits, negotiations with United States Department of Health and Human Services, Centers for Medicare and Medicaid Services and any necessary legislation to the Joint Standing Committee on Health and Human Services no later than January 15, 2020.

**LD 1839      Resolve, To Provide Sustainable Funding for Assisted Living Facilities**

**CARRIED OVER**

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

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order H.P. 1322.

This emergency resolve was reported by the committee pursuant to Public Law 2017, chapter 460, Part H. This resolve includes the recommendations of the sustainable funding review conducted by the Department of Health and Human Services pursuant to Public Law 2017, chapter 460, Part H. The resolve requires the Department of Health and Human Services, by July 1, 2019, to increase the total reimbursement amount by \$569,111 in each year to the seven assisted living facilities that have contracts with the department. The Department of Health and Human Services shall also amend its Section 63 rules of the Office of Elderly Services Policy Manual, 10-149 C.M.R. Chapter 5, to increase the number of medication passes per consumer per day from three to six. The rules must



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for each therapeutic class of medication used in medication-assisted treatment, except that the department may not require prior authorization for medication-assisted treatment for opioid use disorder for a pregnant woman.

**Committee Amendment "A" (H-751)**

This amendment makes the following changes to the bill.

1. It clarifies that the prior authorization limitations in the bill apply to medication-assisted treatment and intensive outpatient therapy services for a diagnosis of opioid use disorder.
2. It allows the Department of Health and Human Services to require prior authorization under the MaineCare program when a dosage increase exceeds the department's dosing criteria as identified on the department's MaineCare preferred drug list.
3. It authorizes the department to adopt routine technical rules to implement the prior authorization limitations.
4. It states that the prior authorization limitations must be applied in a manner that is not inconsistent with the requirements of the Medicaid drug rebate program.

**Enacted Law Summary**

Public Law 219, chapter 645 prohibits the Department of Health and Human Services from requiring, under the MaineCare program, prior authorization for the prescription of at least one drug for each therapeutic class of medication used for medication-assisted treatment for opioid use disorder, or for intensive outpatient therapy services for a diagnosis of opioid use disorder. Prior authorization is also prohibited for medication-assisted treatment for opioid use disorder when treating a pregnant woman. The department may require prior authorization when a dosage increase exceeds the department's dosing criteria as identified on the department's MaineCare preferred drug list. Prior authorization limitations must be applied in a manner that is not inconsistent with the requirements of the Medicaid drug rebate program.

**LD 1935      An Act To Address the Needs of Pregnant Women Affected by Opioid Use Disorder      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROBERTS T CHENETTE J	ONTP	

This bill directs the Department of Health and Human Services to administer a program to provide grants for the treatment of pregnant women with opioid use disorder. It establishes the Fund for the Treatment of Pregnant Women with Opioid Use Disorder and directs the State Controller to transfer \$1,000,000 from the General Fund unappropriated surplus to that fund.

**LD 1936      An Act To Allow Parents of Minors Who Qualify for In-home Personal Care under the MaineCare Program To Be Employed as Caregivers for Those Minors      CARRIED OVER**

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

This bill allows for the reimbursement of a parent providing in-home personal care services to the parent's child by



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federal TRICARE program providing health insurance to uniformed service members and veterans and their families.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1939      Resolve, To Ensure High-quality Long-term Care for Maine Veterans      ONTP**

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

This resolve directs the Board of Trustees of the Maine Veterans' Homes to increase the required staff-to-patient ratio at Maine Veterans' Homes for long-term care to three staff to 15 patients and the Department of Health and Human Services to increase MaineCare reimbursement rates for certified nursing assistants by 10%.

**LD 1940      Resolve, Directing the Department of Health and Human Services To      CARRIED OVER**  
**Increase MaineCare Reimbursement Rates for Targeted Case**  
**Management Services To Reflect Inflation**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MEYER M SANBORN L	OTP-AM ONTP	

This resolve requires the Department of Health and Human Services to amend its rules governing MaineCare reimbursement for targeted case management services to provide an increase reflecting cost increases from 2010 to 2019.

**Committee Amendment "A" (H-750)**

This amendment, which is the majority report of the committee, adds an appropriations and allocations section.

This resolve was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1943      An Act To Protect Drinking Water for Low-income Maine Residents      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L BLACK R		

This bill requires the Department of Health and Human Services to establish and maintain a program through the Health and Environmental Testing Laboratory offering free well water testing for low-income residents of the State. It also requires the department to review recent research regarding arsenic toxicity and levels suitable for consumption and to amend its rules to revise the maximum contaminant level for arsenic to be consistent with that research.

This bill, which had been voted but not yet reported out by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Health and Human Services*

**LD 1944 An Act To Expand Eligibility for Home Accessibility Adaptation Benefits under the MaineCare Program**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D LIBBY N	ONTP	

This bill extends the current home accessibility adaptations available to MaineCare members receiving services under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections 21 and 29 to persons providing shared living housing to a member receiving these services. The bill also requires that the Department of Health and Human Services evaluate the effectiveness of contracts for services for adults with diagnoses of intellectual disabilities or other developmental disabilities.

**LD 1946 An Act To Improve Access to Mental and Behavioral Health Care by Providing Care in Clinical Reproductive and Sexual Health Care Settings**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J SANBORN L		

This bill establishes a program within the Department of Health and Human Services to deliver mental health and behavioral health services in clinical reproductive and sexual health care settings through the deployment of licensed mental health professionals in those settings and by enhancing patient screening and care coordination. It includes an appropriations and allocations section with a \$150,000 annual appropriation beginning in fiscal year 2020-21.

This bill, which had been voted but not yet reported by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1950 An Act To Advance Palliative Care Utilization in the State**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN M MOORE M	ONTP	

This bill directs the Department of Health and Human Services to provide reimbursement under the MaineCare program for palliative care. It also requires the department to adopt rules that support and standardize the delivery of palliative care in the State, including but not limited to, strategies for the distribution of public educational documents and the distribution by health care providers of information regarding the availability of palliative care to patients. It also requires the department to consult with the Maine Hospice Council, the Palliative Care and Quality of Life Interdisciplinary Advisory Council and other stakeholders when developing educational documents and rules related to palliative care.

***Joint Standing Committee on Health and Human Services***

**LD 1951     An Act To Assist Persons with Disabilities Who Are Subject to Pill Count Requirements     ONTP**

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

This bill requires that procedures established pursuant to opioid medication policies adopted by health care entities provide accommodations for patients with disabilities who are subject to pill count requirements.

**LD 1954     An Act To Amend the Laws Governing Estate Recovery under the MaineCare Program     CARRIED OVER**

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

Under current law, the Department of Health and Human Services has a claim against the estate of a MaineCare recipient when, after the death of the recipient, it is determined that the recipient was 55 years of age or older when the person received MaineCare assistance. This bill provides that the department has a claim against the estate only for MaineCare assistance received by the person that was for nursing facility services, home and community-based services or related hospital and prescription drug services.

This bill, which had been voted but not yet reported out by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1955     An Act To Promote Cost-effectiveness in the MaineCare Program and Improve the Oral Health of Maine Adults and Children     CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D SANBORN L	OTP-AM	H-744

This bill adds comprehensive, medically necessary preventive, diagnostic and restorative dental services to the limited dental services currently available to MaineCare members 21 years of age and over. It requires the Department of Health and Human Services to work with providers of oral health care and dental services to encourage participation in the MaineCare program. It requires the department to develop educational materials and strategies for the distribution of those educational materials relating to the importance of dental services for children and the availability of the comprehensive adult dental benefit to children covered by the MaineCare program who are aging out of the program. The department is required to provide a five-year report on costs and savings relating to the comprehensive adult dental benefit to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs no later than January 1, 2026.

**Committee Amendment "A" (H-744)**

This amendment removes the requirement that dental services for adults under MaineCare be medically necessary because all Medicaid services are already required to be medically necessary. It also adds an appropriations and allocations section.

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This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1957    An Act To Provide Women Access to Affordable Postpartum Care**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARNEY A MILLETTR	OTP-AM	H-704

This bill extends from 60 days to 12 months the period of time following delivery of a baby that a woman may be eligible for services under MaineCare.

**Committee Amendment "A" (H-704)**

This amendment amends the bill to provide that the period of time following delivery of a baby for which a woman may be eligible for services under MaineCare is six months. The amendment directs the Department of Health and Human Services to submit a waiver or state plan amendment request no later than January 1, 2021 to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the provisions of this legislation that extend MaineCare coverage to a woman following delivery of a baby from 60 days to six months. The department is required to take all reasonable and necessary steps to seek approval of the waiver or state plan amendment. In the event the waiver or state plan amendment is not granted, the department is directed to implement the coverage provisions using federal funds, if allowable, and then using the General Fund. Upon approval or denial of the waiver or state plan amendment, the department is directed to adopt rules no later than 180 days after the decision of the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. The department is required to report on a quarterly basis beginning April 1, 2021 to the joint standing committee of the Legislature having jurisdiction over health and human services matters its progress in seeking a waiver or state plan amendment until the decision by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services has been made. The committee is authorized to report out legislation related to each report.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1961    An Act To Establish the Trust for a Healthy Maine**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL D SANBORN L		

This bill establishes the Trust for a Healthy Maine to receive money paid to the State pursuant to the tobacco settlement and from other sources and to distribute that money to state agencies or designated agents of the State to fund tobacco use prevention and control, ensure adequate resources for other disease prevention efforts, promote public health, plan and deliver public health and prevention programs and services, support accreditation of the Department of Health and Human Services, Maine Center for Disease Control and Prevention and support public health workforce development. The trust is governed by a board of trustees appointed by the Governor and legislative leaders.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Health and Human Services*

**LD 1970 An Act To Establish Electronic Visit Verification for In-home and Community-based Health Care Workers**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N MCCREIGHT J	ONTP	

This bill governs the implementation by the Commissioner of Health and Human Services of the federal requirements for electronic visit verification with respect to personal care services and home health care services for adults with long-term care needs under the federal 21st Century Cures Act.

**LD 1974 An Act To Promote Telehealth**

**PUBLIC 649  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G STOVER H	OTP-AM	S-433

This bill directs the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter I, Section 4, Telehealth and Chapter 101: MaineCare Benefits Manual, Chapter II, Section 13, Targeted Case Management Services to provide for reimbursement of case management services delivered through telehealth to targeted populations. The bill makes other changes necessary for the delivery of telehealth services to be expanded to include case management services. The bill clarifies that telehealth services reimbursable under a health plan or the MaineCare program include consultation between health professionals regarding a patient, whether the consultation occurs in real time or asynchronously.

**Committee Amendment "A" (S-433)**

This amendment adds an emergency preamble and emergency clause to the bill. It removes the four-meeting limit on the Maine Telehealth and Telemonitoring Advisory Group. It also provides that private insurance carriers may provide coverage for health care services delivered through telehealth that is consistent with the Medicare coverage policy for interprofessional Internet consultations and provides that if a carrier provides such coverage the carrier may also provide coverage for interprofessional Internet consultations that are provided by a federally qualified health center or rural health clinic.

**Enacted Law Summary**

Public Law 2019, chapter 649 directs the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter I, Section 4, Telehealth and Chapter 101: MaineCare Benefits Manual, Chapter II, Section 13, Targeted Case Management Services to provide for reimbursement of case management services delivered through telehealth to targeted populations. It makes other changes necessary for the delivery of telehealth services to be expanded to include case management services. The legislation removes the 4-meeting limit on the Maine Telehealth and Telemonitoring Advisory Group. It also provides that private insurance carriers may provide coverage for health care services delivered through telehealth that is consistent with the Medicare coverage policy for interprofessional Internet consultations and provides that if a carrier provides such coverage the carrier may also provide coverage for interprofessional Internet consultations that are provided by a federally qualified health center or rural health clinic.

Public Law 2019, chapter 649 was enacted as an emergency measure effective March 18, 2020.

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**LD 1984 An Act To Eliminate Waiting Lists for Home and Community-based Services for Adults with Intellectual Disabilities, Autism, Brain Injury and Other Related Conditions**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R HYMANSON P		

This bill amends the system of care for adults with intellectual disabilities, autism, brain injury and other related conditions to reduce and eliminate MaineCare waiver waiting lists for home and community-based services.

This bill, which had been voted but not yet been reported by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2051 An Act To Amend the Qualifications for the State Nuclear Safety Inspector**

**PUBLIC 589**

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

This bill amends the qualifications for the State Nuclear Safety Inspector position to increase the required minimum number of years of experience in nuclear operations from three to four and to change the degree required of the person holding the position from a master's degree to a bachelor's degree.

**Enacted Law Summary**

Public Law 2019, chapter 589 amends the qualifications for the State Nuclear Safety Inspector position to increase the required minimum number of years of experience in nuclear operations from three to four and to change the degree required of the person holding the position from a master's degree to a bachelor's degree.

**LD 2052 An Act To Enact Restrictions on Electronic Smoking Devices and New Tobacco Products**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R HYMANSON P	ONTP	

This bill:

1. Generally prohibits selling, furnishing, giving away or offering to sell, furnish or give away electronic smoking devices and nicotine liquid;
2. Allows a registered dispensary under the Maine Medical Use of Marijuana Act to continue to sell electronic smoking devices as part of its authorized activity as a dispensary;
3. Allows tobacco retailers to sell electronic smoking devices and nicotine liquid after the Department of Health and Human Services has adopted governing rules. These rules are permitted only after the United States Department of Health and Human Services, Food and Drug Administration approves the use of electronic smoking

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devices as an evidence-based tobacco cessation strategy and promulgates regulations relating to the manufacture, testing, sale and use of the devices and the federal Secretary of Health and Human Services issues an order authorizing the devices to be introduced or delivered for introduction into interstate commerce;

4. Allows marijuana stores to sell electronic smoking devices after the Department of Administrative and Financial Services adopts rules governing the sale of the devices by a marijuana store. The rules may be adopted only after the federal Secretary of Health and Human Services issues an order authorizing the devices to be introduced or delivered for introduction into interstate commerce; and

5. Prohibits the sale of other new tobacco products until the Department of Health and Human Services adopts rules governing their sale. The rules governing a new tobacco product may be adopted only after the federal Secretary of Health and Human Services issues an order authorizing the new product to be introduced or delivered for introduction into interstate commerce.

**LD 2053     An Act To Remove the Application of the Maine Background Check Center Act to Facilities That Provide Services to Children**

**PUBLIC 660**

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

This bill removes the application of the Maine Background Check Center Act to facilities that provide services for children and to individuals working as direct care workers in such facilities.

**Enacted Law Summary**

Public Law 2019, chapter 660 removes the application of the Maine Background Check Center Act to facilities that provide services for children and to individuals working as direct care workers in such facilities.

**LD 2054     An Act To Consolidate Certain Reporting Requirements of the Department of Health and Human Services**

**PUBLIC 612**

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

This bill consolidates reporting requirements regarding Department of Health and Human Services planning for and activities concerning the State's aging population and incapacitated and dependent adults and the department's quality assurance review committee's recommendations and activities. It also repeals requirements for annual press releases and reports by the Commissioner of Health and Human Services regarding department spending, welfare fraud-related statistics, contracting services, grants received from the Federal Government and total out-of-state travel costs for employees.

**Enacted Law Summary**

Public Law 2019, chapter 612 consolidates reporting requirements regarding Department of Health and Human Services planning for and activities concerning the State's aging population and incapacitated and dependent adults and the department's quality assurance review committee's recommendations and activities. It also repeals requirements for annual press releases and reports by the Commissioner of Health and Human Services regarding department spending, welfare fraud-related statistics, contracting services, grants received from the Federal Government and total out-of-state travel costs for employees.

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**LD 2056      Resolve, To Create the Frequent Users System Engagement Collaborative**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORALES V SANBORN L		

This resolve establishes the Frequent Users System Engagement Collaborative in order to develop a plan to provide stable housing and community services to 200 persons who are homeless or at risk of homelessness who are the most frequent consumers of high-cost services, such as psychiatric hospitals, emergency shelters, emergency rooms, police, jails and prisons. The collaborative must submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 1, 2021 on its plan and recommendations. The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to report out a bill to the First Regular Session of the 130th Legislature related to the report.

This bill, which had been voted but not yet reported out by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2057      An Act To Ensure an Efficient Contracting Process for the Department of Health and Human Services**

**PUBLIC 590**

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

This bill amends the law regarding performance-based contracts entered into by the Department of Health and Human Services to give the Commissioner of Health and Human Services discretion in holding informational meetings and requiring notices of intent to bid. The bill also repeals duplicative language regarding performance-based contracts.

**Enacted Law Summary**

Public Law 2019, chapter 590 amends the law regarding performance-based contracts entered into by the Department of Health and Human Services to give the Commissioner of Health and Human Services discretion in holding informational meetings and requiring notices of intent to bid. It also repeals duplicative language regarding performance-based contracts.

**LD 2058      An Act To Strengthen Protections for Incapacitated and Dependent Adults from Abuse, Neglect and Exploitation**

**PUBLIC 661**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	OTP-AM	H-780

This bill specifies the categories of care providers for whom the Department of Health and Human Services must maintain a reportable event and adult protective services system. This bill requires the department to establish and maintain an adult protective services registry of persons for whom there have been substantiated reports of abuse, neglect or exploitation of dependent adults or incapacitated adults. This bill changes current law, which limits registry entries to cases in which the person abused, neglected or exploited is an adult with an intellectual disability

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or autism, to instead include all cases involving incapacitated adults and dependent adults.

**Committee Amendment "A" (H-780)**

This amendment replaces the bill. It changes the references in the bill to cite the Adult Protective Services Act in the Maine Revised Statutes, Title 22, chapter 958-A when requiring that the Department of Health and Human Services include reports of persons who have exploited, abused or neglected incapacitated and dependent adults in its system as provided in Title 34-B.

**Enacted Law Summary**

Public Law 2019, chapter 661 requires the Department of Health and Human Services to establish and maintain an adult protective services registry of persons for whom there have been substantiated reports of abuse, neglect or exploitation of dependent adults or incapacitated adults. Previously, the registry was limited to cases in which the person abused, neglected or exploited is an adult with an intellectual disability or autism. Public Law 2019, chapter 661 extends the registry to cases involving incapacitated adults and dependent adults.

**LD 2059 An Act To Clarify the Provision for Care of Infants after Birth**

**PUBLIC 613**

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

This bill makes the following changes to the laws governing the administration of prophylactic ophthalmic ointment and vitamin K injections to infants:

1. It specifies that the incidence of inflamed or reddened eyes in an infant be reported to the infant's primary care provider rather than to an unspecified physician;
2. It removes language specifying that the ophthalmic ointment is prescribed and provided without cost by the Department of Health and Human Services; and
3. It requires the department to develop a form to be used by a parent wishing to refuse the prophylactic ophthalmic ointment or vitamin K injection that is separate from the newborn blood spot screening refusal form.

**Enacted Law Summary**

Public Law 2019, chapter 613 makes the following changes to the laws governing the administration of prophylactic ophthalmic ointment and vitamin K injections to infants:

1. It specifies that the incidence of inflamed or reddened eyes in an infant be reported to the infant's primary care provider rather than to an unspecified physician;
2. It removes language specifying that the ophthalmic ointment is prescribed and provided without cost by the Department of Health and Human Services; and
3. It requires the department to develop a form to be used by a parent wishing to refuse the prophylactic ophthalmic ointment or vitamin K injection that is separate from the newborn blood spot screening refusal form.

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**LD 2063    An Act To Provide Program Solvency, Clarity, Consistency and Flexibility in Routine Public Health Licensing Activities**

**CARRIED OVER**

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

This bill does the following.

1. It corrects a conflict regarding fees related to municipal inspections in the laws governing eating establishments, lodging places, campgrounds, recreational and sporting camps, youth camps, public pools and public spas and adds provisions regarding applications and conditional licensing. It adds a fine for second and subsequent violations and a provision stating that information identifying a reference, complainant or reporter of a suspected licensing violation is confidential. The bill also adds clarifying definitions and changes the chapter headnote to better reflect the content of that chapter.
2. It repeals the laws governing the defunct Maine Wild Mushroom Harvesting Certification Program.
3. It amends the laws governing body artists, including electrologists, tattoo artists, micropigmentation practitioners and body piercers, to include late fees, inspection fees and fines in the payment of all license fees; to allow the issuance of conditional licenses; to add grounds for license refusal, suspension or revocation; and to add right of entry and inspection frequency language that is consistent with other professional licenses.

This bill, which had been voted but not yet been reported out by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2068    Resolve, Regarding Legislative Review of Portions of Chapter 15: Death with Dignity Act Reporting Rule, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention**

**RESOLVE 130**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP ONTP	H-719    HYMANSON P

This resolve provides for legislative review of portions of Chapter 15: Death with Dignity Act Reporting Rule, a major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

**House Amendment "A" (H-719)**

This amendment removes the emergency preamble and emergency clause.

**Enacted Law Summary**

Resolve 2019, chapter 130 authorizes the Department of Health and Human Services, Maine Center for Disease Control and Prevention to adopt the major substantive rule, Chapter 15: Death with Dignity Act Reporting Rule.

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**LD 2099 An Act To Amend Provisions of the Maine Medical Use of Marijuana Act**

**CARRIED OVER**

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

This bill makes the following changes to the Maine Medical Use of Marijuana Act.

1. It adds definitions of "batch" and "batch number." It also adds to the definition of "inherently hazardous substance" alcohol and ethanol and amends the definition of "cultivation area" to require such an area to be obscured from public viewing by a person under 21 years of age. It changes the definitions of "seedling" and "immature marijuana plant." It changes the definition of "registered caregiver" to specify that it means a natural person who is a caregiver.
2. It aligns the labeling requirements of the Maine Medical Use of Marijuana Act with the labeling requirements of the Marijuana Legalization Act and provides more specific guidance regarding required labeling.
3. It requires local authorization for caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities operating in towns, plantations and townships in the unorganized and deorganized areas, in addition to local authorization by municipalities already required by law.
4. It authorizes the Department of Administrative and Financial Services to impose upon registered caregivers, caregiver retail stores, dispensaries, manufacturing facilities and persons authorized to engage in marijuana extraction using inherently hazardous substances fines for violations of the Maine Medical Use of Marijuana Act and rules adopted pursuant to the Act. It also establishes maximum allowable fines for minor and major registration violations, including major registration violations affecting public safety.
5. It requires all registered caregivers and assistants of registered caregivers and officers, directors and assistants of registered dispensaries, registered manufacturing facilities, persons authorized to engage in marijuana extraction using inherently hazardous substances and marijuana testing facilities to submit to an annual state and federal criminal history record check in order for the department to issue or renew a registry identification card.
6. It authorizes the department to assess a fee for caregivers registering with the department based upon plant canopy and amends the statutory fee schedule to clarify that caregivers may register based upon plant count or plant canopy. It requires a caregiver to obtain a registration certificate to operate a caregiver retail store and provides that the annual registration fee for a caregiver retail store may not be less than \$50 or more than \$500. It requires a caregiver to notify the department of the physical address of a caregiver retail store. It allows a caregiver to organize the caregiver's business activities as any type of legal business entity recognized under the laws of the State.

This bill, which had been voted but not yet reported out by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2107 An Act To Amend the Nursing Facility Licensing Rules To Enhance Cost of Care Collection**

**CARRIED OVER**

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

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This bill was reported by the committee pursuant to joint order, H.P. 1489, and then referred back to the committee for processing in the normal course. This bill requires the Department of Health and Human Services to amend its nursing facility rules, Chapter 110: Regulations Governing the Licensing and Functioning of Skilled Nursing Facilities and Nursing Facilities, to modify the standard admission contract for the residents of nursing homes to specifically include a requirement for a resident's legal agent to use the resident's financial resources to pay for nursing facility services and to clarify that a nursing facility seeking relief when a resident's agent fails to perform the agent's obligations may also request attorney's fees and costs. The department is required to amend the rule no later than January 1, 2021.

This bill, which had been voted but not yet been reported out by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2109    An Act To Implement the Recommendations of the Commission To  
Study Long-term Care Workforce Issues**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported out by the committee pursuant to Public Law 2019, chapter 343, Part BBBBB and then referred back to the committee for processing in the normal course. This bill implements the recommendations of the Commission To Study Long-term Care Workforce Issues. The bill does the following.

1. It requires direct care workers across the long-term care spectrum to be paid no less than 125% of the minimum wage. It requires the Department of Health and Human Services to adopt rules that take into account the cost of this increased wage in its reimbursement rates.
2. It requires the Department of Health and Human Services to adopt rules to increase reimbursement rates under Chapter 101: MaineCare Benefits Manual and any state-funded programs to take into account costs of providing care and services in conformity with applicable state and federal laws, rules, regulations, training requirements and quality and safety standards, including, but not limited to, increases in the minimum wage, earned paid leave, electronic visit verification, background checks and other costs that are not provided for in the current reimbursement rates.
3. It establishes a long-term care workforce oversight advisory committee to collect and compile data related to workforce shortages and services provided to clients, review progress by the Department of Health and Human Services regarding recommendations provided to the department and the joint standing committee of the Legislature having jurisdiction over health and human services matters, including the recommendations of the Commission To Study Long-term Care Workforce Issues, identify barriers to implementing recommendations and make recommendations on proposals to address long-term care workforce shortages. The oversight committee must submit an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

This bill, which had been voted but not yet been reported out by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 2117    An Act To Expand and Rename the Controlled Substances Prescription Monitoring Program**

**CARRIED OVER**

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

This bill amends the provisions of law governing the Controlled Substances Prescription Monitoring Program to require dispensers to report all prescription drugs dispensed intended for human consumption rather than controlled substances only, allowing the program database to be used for medication reconciliation and other patient safety activities. The enhanced program allows pharmacists and all prescribers to obtain a complete record of all medication prescribed to a patient, identifying the prescriber for each drug and listing the dates on which each prescription was filled. This information gives health care providers additional means to ensure that patients do not have adverse reactions due to incompatible drug interactions or overprescribing of medications from multiple prescribers. The program name is changed to the Prescription Monitoring Program to reflect its wider scope. The bill also directs the Department of Health and Human Services to apply for federal funds and seek other funding sources to develop the improvements to the program.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2119    An Act To Amend the Laws Governing the Maternal, Fetal and Infant Mortality Review Panel**

**PUBLIC 671**

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

This bill was reported by the committee pursuant to joint rule 353 and then referred back to the committee for processing in the normal course. This bill amends the laws governing the maternal, fetal and infant mortality review panel to require the review of maternal deaths that occur within one year of giving birth. Current law requires the panel to review maternal deaths that occur within 42 days of giving birth.

**Enacted Law Summary**

Public Law 2019, chapter 671 requires the panel coordinator of the maternal, fetal and infant mortality review panel to review maternal deaths that occur within one year of giving birth. Previously, only maternal deaths within 42 days of giving birth were reviewed.

**LD 2135    An Act To Amend the Definition of "Tobacco Product" To Exclude Matches and Lighters**

**CARRIED OVER**

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

This bill specifies that tobacco products do not include matches, lighters or similar devices in the laws governing retail tobacco sales.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of

*Joint Standing Committee on Health and Human Services*

the 129th Legislature by joint order, S.P. 788.

**LD 2137      Resolve, To Increase the Reimbursement Rates for Home-based Services      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S GATTINE D		

This resolve requires that the Department of Health and Human Services amend its rules to increase reimbursement rates for certain specified home-based services.

This resolve, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2141      Resolve, To Ensure Continued Services for Children with Disabilities by Imposing a Delay on MaineCare Rulemaking until an Impact Study is Completed      CARRIED OVER**

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

This resolve imposes a delay on the adoption by the Department of Health and Human Services of any rule that proposes to change provisions of 10-144 C.M.R. Chapter 101: MaineCare Benefits Manual governing school-based services. It requires the department, before initiating rulemaking, to complete an impact study setting forth the rationale for the proposed changes, the financial impacts on affected families and providers of school-based services, potential service delays and other issues relating to state and federal law. The department is required to seek and consider input from affected provider groups, schools, children and family advocacy groups, the Department of Education, the Child Development Services System and other stakeholders and is also required to incorporate into the study the recommendations and implementation plan for early intervention services in public schools that will be forthcoming from the review of the State's early childhood special education services being carried out pursuant to Public Law 2019, chapter 343, Part VVVV. This report, produced by an independent entity, is due to be completed on December 1, 2020.

It requires the department to submit the completed study and a further report regarding any proposed rules or modifications to current rule pertaining to medically necessary school-based services to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than April 1, 2021. The joint standing committee is authorized to report out legislation relating to the subject matter of the study and the report to the First Regular Session of the 130th Legislature.

It authorizes the department, following completion of its study and report but no earlier than July 1, 2021, to initiate rulemaking to change rules governing school-based services provided under 10-144 C.M.R. Chapter 101: MaineCare Benefits Manual and specifies that any rules adopted are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

This resolve, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Health and Human Services*

**LD 2154 An Act Regarding Asset Tests for Social Services Programs**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported by the committee pursuant to Resolve 2019, chapter 41, section 1 and then referred back to the committee for processing in the normal course. The bill, implements the recommendations of the stakeholder group established pursuant to Resolve 2019, chapter 41. The bill removes the asset tests for the elderly low-cost drug program, the Medicare savings program, the statewide food supplement program and the Temporary Assistance for Needy Families program to the extent allowable under federal law.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2155 An Act To Prevent Accidental Overdoses by Establishing a Protocol for Prescription Drug Recovery**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

GRAMLICHL  
FOLEY R

This bill seeks to reduce accidental overdose deaths caused by access to unused controlled substances by:

1. Requiring an entity, agency, facility or individual who offers or plans to offer any in-home or community support services or institutionally based long-term care services and who administers a controlled substance to an adult with long-term care needs as part of those services, referred to in the bill as "an administering provider," to document any controlled substance prescribed and obtained for the adult with long-term care needs, referred to in the bill as "the client-patient," and to participate in the Controlled Substances Prescription Monitoring Program, with certain exceptions;
2. Requiring that all controlled substances be kept in a locked container to which only the administering provider, the client-patient and, if there is one, a designated caregiver have access; and
3. Requiring the administering provider, upon the death of the client-patient, to collect any unused controlled substances that were prescribed and obtained for that client-patient and dispose of them properly after documenting the National Drug Code, quantity and strength. The administering provider is required to submit this documentation, including the manner of disposal of the controlled substances collected from the deceased client-patient, to the Department of Health and Human Services using the reporting system established in the Controlled Substances Prescription Monitoring Program.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Health and Human Services*

**LD 2157    An Act Regarding Reimbursements to Municipalities for General Assistance**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported by the committee pursuant to Public Law 2019, chapter 515, section 4 and then referred back to the committee for processing in the normal course. This bill enacts one recommendation of the stakeholder group established pursuant to Public Law 2019, chapter 515, section 4. The bill requires the Department of Health and Human Services to reimburse a municipality for the amount of general assistance provided to an individual in an emergency situation that is in excess of the maximum level of assistance established by that municipality.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2159    An Act To Establish the Help Me Grow Program**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported by the committee pursuant to Resolve 2019, chapter 66 and then referred back to the committee for processing in the normal course. This bill establishes the Help Me Grow program in the Department of Health and Human Services. The program is a comprehensive, statewide, coordinated system of early identification, referral and follow-up for children from prenatal care up to eight years of age and their families. The program ensures access to early periodic screening, diagnosis and treatment services and related services to promote healthy development and develop a coordinated system of screening, referral and services. The bill establishes five positions within the Department of Health and Human Services and provides funding for software and program evaluation. The department must submit annual reports to the joint standing committees of the Legislature having jurisdiction over health and human services and education matters.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.



# *Joint Standing Committee on Health and Human Services*

## **SUBJECT INDEX**

### **Aging and Long-term Care**

#### **Enacted**

<b>LD 1758</b>	<b>An Act To Clarify and Amend MaineCare Reimbursement Provisions for Nursing and Residential Care Facilities</b>	<b>PUBLIC 533 EMERGENCY</b>
<b>LD 2058</b>	<b>An Act To Strengthen Protections for Incapacitated and Dependent Adults from Abuse, Neglect and Exploitation</b>	<b>PUBLIC 661</b>

#### **Not Enacted**

<b>LD 177</b>	<b>Resolve, To Improve Access to Bariatric Care</b>	<b>CARRIED OVER</b>
<b>LD 315</b>	<b>Resolve, To Promote Healthy Living in Maine</b>	<b>CARRIED OVER</b>
<b>LD 325</b>	<b>An Act To Provide Emergency Funds for Clients of the Adult Protective Services System</b>	<b>CARRIED OVER</b>
<b>LD 474</b>	<b>Resolve, To Establish a Medically Tailored Food Pilot Project</b>	<b>CARRIED OVER</b>
<b>LD 511</b>	<b>An Act To Create a Position within the Department of Health and Human Services to Coordinate Dementia Programs and Services</b>	<b>CARRIED OVER</b>
<b>LD 539</b>	<b>Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Nursing Facilities</b>	<b>CARRIED OVER</b>
<b>LD 653</b>	<b>Resolve, To Establish the Task Force To Study Opportunities for Improving Home and Community-based Services</b>	<b>ONTP</b>
<b>LD 697</b>	<b>Resolve, Directing the Department of Health and Human Services To Conduct a Review of Rules Governing In-home Personal Care Assistance Services</b>	<b>ONTP</b>
<b>LD 935</b>	<b>An Act To Increase the Viability of Assisted Living Facilities by Increasing the Rate of Reimbursement</b>	<b>CARRIED OVER</b>
<b>LD 1126</b>	<b>Resolve, To Classify Employee Health Insurance as a Fixed Cost for MaineCare Reimbursement in Nursing Homes</b>	<b>CARRIED OVER</b>
<b>LD 1146</b>	<b>An Act To Ensure the Provision of Housing Navigation Services to Older Adults and Persons with Disabilities</b>	<b>ONTP</b>
<b>LD 1577</b>	<b>An Act To Assist Nursing Homes In the Management of Facility Beds</b>	<b>CARRIED OVER</b>
<b>LD 1655</b>	<b>An Act To Improve and Modernize Home-base Care</b>	<b>CARRIED OVER</b>

LD 1839	Resolve, To Provide Sustainable Funding for Assisted Living Facilities	CARRIED OVER
LD 1939	Resolve, To Ensure High-quality Long-term Care for Maine Veterans	ONTP
LD 1970	An Act To Establish Electronic Visit Verification for In-home and Community-based Health Care Workers	ONTP
LD 2107	An Act To Amend the Nursing Facility Licensing Rules To Enhance Cost of Care Collection	CARRIED OVER
LD 2109	An Act To Implement the Recommendations of the Commission to Study Long-term Care Workforce Issues	CARRIED OVER
LD 2137	Resolve, To Increase the Reimbursement Rates for Home-based Services	CARRIED OVER

### *Brain Injury*

#### Enacted

LD 1883	An Act Regarding the Recommendations of the Federal Traumatic Brain Injury State Partnership Program Concerning the Membership of the Acquired Brain Injury Advisory Council	PUBLIC 566
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#### Not Enacted

LD 972	Resolve, To Increase Access To Brain Injury Waiver Services	CARRIED OVER
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### *Child Care*

#### Enacted

LD 2053	An Act To Remove the Application of the Maine Background Check Center Act to Facilities That Provide Services to Children	PUBLIC 660
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#### Not Enacted

LD 1012	An Act To Provide Stable Funding and Support for Child Care Providers	CARRIED OVER
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### *Child Development*

#### Enacted

LD 2141	Resolve, To Ensure Continued Services for Children with Disabilities by Imposing a Delay on MaineCare Rulemaking until an Impact Study is Completed	CARRIED OVER
LD 2159	An Act To Establish the Help ME Grow Program	CARRIED OVER

## *Children's Mental Health*

### Enacted

LD 1809	Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children	RESOLVE 110 EMERGENCY
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### Not Enacted

LD 1039	Resolve, To Establish and Fund Interventions for At-risk Families and Children	CARRIED OVER
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LD 1418	An Act To Address Maine's Shortage of Behavioral Health Services for Minors	CARRIED OVER
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LD 1937	An Act To Provide Timely Access to Behavioral Health Services for Maine Children and To Address Trauma and the Impacts of the Opioid Crisis	CARRIED OVER
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## *Children's Services*

### Not Enacted

LD 115	An Act To Appropriate Funds for Home Visiting Services To Provide Child Development Education and Skills Development for New Parents	CARRIED OVER
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LD 633	An Act To Create a Kinship Care Navigator Program within the Department of Health and Human Services	CARRIED OVER
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LD 1417	An Act To Expand Access to Head Start To Assist Opioid-affected and Other At-risk Families	CARRIED OVER
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LD 1760	An Act To Support Children's Healthy Development and School Readiness	CARRIED OVER
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## *Department Organization and Administration*

### Enacted

LD 2051	An Act To Amend the Qualifications for the State Nuclear Safety Inspector	PUBLIC 589
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LD 2054	An Act To Consolidate Certain Reporting Requirements of the Department of Health and Human Services	PUBLIC 612
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LD 2057	An Act To Ensure an Efficient Contracting Process for the Department of Health and Human Services	PUBLIC 590
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### Not Enacted

LD 428	An Act To Establish Wage and Employment Parity between Adult and Child Protective Services Caseworkers in the Department of Health and Human Services	CARRIED OVER
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LD 1134	An Act To Set Aside Funds from Federal Block Grants for Certain Communities	CARRIED OVER
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LD 1180	Resolve, To Establish the Task Force To Better Coordinate the Protection of Vulnerable Populations	CARRIED OVER ONTP
LD 1377	An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish the Aging and Disability Mortality Review Panel	CARRIED OVER

### *Developmental Disabilities*

Not Enacted

LD 373	An Act To Provide MaineCare Coverage for Dental Services to Adults with Intellectual Disabilities or Autism Spectrum Disorder, Brain Injuries and Other Related Conditions	CARRIED OVER
LD 399	An Act To Align Wages for Direct Care Workers for Persons with Intellectual Disabilities or Autism with the Minimum Wage	CARRIED OVER
LD 1178	An Act To Address the Needs of Children With Intellectual Disabilities and Autism Spectrum Disorder	CARRIED OVER
LD 1944	An act To Expand Eligibility for Home Accessibility Adaptation Benefits under the MaineCare Program	ONTP
LD 1984	An Act To Eliminate Waiting Lists for Home and Community-based Services for Adults with Intellectual Disabilities, Autism, Brain Injury and Other Related Conditions	CARRIED OVER

### *End of Life*

Enacted

LD 2068	Resolve, Regarding Legislative Review for Portions of Chapter 15: Death with Dignity Act Reporting Rule, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention	RESOLVE 130
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### *Fund for a Healthy Maine*

Not Enacted

LD 1961	An Act To Establish the Trust for a Healthy Maine	CARRIED OVER
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### *Health Care*

Not Enacted

LD 181	An Act To Provide Funding to the Department of Health and Human Services To Support Free Health Clinics in the State	CARRIED OVER
LD 745	An Act To Support the Northern New England Poison Center	CARRIED OVER
LD 836	An Act To Expand Maine's School-based Health Centers	CARRIED OVER

LD 1539 An Act To Provide Maine Children Access to Affordable Health Care CARRIED OVER

**Hospitals**

**Not Enacted**

An Act To Improve Rural Health Care CARRIED OVER

**Licensing**

**Not Enacted**

LD 2063 An Act To Provide Program Solvency, Clarity, Consistency and Flexibility in Routine Public Health Licensing Activities CARRIED OVER

**Maternal/Infant**

**Enacted**

LD 2059 An Act To Clarify the Provision for Care of Infants after Birth PUBLIC 613

LD 2119 An Act To Amend the Laws Governing the Maternal, Fetal and Infant Mortality Review Panel PUBLIC 671

**Not Enacted**

LD 1957 An Act To Provide Women Access to Affordable Postpartum Care CARRIED OVER

**Medicaid/MaineCare**

**Enacted**

LD 1838 Resolve, Requiring the Department of Health and Human Services To Examine Options For Upper Payment Limit Adjustments for MaineCare Services RESOLVE 111

**Not Enacted**

LD 154 An Act To Amend the Law Governing MaineCare Coverage of Chiropractic Treatment CARRIED OVER

LD 234 Resolve, To Increase Certain Chiropractic Reimbursement Rates under the Maine Care Program CARRIED OVER

LD 362 Resolve, To Require the Department of Health and Human Services To Submit a State Plan Amendment To Exempt Retirement and Educational Assets from Calculations for Medicaid Eligibility CARRIED OVER

LD 493	<b>An Act To Provide Lung Cancer Counseling and Screening for MaineCare Recipients</b>	<b>CARRIED OVER</b>
LD 498	<b>Resolve, Regarding Reimbursement of Physical Medicine and Rehabilitation Codes under MaineCare</b>	<b>CARRIED OVER</b>
LD 593	<b>Resolve, To Stabilize the Behavioral Health Workforce and Avert More Expensive Treatments</b>	<b>CARRIED OVER</b>
LD 692	<b>Resolve, To Address Reimbursement Rates for Licensed Clinical Social Workers under MaineCare</b>	<b>CARRIED OVER</b>
LD 880	<b>An Act To Respond To Federal Changes to Social Programs</b>	<b>CARRIED OVER</b>
LD 915	<b>An Act To Provide Adequate Reimbursement under MaineCare for Ambulance and Neonatal Transportation</b>	<b>CARRIED OVER</b>
LD 1052	<b>An Act To Require Regular and Transparent Review of MaineCare Reimbursement Rates</b>	<b>ONTP</b>
LD 1142	<b>Resolve, To Expand Transportation Services for Seniors Who Are MaineCare Members</b>	<b>CARRIED OVER</b>
LD 1373	<b>Resolve, To Reduce MaineCare Spending through Targeted Nutrition Interventions</b>	<b>ONTP</b>
LD 1936	<b>An Act To Allow Parents of Minors Who Qualify for In-home Personal Care under the MaineCare Program To Be Employed as Caregivers for Those Minors</b>	<b>CARRIED OVER</b>
LD 1938	<b>An Act Concerning MaineCare Coverage for Donor Breast Milk</b>	<b>CARRIED OVER</b>
LD 1940	<b>Resolve, Directing the Department of Health and Human Services To Increase MaineCare Reimbursement Rates for Targeted Case Management Services To Reflect Inflation</b>	<b>CARRIED OVER</b>
LD 1954	<b>An Act To Amend the Laws Governing Estate Recovery under the MaineCare Program</b>	<b>CARRIED OVER</b>

**Medical Use of Marijuana**

**Not Enacted**

LD 2099	<b>An Act To Amend Provisions of the Maine Medical Use Marijuana Act</b>	<b>CARRIED OVER</b>
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**Mental Health**

**Enacted**

<b>LD 775</b>	<b>Resolve, To Authorize the Department of Health and Human Services To Amend Its Rules for Eligibility for Community Support Services</b>	<b>RESOLVE 117</b>
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**Not Enacted**

<b>LD 232</b>	<b>Resolve, Directing the Department of Health and Human Services To Review the Progressive Treatment Program and Process by Which a Person May Be Voluntarily Admitted to a Psychiatric Hospital or Receive Court-ordered Community Treatment</b>	<b>HELD BY GOVERNOR</b>
<b>LD 284</b>	<b>An Act To Improve Care Provided to Forensic Patients</b>	<b>ONTP</b>
<b>LD 414</b>	<b>An Act To Increase the Number of Intensive Case Managers</b>	<b>CARRIED OVER</b>
<b>LD 763</b>	<b>An Act To Ensure the Availability of Community Integration Services</b>	<b>CARRIED OVER</b>
<b>LD 803</b>	<b>An Act To Create 4 Regional Mental Health Receiving Centers</b>	<b>CARRIED OVER</b>
<b>LD 1135</b>	<b>Resolve, To Increase Funding for Assertive Community Treatment</b>	<b>CARRIED OVER</b>
<b>LD 1295</b>	<b>An Act To Determine the Need to Increase the Number of Forensic Emergency and Crisis Beds</b>	<b>CARRIED OVER</b>
<b>LD 1461</b>	<b>An Act To Support Early Intervention and Treatment of Mental Health Disorders</b>	<b>CARRIED OVER</b>
<b>LD 1737</b>	<b>An Act Relating to the Retention and Hiring of Mental Health Staff at the Department of Health and Human Services</b>	<b>Leave to Withdraw Pursuant to Joint Rule310</b>
<b>LD 1822</b>	<b>An Act To Protect Access to Services for Adults with Serious and Persistent Mental Illness</b>	<b>CARRIED OVER</b>
<b>LD 1856</b>	<b>Resolve, To Support Individuals with Acute Mental Health Needs</b>	<b>CARRIED OVER</b>
<b>LD 1946</b>	<b>An Act To Improve Access To Mental and Behavioral Health Care by Providing Care in Clinical Reproductive and Sexual Health Care Settings</b>	<b>CARRIED OVER</b>

### *Oral Health/Dental Care*

#### Enacted

LD 1399      An Act To Improve Oral Health and Access to Dental Care for Maine Children      PUBLIC 546

#### Not Enacted

LD 1955      An Act To Promote Cost-effectiveness in the MaineCare Program and Improve the Oral Health of Maine Adults and Children      CARRIED OVER

### *Palliative Care*

#### Not Enacted

LD 1950      An Act To Advance Palliative Care Utilization in the State      ONTP

### *Poverty and Homelessness*

#### Not Enacted

LD 1404      Resolve, To Provide Support Services and Funds To Prevent Homelessness      CARRIED OVER

LD 2056      Resolve, To Create the Frequent Users System Engagement Collaborative      CARRIED OVER

### *Prescription Drugs*

#### Not Enacted

LD 1951      An Act To Assist Persons with Disabilities Who are Subject to Pill Count Requirements      ONTP

LD 2117      An Act To Expand and Rename the Controlled Substances Prescription Monitoring Program      CARRIED OVER

LD 2155      An Act To Prevent Accidental Overdoses by Establishing a Protocol for Prescription Drug Recovery      CARRIED OVER

#### Enacted

### *Public Assistance*

LD 1106      An Act To Improve the Health and Economic Security of Older Residents      CARRIED OVER

LD 1403      An Act To Amend the General Assistance Laws Governing Reimbursement      CARRIED OVER

LD 2154      An Act Regarding Asset Tests for Social Services Programs      CARRIED OVER

LD 2157      An Act Regarding Asset Tests for Social Services Programs      CARRIED OVER

**An Act Regarding Reimbursements to Municipalities for General Assistance**

**Public Health**

**Enacted**

LD 227      **Resolve, Directing the Department of Health and Human Services To Review the State's Public Health Infrastructure**      **RESOLVE 114**

**Not Enacted**

LD 231      **An Act To Improve the Health and Economic Security of Older Residents**      **CARRIED OVER**

LD 706      **An Act To Amend the General Assistance Laws Governing Reimbursement**      **CARRIED OVER**

LD 931      **An Act To Reduce the Incidence of Obesity and Chronic Disease in the State**      **CARRIED OVER**

LD 1171      **An Act To Prevent Sexual and Domestic Violence and To Support Survivors**      **CARRIED OVER**

LD 1943      **An Act To Protect Drinking Water for Low-income Maine Residents**      **CARRIED OVER**

**Substance Use Disorder**

**Enacted**

LD 1934      **An Act Regarding Prior Authorization for Treatment for Opioid Use Disorder under the MaineCare Program**      **PUBLIC 645**

**Not Enacted**

LD 46      **An Act To Establish a Substance Use Disorder Clinic at the Cumberland County Jail**      **CARRIED OVER**

LD1429      **An Act To Fund Opioid Use Disorder Prevention and Treatment**      **ONTP**

LD 1630      **Resolve, To Ensure Access to Opiate Addiction Treatment**      **ONTP**

LD 1662      **Resolve, To Save Lives by Establishing the Low Barrier Opioid Treatment Response Pilot Project within the Department of Health and Human Services**      **CARRIED OVER**

LD 1689      **An Act To Address the Opioid Crisis through Evidence-based Public Health Policy**      **CARRIED OVER**

LD 1935      **An Act To Address the Needs of Pregnant Women Affected by Opioid Use Disorder**      **ONTP**

**Telemedicine**

**Enacted**

**PUBLIC 649  
EMERGENCY**

**LD 1974      An Act To Promote Telehealth**

**Not Enacted**

**LD 508      Resolve, To Study the Protection of Youth and Young Adults from  
Addiction and Premature Death by Restricting Marketing of Tobacco  
Products**

**ONTP**

**LD 2052      An Act To Enact Restrictions on Electrons Smoking Devices and New  
Tobacco Products**

**ONTP**

**LD 2135      An Act To Amend the Definition of “Tobacco Product” To Exclude  
Matches and Lighters**

**CARRIED OVER**

**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON  
INLAND FISHERIES AND WILDLIFE**

November 2020

**MEMBERS:**

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SEN. LOUIS JOSEPH LUCHINI  
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REP. CATHERINE M. NADEAU, CHAIR  
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\*Committee member for a portion of the session



*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 638      An Act To Legalize the Use of Supplemental Minerals To Assist with Wildlife Nutrition      ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows a person to place supplemental minerals for deer from March 1st to July 31st if the supplemental minerals are placed on that person's own land, or on another person's land with the other person's oral or written permission, and the supplemental minerals do not contain any grain or food products.

**LD 650      An Act To Strengthen Maine's Landowner Relations Program      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P BREEN C	OTP-AM	H-722

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides ongoing funding for five additional Deputy Game Warden positions and associated costs in the Department of Inland Fisheries and Wildlife.

**Committee Amendment "A" (H-722)**

This amendment removes from the bill the appropriations for the 2019-20 fiscal year. Under this amendment, funding for five additional Deputy Game Warden positions and associated costs in the Department of Inland Fisheries and Wildlife begins in fiscal year 2020-21.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 695      An Act To Require Biodegradable Hooks and Lures for Freshwater Fishing      ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Beginning January 1, 2024, this bill prohibits fishing in inland waters using nonbiodegradable hooks or certain nonbiodegradable artificial lures. A person who violates this prohibition commits a Class E crime.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 1117 An Act To Encourage Turkey Hunting**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order H.P. 1322.

This bill eliminates the turkey hunting permit and fee and the requirement to tag wild turkeys at registration stations. A hunter is directed to inform the Department of Inland Fisheries and Wildlife at the conclusion of each turkey hunting season of how many wild turkeys the hunter harvested. The bill directs the Commissioner of Inland Fisheries and Wildlife to amend the department's rules to increase the spring season bag limit to four male wild turkeys and the fall season bag limit to eight wild turkeys of eithersex.

**LD 1118 An Act To Give the Commissioner of Inland Fisheries and Wildlife Rule-making Authority To Establish a Bear Season Framework and Bag Limits**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows the commissioner of Inland Fisheries and Wildlife to establish bear hunting and trapping season dates by rule. It reduces the cost of a resident bear hunting permit and a resident bear trapping permit from \$27 to \$10, and it also repeals the two-bear limit in statute and instead refers to the bag limit set in rule.

The bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1525 An Act To Require Insurance on Motorized Watercraft**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill prohibits the owner of a motorboat of more than 75 horsepower from operating or allowing operation of the motorboat in the inland or tidal waters of the State without insurance on the motorboat similar to the financial responsibility provisions regarding motor vehicles. The bill requires the operator of the motorboat to provide proof of insurance, which may be in an acceptable electronic format, to a law enforcement officer upon request or, if the motorboat is in an accident, to all persons involved in the accident. An operator of a motorboat who fails to provide

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proof of insurance commits a civil penalty unless proof of insurance is produced before adjudication of the violation, and an owner who fails to insure a motorboat that is then involved in an accident commits a Class D crime.

**LD 1787     An Act To Clarify and Enhance Fish and Wildlife Enforcement Laws**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J	OTP-AM	S-315

The bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill makes several changes to the State's fish and wildlife enforcement laws. The bill:

1. Makes it illegal for nonviolent juvenile offenders and persons convicted of domestic violence to possess a firearm hunting license. It also prohibits a person convicted of a domestic violence offense from owning or possessing a crossbow, a muzzleloader or archery or airbow equipment;
2. Provides that a person is guilty of aggravated trafficking in a scheduled drug if the person is convicted of trafficking while in an area open to fishing for only persons under 16 years of age or complimentary fishing license holders;
3. Requires all edible meat from bear, deer and moose to be presented for registration with evidence of the animal's sex;
4. Clarifies that a person's hunting license will be revoked if the person is convicted of night hunting while in possession of a thermal imaging device;
5. Amends the definition of "owner" for the purpose of registration of a snowmobile, watercraft and all-terrain vehicle;
6. Provides for penalties for bag limit and possession limit violations for individual upland game species as established by the commissioner;
7. Clarifies the time limit to register a bear, deer, moose or wild turkey;
8. Clarifies that bear fat not attached to the meat can legally be used for personal or commercial use without a hide dealer's license;
9. Provides for restitution of expenses incurred as a result of scientific testing to enhance investigation procedures;
10. Clarifies that a person may not take or possess reptiles or amphibians from the wild for export, sale or commercial purposes;
11. Strengthens the prohibition of abuse of another person's property by removing reference to certain stated activities such as hunting, fishing or trapping to allow the Department of Inland Fisheries and Wildlife to enforce the law against persons who abuse another person's property but who may not be involved in an activity such as hunting, fishing or trapping; and

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12. Replaces the prohibition on operating a motorboat that exceeds noise limits with a prohibition on operating a marine engine that exceeds noise limits.

**Committee Amendment "A" (S-315)**

This amendment does the following:

1. Removes language in the bill regarding restitution to a landowner whose property is damaged because that remedy is already available under the Maine Revised Statutes, Title 17-A, chapter 69.
2. Reallocates the section of the bill regarding penalties for bag limit and possession limit violations for upland game to the chapter that is specific to hunting.
3. Removes the section of the bill that prohibits a person convicted of domestic violence from owning or possessing a crossbow, a muzzleloader or archery or airbow equipment.
4. Reallocates the bill's provision in the law governing aggravated trafficking of scheduled drugs and specifies that the property on which the offense occurs is designated by the Department of Inland Fisheries and Wildlife in rules as open to fishing for only persons under 16 years of age or persons holding a complimentary fishing license.

The bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1804 An Act Regarding the Baiting of Deer**

**PUBLIC 630**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVISP	OTP-AM	S-417

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to make changes to the laws regarding the baiting of deer.

**Committee Amendment "A" (S-417)**

This amendment replaces the bill, which is a concept draft. The amendment changes the penalty from a Class E crime to a civil violation for which a fine of not less than \$500 nor more than \$1,000 may be adjudged for the following violations:

1. Placing salt or any other bait or food to entice deer from June 1st to the start of an open hunting season on deer and, if all open hunting seasons on deer are closed before December 15th, from the close of the last open hunting season on deer to December 15th.
2. Hunting from an observation stand or blind overlooking salt, grain, fruit, nuts or other foods known to be attractive to deer during an open hunting season on deer.

For consistency in language, the amendment makes a technical change to the provision regarding license revocation for hunting deer over bait to clarify that the revocation commences on the date of adjudication. Nothing in the amendment impedes the authority of the Commissioner of Inland Fisheries and Wildlife to suspend or impose penalties for violations of laws regarding the placing of bait for the purpose of enticing deer or regarding the

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hunting of deer overbait.

**Enacted Law Summary**

Public Law 2019, chapter 630, changes the penalty from a Class E crime to a civil violation for which a fine of not less than \$500 nor more than \$1,000 for the following violations:

1. Placing salt or any other bait or food to entice deer from June 1st to the start of an open hunting season on deer and, if all open hunting seasons on deer are closed before December 15th, from the close of the last open hunting season on deer to December 15th; and
2. Hunting from an observation stand or blind overlooking salt, grain, fruit, nuts or other foods known to be attractive to deer during an open hunting season on deer.

Additionally, the commissioner may revoke licenses based on the date of adjudication of a violation. Public Law 2019, chapter 630 does not impede the authority of the Commissioner of Inland Fisheries and Wildlife to suspend or impose penalties for violations of laws regarding the placing of bait for the purpose of enticing deer or regarding the hunting of deer over bait.

**LD 1905    An Act To Clarify Crossbow-related Hunting Laws**

**PUBLIC 637  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT T	OTP-AM	H-746

This bill allows a person 65 years of age or older and, under certain circumstances, a person with a permanent physical disability to take an antlerless deer with a crossbow without an antlerless deer permit during the open archery season on deer.

**Committee Amendment "A" (H-746)**

This amendment clarifies the bill to state that hunting an antlerless deer with a crossbow may occur with the requisite permit only during the archery-only hunting season on deer. The amendment also adds that a person 65 years of age or older must complete a hunter safety course or show satisfactory evidence of having previously held a license to hunt with firearms in this or another state in order to apply for a permit to take an antlerless deer with a crossbow. Additionally, the amendment makes a technical correction by replacing "crossbow hunting license" with "crossbow permit."

The amendment also creates new requirements for crossbow hunter education. The amendment requires that an applicant for a permit to hunt with a crossbow must provide evidence of completion of an archery hunting education program or a hunter safety course, in addition to evidence of a crossbow hunting education program or an equivalent as determined by the Commissioner of Inland Fisheries and Wildlife.

**Enacted Law Summary**

Public Law 2019, chapter 637 provides that a person 65 years of age or older, who has either successfully completed a hunter safety course or has previously held a license to hunt with firearms in any state, and a person with a permanent physical disability, may take an antlerless deer with a crossbow without an antlerless deer permit during the open archery season on deer. The law also creates new requirements for crossbow hunter education and requires that an applicant for a permit to hunt with a crossbow must provide evidence of completion of an archery hunting education program or a hunter safety course, in addition to evidence of a crossbow hunting education program or an equivalent as determined by the commissioner.

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Public Law 2019, chapter 637 was enacted as an emergency measure effective March 18, 2020.

**LD 1920    An Act To Amend Maine's Fish and Wildlife Licensing and Registration Laws**

**PUBLIC 638**

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

This bill:

1. Amends the law governing the complimentary license package for a person who has lost, or who has permanently lost the use of, both lower extremities to provide that such a person may, upon application, at no cost, obtain all hunting, trapping and fishing licenses, including permits, stamps and other permission needed to hunt, trap and fish;
2. Provides the commissioner authority to defer a moose permit for one season when a moose permit holder or immediate family member has a significant medical illness; and
3. Exempts from the State's lake and river protection sticker requirement New Hampshire watercraft and seaplanes operating on interstate waters between Maine and New Hampshire as long as New Hampshire reciprocates.

**Enacted Law Summary**

Public Law 2019, chapter 638 amends the law governing the complimentary licenses for a person who has lost, or who has permanently lost the use of, both lower extremities to provide that such a person may, upon application and at no cost, obtain all hunting, trapping and fishing licenses, including permits, stamps and other permission needed to hunt, trap and fish. The law grants the commissioner authority to defer a moose permit for one season when a moose permit holder or immediate family member has a significant medical illness. The law also exempts from the State's lake and river protection sticker requirement New Hampshire watercraft and seaplanes operating on interstate waters between Maine and New Hampshire as long as New Hampshire reciprocates.

**LD 1921    An Act To Clarify and Enhance Maine's Fish and Wildlife Laws**

**PUBLIC 639**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J	OTP-AM	H-721

This bill makes the following changes to the laws governing inland fisheries and wildlife.

1. It waives the seven-day notice requirement for meetings of the Inland Fisheries and Wildlife Advisory Council in cases of emergency rulemaking.
2. It changes the name of the supervisor of an apprentice hunter from a youth hunter supervisor to an apprentice supervisor and changes the name of the supervisor of a junior hunter from an adult supervisor to a junior hunter supervisor.
3. It removes two cross-references in the laws governing permits to possess wildlife in captivity.

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**Committee Amendment "A" (H-721)**

This amendment changes the term that refers to the person who supervises a junior trapper from "adult trapper supervisor" to "junior trapper supervisor."

The amendment clarifies that a person 16 years of age who obtained a junior trapping license before that person reached 16 years of age must either successfully complete a trapper education course prior to trapping or be supervised by a junior trapper supervisor while trapping after the person turns 16 years of age.

Additionally, the amendment changes a statutory reference to the hunter safety course a junior hunter is required to complete if not supervised by a junior hunter supervisor.

**Enacted Law Summary**

Public Law 2019, chapter 639 redefines the term that refers to the person who supervises a junior 18 trapper from "adult trapper supervisor" to "junior trapper supervisor." It also clarifies that a person 16 years of age who obtained a junior trapping license before that person reached 16 years of age must either successfully complete a trapper education course prior to trapping or be supervised by a junior trapper supervisor while trapping after the person turns 16 years of age. Additionally, Public Law 2019, chapter 639 changes a statutory reference to the hunter safety course a junior hunter is required to complete if not supervised by a junior hunter supervisor and waives the seven-day notice requirement for meetings of the Inland Fisheries and Wildlife Advisory Council in cases of emergency rulemaking.

**LD 1932 An Act To Promote Outdoor Recreational Opportunities for Maine Students**

**CARRIED OVER**

Sponsor(s)  
DUNPHYM

Committee Report

Amendments Adopted

This bill allows private elementary and secondary schools and public and private postsecondary educational institutions in the State, without a guide license, to conduct camping trips for students and adults associated with those institutions when the leaders hold camp trip leader permits.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2001 An Act To Create An Administrative Review Process for Hunting and Fishing Violations**

**CARRIED OVER**

Sponsor(s)  
DILLINGHAM K

Committee Report

Amendments Adopted

This bill establishes a procedure for the Commissioner of Inland Fisheries and Wildlife to take administrative action regarding alleged property violations without first requiring criminal conviction or civil adjudication of the allegation. Under this bill, if the director of the Bureau of Warden Service has probable cause to suspect that civil trespass or abuse of another person's property while fishing, hunting or trapping has been committed, the commissioner may:

1. For a first violation, order that the person complete a hunter safety course or other safety course designated by

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the commissioner, regardless of whether the person is exempt from hunter safety course requirements;

2. For a second violation, order that all licenses and permits issued to the person by the Department of Inland Fisheries and Wildlife be suspended for a period of two years; and
3. For a third or subsequent violation, order that all licenses and permits issued to the person by the Department of Inland Fisheries and Wildlife be permanently suspended.

The bill provides a mechanism for notice and opportunities for hearing and appeal of administrative action taken by the commissioner. This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 2003     An Act Regarding Permits To Possess Wildlife in Captivity**

**PUBLIC 652**

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

This bill amends the law governing the issuance of permits to possess wildlife in captivity to allow the Commissioner of Inland Fisheries and Wildlife to issue a notice of corrective action to a person who possesses wildlife in captivity without a permit and who is issued a permit by the commissioner.

#### **Enacted Law Summary**

Public Law 2019, chapter 652 amends the law governing the issuance of permits to possess wildlife in captivity to allow the Commissioner of Inland Fisheries and Wildlife to issue a notice of corrective action to a person who possesses wildlife in captivity without a permit and who is issued a permit by the commissioner.

### **LD 2065     An Act To Address Decibel Level Limits for Airboats**

**PUBLIC 662**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J MIRAMANT D	OTP-AM	H-752

This bill exempts airboats, which are defined as flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine, from the noise level limits imposed on other watercraft. Instead, this bill allows the Commissioner of Inland Fisheries and Wildlife to establish noise level limits for airboats by routine technical rules.

This bill also requires the Joint Standing Committee of Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources to jointly solicit and collect information regarding airboats, including uses of airboats, noise levels and complaints and suggestions for reducing complaints regarding the use of airboats, from interested parties, such as harbor masters, town clerks and residents of coastal towns and airboat users and sellers. Based on the suggestions, the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources are authorized to implement legislation to the First Regular Session of the 130th Legislature to implement whatever suggestions the commissioners determine are necessary.

#### **Committee Amendment "A" (H-752)**

This amendment clarifies that the rules adopted by the Commissioner of Inland Fisheries and Wildlife regarding

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noise level limits are routine technical rules. The amendment also requires the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to submit recommended legislation based on the suggestions solicited.

**Enacted Law Summary**

Public Law, chapter 662 requires that airboats not exceed noise level limits established by rule. The law directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to jointly solicit and collect information regarding airboats and authorizes the commissioners to submit recommended legislation to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. The committee may report out legislation to the to the First Regular Session of the 130th Legislature to implement the recommendations.

**LD 2130     An Act To Fund Maine's Recreational Trails**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported out by the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Resolve 2019, chapter 35, section 1 and then referred back to the committee for processing in the normal course.

The bill increases the registration fees for all-terrain vehicles by \$25 for each type of registration. The bill provides that the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands must use the registration fees deposited into the ATV Recreational Management Fund to oversee construction and maintenance of designated state-approved all-terrain vehicle trails.

This bill, which had been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.



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and Wildlife*

**SUBJECT INDEX**

**All-terrain Vehicles, Snowmobiles and Watercraft**

**Enacted**

**LD 2065      An Act to Address Decibel Level Limits for Airboats      PUBLIC 662**

**Not Enacted**

**LD 1525      An Act To Require Insurance on Motorized Watercraft      ONTP**

**LD 2130      An Act to Fund Maine's Recreational Trails      CARRIED OVER**

**Bear Hunting**

**Not Enacted**

**LD 1118      An Act To Give the Commissioner of Inland Fisheries and Wildlife  
Rule-making Authority to Establish a Bear Season Framework and Bag  
Limits      CARRIED OVER**

**Deer Hunting**

**Enacted**

**LD 1804      An Act Regarding the Baiting of Deer      PUBLIC 630**

**Department of Inland Fisheries and Wildlife**

**Not Enacted**

**LD 1787      An Act To Clarify and Enhance Fish and Wildlife Enforcement Laws      CARRIED OVER**

**Fish and Fishing**

**Not Enacted**

**LD 695      An Act To Require Biodegradable Hooks and Lures for Freshwater Fishing      ONTP**

**Landowner Relations**

**Not Enacted**

**LD 650      An Act To Strengthen Maine's Landowner Relations Program      CARRIED OVER**

**Licenses and Permits**

**Enacted**

**LD 1905      An Act To Clarify Crossbow-related Hunting Laws      PUBLIC 637  
EMERGENCY**

**LD 1920      An Act To Amend Maine's Fish and Wildlife Licensing and Registration      PUBLIC 638**

**LD 1921      An Act To Clarify and Enhance Maine's Fish and Wildlife Laws      PUBLIC 639**

**LD 2003      An Act Regarding Permits To Possess Wildlife in Captivity      PUBLIC 652**

**Not Enacted**

**LD 1932      An Act To promote Outdoor Recreational Opportunities for Maine Students      CARRIED OVER**

**LD 2001      An Act To Create An Administrative Review Process for Hunting and Fishing Violations      CARRIED OVER**

**Wild Turkey Hunting**

**Not Enacted**

**LD 1117      An Act To Encourage Turkey Hunting      ONTP**

**Wildlife Management**

**Not Enacted**

**LD 638      An act To Legalize the Use of Supplemental Minerals To Assist with      ONTP**  
**Wildlife Nutrition**

STATE OF MAINE  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON INNOVATION,  
DEVELOPMENT, ECONOMIC ADVANCEMENT  
AND BUSINESS**

November 2020

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Business***

**LD 509      An Act To Increase the Minimum Grant Amount under the Maine State Grant Program      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T MILLETTR	OTP-AM ONTP	H-468

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides that the minimum grant amount under the Maine State Grant Program may not be less than \$2,500 if sufficient funds are appropriated for this purpose, subject to the current grant amount modifications under the program. This bill provides an ongoing appropriation of \$9,450,000 per year to fund this increase in the minimum grant amount.

**Committee Amendment "A" (H-468)**

This amendment, which is the majority report of the committee, provides that, of the \$9,450,000 appropriated in each fiscal year, \$1,000,000 in each fiscal year must be dedicated to assistance of adult learners in returning to school and completing their credentials.

This bill was again carried over, still on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 647      An Act To Attract, Educate and Retain New State Residents To Strengthen the Workforce      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUTIER K LIBBY N	OTP-AM ONTP	H-556

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill creates various programs to provide education, services and training for the State's workforce immigrant populations in the following ways:

1. It establishes the Welcome Center Initiative to operate welcome centers in adult education programs to provide education, services and training for foreign-trained workers in municipalities or regions of the State that have immigrant populations or that have industries that are experiencing a shortage of trained workers, patterned after the New Mainers Resource Center operated by the City of Portland adult education program through a pilot program created by the 126th Legislature. The bill provides funds for grants for proposed welcome centers;
2. It directs the Department of Education's office of adult education and family literacy to:
  - A. Administer a vocation-specific English language acquisition and workforce training program for immigrants in the State and establish a statewide competitive grant process to carry out the purposes of the program;
  - B. Establish and implement a local community planning support program to provide a planning process for communities to provide English language acquisition and training in vocational skills, identify employers or

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areas that would benefit from immigrant residency or employment and cultivate community support to integrate immigrants into the communities and local workforce. The office must establish a grant process to carry out the purposes of the program; and

C. Develop and implement a grant process to award grants to adult education programs to increase English language acquisition instruction.

The bill provides funding for the vocation-specific English language acquisition and workforce training program, the local community planning support program and grants to increase English language acquisition instruction; and

3. It directs the Department of Education to establish a welcome center under the Welcome Center Initiative within the City of Lewiston's adult education program to attract, educate and retain in employment foreign-trained workers, patterned after the New Mainers Resource Center in Portland, and provides funding for that purpose. It also provides ongoing funding for the New Mainers Resource Center in Portland.

**Committee Amendment "A" (H-556)**

This amendment, which is the majority report of the committee, provides additional details and clarifying language regarding the welcome centers, English language classes, training grants and local community planning support program. The amendment also changes the appropriation for proposed welcome centers from \$50,000 in fiscal year 2019-20 and in fiscal year 2020-21 to \$25,000 in fiscal year 2019-20 and \$75,000 in fiscal year 2020-21.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 772      An Act To Encourage Continued Learning      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill proposes to enact measures designed to encourage continued learning by Maine residents, including, but not limited to, creating incentives and implementing strategies to enable so-called stranded learners who have some college credit but no degree to complete degree and certificate programs and graduate from college.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 799      An Act To Create the Maine Health Care Provider Loan Repayment Program      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E GRATWICK G	OTP-AM ONTP	H-558

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Business***

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill amends the nursing education loan repayment program as follows:

1. It extends eligibility to apply to individuals who are currently enrolled in master's or doctoral degree programs;
2. It specifies that applicants must indicate an intention to work as full-time nursing faculty in a nursing education program in the State and increases the required commitment from three to five years after acceptance into the nursing education loan repayment program; and
3. It increases the maximum amount of loans eligible for repayment under the program from \$4,500 to \$30,000 for a master's degree, and from \$6,000 to \$60,000 for a doctoral degree.

**Committee Amendment "A" (H-558)**

This amendment, which is the majority report of the committee, replaces the bill and creates a new loan repayment program, administered by the Finance Authority of Maine, for health care providers who agree to live and work in the State for a minimum of five years. Under the program, the authority will pay up to \$30,000 per year and the lesser of \$150,000 in aggregate and 50% of the recipient's outstanding loan balance. The amendment establishes a fund for the program, sets parameters for the administration of the program and establishes an advisory committee to guide the work of the Finance Authority of Maine in administering the program. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 814      An Act To Strengthen Maine's Economy through Research and  
Innovation led by the University of Maine System**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E HUBBELL B		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill would provide funding and enact measures based on recommendations of the President of the University of Maine at Machias in a strategic plan chartered by the Chancellor of the University of Maine System and due to the Board of Trustees of the University of Maine System in March 2019. The bill would strengthen research and economic development efforts across the University of Maine System to support Maine industries and workforce development and to foster business formation and expansion, specifically in the seven research and development sectors designated in statute: advanced technology for agriculture and forestry; aquaculture and marine technology; biotechnology; composite materials technology; environmental technology; information technology; and precision manufacturing technology.

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Business***

**LD 1051     An Act To Create the Maine Family First Employer Program**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E GIDEONS		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates the Maine Family First Employer Program under the Department of Labor to award employers that create family-friendly workplaces by providing, for all full-time employees, advancement and leadership opportunities; the same pay rates for similar work; stipends or assistance for child care; paid leave for the birth or adoption of a child and medical care for employees or family members of employees; flexible work accommodations for other family obligations; and health insurance and retirement plan options. The awards are presented by the Governor and come with a logo that a designated employer may use for promotional purposes.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1193     Resolve, Directing the Maine Community College System To Evaluate  
the Need To Expand Workforce Training Options in Waldo County**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E KINNEYM		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve directs the Maine Community College System to evaluate the unmet need and capacity for expanding workforce training options in Waldo County with the goal of providing additional capacity for training in industries with identified employee shortages. The Maine Community College System is required to submit a report with suggested legislation by December 4, 2019, to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business, which may submit legislation to the Second Regular Session of the 129th Legislature.

This bill, which had not yet been voted by the committee, was carried in committee over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1342     An Act To Establish the Maine Workforce, Research, Development and  
Student Achievement Institute**

**CARRIED OVER**

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

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. During the Second Regular Session, this bill was recalled from the Governor's desk and recommitted to committee.



**Joint Standing Committee on Innovation, Development, Economic Advancement and  
Business**

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations table by joint order, H.P. 1322.

This bill requires the Commissioner of Health and Human Services, the Commissioner of Education and the Commissioner of Labor jointly to develop and implement an early childhood educators' workforce support program to recruit and retain early childhood educators working with children up to five years of age. Components of the program include:

1. Expansion of educational programs at career and technical education centers and financial support of those programs;
2. Comprehensive scholarships for persons taking classes toward the attainment of an early childhood education credential or an associate or bachelor's degree that allow the persons to graduate without student debt as long as the persons agree to work for a year with an approved employer;
3. An increased number of apprenticeships; and
4. Salary supplements awarded to individuals who provide child care or who are early childhood educators. The amount of the supplement is based on the level of education and experience of the individual and other factors.

This bill also provides funding to carry out the program.

**Committee Amendment "A" (H-464)**

This amendment requires the Commissioner of Health and Human Services to collect and review early childhood educators' workforce data and, on a biennial basis, conduct a review of the adequacy of the pathways to early childhood education careers. It requires the Commissioner of Health and Human Services, the Commissioner of Education and the Commissioner of Labor to collaborate with local adult education providers of school administrative units, apprenticeship sponsors, career and technical education programs, the Maine Community College System and the University of Maine System to create articulation agreements between these entities for the transfer of credits for course work related to early childhood education and to facilitate enrollment in courses that lead to the issuance of a postsecondary degree by a degree-granting institution. It also requires the commissioners to collaborate with these same entities to provide support for individuals, including immigrants and other populations lacking experience in Maine's workforce, who require foundational skills development to enter and succeed in early childhood education courses, including but not limited to, English as a second language, literacy, numeracy and employability skills.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1690     An Act To Certify and Promote Products That Are Made in Maine**

**ONTP**

Sponsor(s)  
JACKSONT

Committee Report  
ONTP

Amendments Adopted

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

***Joint Standing Committee on Innovation, Development, Economic Advancement and  
Business***

This bill proposes to create a "Maine Made" certification depicted by a seal or a stamp placed upon products produced in the State and used or marketed worldwide to promote the products. The certification would be used in conjunction with or in substitution for the current Maine Made America's Best program administered by the Department of Economic and Community Development, Office of Business Development and Innovation.

**LD 1821      Resolve, To Address the Population Shortage in Rural Maine**

**ONTP**

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

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve directs the Department of Economic and Community Development to work with the Northern Border Regional Commission in the establishment of a program to recruit working families to relocate to rural areas of the State.

**LD 1891      An Act To Protect Maine Propane Consumers upon the Termination of  
an Agreement between a Dealer and a Consumer**

**CARRIED OVER**

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

This bill provides that upon the termination of an agreement between a propane dealer and a customer, the propane dealer must compensate the customer for the propane remaining in the customer's tank at a rate equal to the market price of the propane on the date that the agreement is terminated or the price that the customer paid for the propane, whichever is less, if the customer has paid for the propane, the amount of propane is more than five gallons and the customer has not received such compensation in the previous 12 months.

**Committee Amendment "A" (H-779)**

This amendment, which is the minority report of the committee, replaces the bill. It provides that, upon the termination of an agreement between a propane dealer and a consumer, when the consumer has paid for the propane in the tank and when the consumer owns the propane tank, the propane dealer must allow the consumer to use the remaining propane. At the request of the consumer, the propane dealer must pump out the remaining propane from the consumer's tank and must compensate the consumer at a rate equal to the market price of the propane on the date that the agreement is terminated or the price that the consumer paid for the propane, whichever is less.

The amendment also provides that, upon the termination of an agreement between a propane dealer and a consumer, when the consumer has paid for the propane in the tank and when the propane dealer owns the propane tank, the propane dealer must provide the consumer with the option of either using the remaining propane within 90 days of termination of the agreement or receiving compensation from the dealer for the propane remaining in the tank at a rate equal to the market price of the propane on the date that the agreement is terminated or the price that the consumer paid for the propane, whichever is less. If there is propane remaining in the tank after more than 90 days have passed following the date of termination of the agreement, the propane dealer, upon reasonable advance notice to the consumer, may pump out the propane remaining in the tank and remove the tank. The propane dealer must compensate the consumer for the remaining propane at a rate equal to the market price of the propane on the date that the agreement is terminated or at the price that the consumer paid for the propane, whichever is less.

***Joint Standing Committee on Innovation, Development, Economic Advancement and  
Business***

The amendment includes language making clear that a propane dealer is not prevented from charging a reasonable fee to a consumer to remove a tank that the propane dealer owns or from charging a reasonable fee to a consumer to pump out propane remaining in a tank owned by the consumer or the propane dealer upon the termination of an agreement.

This bill, which had been reported out of committee but not yet taken up by the House or the Senate, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1924      An Act To Amend the Real Estate Appraisal Management Company      PUBLIC 641**  
**Laws**

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

Current law prohibits a real estate appraisal management company from removing, without written notice to the affected appraiser, an appraiser from its appraiser panel except within the first 30 days after the appraiser has been added to the panel. This bill removes the exception that authorizes removal without notice within the first 30 days after being added to the panel.

**Enacted Law Summary**

Public Law 2019, chapter 641 eliminates the exception allowing a real estate appraisal management to remove, without written notice to the affected appraiser, the appraiser from its appraiser panel within the first 30 days after the appraiser has been added to the panel. It also requires a real estate management company to provide prior written notice to newly added appraisers, to identify the reasons why the appraiser is being removed from the appraiser panel and to provide an opportunity for the appraiser to respond to the notification, as is required prior to removal of other appraisers from appraiser panels.

**LD 1933      An Act To Promote Bulk Retail Purchasing      CARRIED OVER**

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

This bill is a concept draft pursuant Joint Rule 208.

This bill proposes to allow retail establishments to permit customers to supply their own containers for the purchase of certain food items.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1977      An Act To Ensure a Consumer's Right To Repair Certain Electronic      CARRIED OVER**  
**Products**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M HUBBELL B		

**Joint Standing Committee on Innovation, Development, Economic Advancement and  
Business**

This bill establishes a consumer's right to repair electronic devices, excluding motor vehicles. It requires manufacturers of electronic equipment to make available the information and equipment necessary for diagnosis and repair of electronic equipment problems. It prohibits original equipment manufacturers from limiting access to diagnostic equipment and tools to authorized repair providers and requires manufacturers to make this information and equipment available to independent repair providers under fair and reasonable terms. The bill provides that a violation constitutes an unfair trade practice.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2004      An Act To Provide for the 2020 and 2021 Allocations of the State Ceiling  
on Private Activity Bonds** **PUBLIC 572  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIGE	OTP-AM	S-381

This bill establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2020 and 2021 among the state-level issuers of tax-exempt bonds.

**Committee Amendment "A" (S-381)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2019, chapter 572 establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2020 and 2021 among the state-level issuers of tax-exempt bonds.

Public Law 2019, chapter 572 was enacted as an emergency measure effective February 27, 2020.

**LD 2023      An Act Regarding the Experience Requirement for Auditors Working in  
the Office of the State Auditor Who Are Seeking Licensure as Certified  
Public Accountants** **PUBLIC 656**

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

This bill amends the laws governing the qualifications for licensure as a certified public accountant to specify that experience as an auditor for the Office of the State Auditor is valid for satisfying the experience requirements for initial licensure.

**Enacted Law Summary**

Public Law 2019, chapter 656 amends the laws governing the qualifications for licensure as a certified public accountant to specify that experience as an auditor for the Office of the State Auditor is valid for satisfying the experience requirements for initial licensure.

***Joint Standing Committee on Innovation, Development, Economic Advancement and  
Business***

**LD 2092      *Resolve, To Establish the Maine Spaceport Complex Leadership  
Council***

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S HUBBELL B		

This resolve establishes the Maine Spaceport Complex Leadership Council, a public-private partnership of private space flight commercial interests and local, state and federal government and academic entities, to lead the development and implementation of a spaceport complex in the State and to orchestrate engagement with external stakeholders and investors. The resolve requires the council to create a strategic plan and, by December 31, 2021, to present the plan to the Governor and to the joint standing committee of the Legislature having jurisdiction over economic development matters.

This resolve, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2138      *An Act To Amend the American Sign Language Interpreters Licensing  
Laws***

**CARRIED OVER**

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

This bill amends the American Sign Language interpreters licensing laws to clarify the requirements for licensure as a conditional interpreter or conditional deaf interpreter.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Innovation, Development, Economic  
Advancement and Business*

**SUBJECT INDEX**

**Bonds**

**Enacted**

**LD 2004**      **An Act To Provide for the 2020 and 2021 Allocations of the State Ceiling  
on Private Activity Bonds**      **PUBLIC 572  
EMERGENCY**

**Business Regulation**

**Not Enacted**

**LD 1891**      **An Act To Protect Maine Propane Consumers upon the Termination of  
an Agreement between a Dealer and a Consumer**      **CARRIED OVER**

**LD 1933**      **An Act To Promote Bulk Retail Purchasing**      **CARRIED OVER**

**Consumer Protections**

**Not Enacted**

**LD 1977**      **An act To Ensure a Consumer's Right To Repair Certain Electronic  
Products**      **CARRIED OVER**

**Economic Development - Initiatives**

**Not Enacted**

**LD 1481**      **An Act To Establish the Big Moose Mountain Regional Development  
Authority**      **ONTP**

**LD 2092**      **Resolve, To Establish the Maine Spaceport Complex Leadership Council**      **CARRIED OVER**

**Economic Development - Research**

**Not Enacted**

LD 814	An Act To Strengthen Maine's Economy through Research and Innovation led by the University of Maine System	Leave to Withdraw Pursuant to Joint Rule 310
LD 1342	An Act to Establish the Maine Workforce, Research, Development and Student Achievement Institute	CARRIED OVER

**Educational Loans and Debt Repayment**

**Not Enacted**

LD 509	An Act to Increase the Minimum Grant Amount under the Maine State Grant Program	CARRIED OVER
LD 772	An Act To Encourage Continued Learning	CARRIED OVER
LD 799	An Act To Create the Maine Health Care Provider Loan Repayment Program	CARRIED OVER

**Miscellaneous**

**Not Enacted**

LD 1051	An Act To Create the Maine Family First Employer Program	CARRIED OVER
LD 1690	An Act To Certify and Promote Products That Are Made in Maine	ONTP

**Occupational and Professional Regulation**

**Enacted**

LD 1924	An act To Amend the Real Estate Appraisal Management Company Laws	PUBLIC 641
LD 2023	An Act Regarding the Experience Requirement for Auditors Working in the Office of the State Auditor Who Are Seeking Licensure as Certified Public Accountants	PUBLIC 656

**Not Enacted**

LD 2138	An Act To Amend the American Sign Language Interpreters Licensing Law	CARRIED OVER
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**Workforce Development**

**Enacted**

<b>LD 647</b>	<b>An Act To Attract, Educate and Retain New State Residents To Strengthen the Workforce</b>	<b>CARRIED OVER</b>
<b>LD 1193</b>	<b>Resolve, Directing the Maine Community College System To Evaluate the Need To Expand Workforce Training Options in Waldo County</b>	<b>CARRIED OVER</b>
<b>LD 1584</b>	<b>An Act To Attract, Build and Retain an Early Childhood Education Workforce through Increased Training, Education and Career Pathways</b>	<b>CARRIED OVER</b>
<b>LD 1821</b>	<b>Resolve, To Address the Population Shortage in Rural Maine</b>	<b>ONTP</b>

STATE OF MAINE  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

November 2020

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REP. DAVID G. HAGGAN  
REP. PHILIP CURTIS  
REP. JOHN DEVEAU  
REP. JEFFREY EVANGELOS



*Joint Standing Committee on Judiciary*

**LD 82      An Act To Determine the Necessity for a Public Guardian or  
Conservator Bond**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D CARPENTER M		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill proposes to implement recommendations relating to the bond requirements for public guardians and conservators under the Maine Revised Statutes, Title 18-C, section 5-710. The recommendations must be based on a review of the bond requirements to determine whether the requirements should be changed.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 89      An Act To Impose Requirements on the Rental of Residential Property  
That Has Been Used in the Manufacture of Methamphetamine**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A WOODSOME D	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires that landlords and other persons entering into a lease or tenancy at will agreement for residential property ensure that property used in the manufacture of methamphetamine be decontaminated and tested in accordance with the standards established by the United States Environmental Protection Agency's March 2013 revised edition of the Voluntary Guidelines for Methamphetamine Laboratory Cleanup or other standards established in rule by the Department of Economic and Community Development. The bill also requires that landlords and other persons entering into a lease or tenancy at will agreement disclose to the potential tenant or lessee that a property has been used in the manufacture of methamphetamine. The bill makes violation of these provisions a civil violation, punishable by a fine of up to \$500, and also states that failure to decontaminate or disclose constitutes a breach of the implied warranty of fitness for human habitation. The bill gives the Department of Economic and Community Development authority to adopt rules to implement these provisions.

This bill, which had been reported out of committee but not yet taken up by the House or THE Senate, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Judiciary*

**LD 182      An Act To Amend the Maine Bail Code Regarding the Financial Capacity of a Defendant To Post Bond**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T ROSEN K		

This bill was carried over in the Criminal Justice and Public Safety Committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. The bill was re-referred to the Judiciary Committee during the Second Regular Session.

This bill amends the Maine Bail Code to provide that a defendant who is not dangerous, is not a flight risk in the absence of bond and is otherwise eligible for bail may not be detained solely due to financial inability to post a money or property bond and may file a motion with the court requesting relief from the requirement to post a money or property bond. This bill requires the court to determine the financial capacity of the defendant and rule on the motion in an expedited manner.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 194      An Act To Allow the Reduction of a MaineCare Lien**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Under current law, when MaineCare benefits are provided to an individual for the costs of injury, disability or other occurrence for which a third party is held liable, the Commissioner of Health and Human Services is entitled to recover the costs of MaineCare benefits, and the statutory lien may not be reduced to reflect an assessment of a pro rata share of the recipient's attorney's fees or litigation costs. This bill amends that provision of law to allow the statutory lien to be reduced.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 279      An Act To Raise Juror Pay to \$50 per Day**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P PERRY A	OTP-AM OTP-AM	S-24

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

*Joint Standing Committee on Judiciary*

This bill increases a juror's daily compensation rate from \$15 to \$50.

**Committee Amendment "A" (S-24)**

This amendment is the majority report. It adds an appropriation and allocations section and incorporates a fiscal note.

**Committee Amendment "B" (S-25)**

This amendment is the minority report. It changes the increased juror compensation amount in the bill to \$25 per day. The amendment also adds an appropriations and allocations section and incorporates a fiscal note.

This amendment was not adopted.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 302      An Act To Amend the Laws Governing Post-conviction Review in Order      CARRIED OVER  
To Facilitate the Fair Hearing of All Evidence in Each Case Involving a  
Claim of Innocence**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS J MIRAMANT D		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill amends the statutory provisions regarding criminal post-conviction review to allow the filing of a petition for post-conviction review claiming actual innocence at any time during the period of direct impediment, except that it may not be filed within one year of a judgment on a prior petition for post-conviction review on the same conviction. This bill requires that a petition for post-conviction review claiming actual innocence receive at least one evidentiary hearing in which the petitioner may submit new evidence and evidence submitted in prior proceedings on the same matter.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 433      RESOLUTION, Proposing an Amendment to the Constitution of Maine      CARRIED OVER  
To Explicitly Prohibit Discrimination Based on the Sex of an Individual**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L MILLETTR	OTP-AM ONTP	H-230

This resolution was carried over in the House from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolution proposes to amend the Constitution of Maine to prohibit the denial or abridgment by the State or any political subdivision of the State of equal rights based on the sex of an individual.

## *Joint Standing Committee on Judiciary*

### **Committee Amendment "A" (H-230)**

This amendment is the majority report of the committee. This amendment incorporates a fiscal note.

### **House Amendment "A" (H-705)**

This amendment proposes to amend the Constitution of Maine to prohibit the denial of equal protection under the law based on the sex of an individual. It makes clear that the prohibition does not secure or protect a right to abortion or funding of abortion by the State.

This amendment was not adopted.

This resolution was again carried over, still in the House, to any special session of the 129th Legislature by joint order, S.P. 788.

<b>LD 531</b>	<b>An Act To Provide Counsel for a Person Who Is the Subject of an Adult Guardianship, Conservatorship or Other Protective Arrangement Proceeding</b>	<b>CARRIED OVER</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B CARPENTER M		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires a probate court to appoint an attorney for a person who is not already represented by an attorney when the person is the subject of a petition for adult guardianship, conservatorship or other protective arrangement.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

<b>LD 545</b>	<b>An Act To Ban Child Marriage</b>	<b>PUBLIC 535</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D	OTP ONTP	

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

Under current law, a marriage license may be issued to parties who are under 16 years of age with the written consent of their parents, guardians or legal custodians and the consent of the probate judge in the county where each minor resides. This bill amends the law to prohibit the issuance of a marriage license to a person under 16 years of age.

### **Enacted Law Summary**

Public Law 2019, chapter 535 amends the law to prohibit the issuance of a marriage license to a person under 16 years of age.

*Joint Standing Committee on Judiciary*

**LD 573      An Act To Extend Time Limits for Placing Land in Trust Status under  
the Maine Indian Claims Settlement**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill extends all time limits for both the Passamaquoddy Tribe and the Penobscot Nation to add to their respective trust lands under the Act to Implement the Maine Indian Claims Settlement to January 31, 2030.

Because this bill amends the Act to Implement the Maine Indian Claims Settlement, this bill does not take effect unless the Joint Tribal Council of the Passamaquoddy Tribe and the Tribal Chief and Council of the Penobscot Nation agree to these changes and certify their agreement to the Secretary of State within 60 days of the adjournment of the First Regular Session of the 129th Legislature.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 639      An Act To Protect Student Privacy**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M MCCREAD	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides that video and audio recordings made by security or surveillance cameras on school grounds or in school vehicles are not public records for purposes of the Freedom of Access Act.

This bill, which had been reported out of committee but not yet taken up by the House or the Senate, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 657      An Act To Reorganize the Probate Courts**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B CARPENTER M		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill directs that the Probate Courts be reorganized.

*Joint Standing Committee on Judiciary*

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 680      An Act To Clarify the Intent of the Federal Maine Indian Claims Settlement Act of 1980 To Ensure the Federal Principle of Inherent Tribal Sovereignty      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill proposes to clarify the intent of the federal Maine Indian Claims Settlement Act of 1980 to ensure the federal principle of inherent tribal sovereignty.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 698      An Act To Authorize Maine Courts To Award Attorney's Fees and Costs to Citizens Who Prevail in Civil Litigation against the Executive Branch      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	OTP-AM ONTP	S-312

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill clarifies that when one or more citizens sue the Governor or any executive branch agency to enforce federal or state law and the citizen or citizens prevail or substantially prevail, the citizen or citizens may petition the court for the State to pay all costs. If the citizen or citizens demonstrate that the agency or Governor knowingly violated the law, the court is required to also award reasonable attorney's fees.

**Committee Amendment "A" (S-312)**

The bill requires the court to award reasonable attorney's fees to a citizen or citizens that prevail in litigation against the Governor or any agency of the executive branch if the citizen or citizens demonstrate that the defendant knowingly violated the law. This amendment, which is the majority report of the committee, gives the court in that situation the discretion to award reasonable attorney's fees to be paid to the prevailing citizen or citizens. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Judiciary*

**LD 759 An Act To Increase Efficiency in Enforcement of the Maine Human Rights Act**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CARPENTER M	OTP-AM ONTP	H-573

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides funding for two Paralegal positions and one Consumer Outreach position within the Maine Human Rights Commission and requires that the commission purchase a computer system. It also includes a \$10,000 appropriation for the initial step in evaluating the commission's computer system needs.

**Committee Amendment "A" (H-573)**

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

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 766 An Act Regarding the Penobscot Nation's and Passamaquoddy Tribe's Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010 and the Federal Violence Against Women Reauthorization Act of 2013**

**PUBLIC 621**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CARPENTER M	OTP-AM ONTP OTP-AM	H-763

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. During the Second Regular Session, this bill was recalled from the Governor's desk and re-committed to committee.

This bill amends the Act To Implement the Maine Indian Claims Settlement by:

1. Transferring jurisdiction over violations of a tribal ordinance from the State to the Passamaquoddy Tribe and the Penobscot Nation over a person who is not a member of either tribe or nation in accord with and to the extent authorized by federal law;
2. Increasing the level of certain criminal offenses from a maximum period of imprisonment of one year and a maximum amount of \$5,000 to a maximum period of imprisonment of three years and a maximum amount of \$15,000 over which the Penobscot Nation has the right to exercise exclusive jurisdiction as authorized by the federal Tribal Law and Order Act of 2010; and
3. Clarifying that the Penobscot Nation has concurrent jurisdiction with the State over criminal offenses as authorized by the federal Violence Against Women Reauthorization Act of 2013.

## *Joint Standing Committee on Judiciary*

### **Committee Amendment "A" (H-648)**

This amendment was the majority report of the committee in the First Regular Session. It provides authority for the Passamaquoddy Tribe and the Penobscot Nation to extend the jurisdiction of their respective tribal courts over certain criminal offenses committed by an individual, regardless of whether the individual is a member of a federally recognized Indian tribe. The criminal offenses are domestic violence offenses in the Maine Criminal Code and criminal violation of a protection from abuse order. The criminal offenses are Class D crimes, and the tribe's and nation's jurisdictions are concurrent with the State's jurisdiction for the crimes.

The Joint Standing Committee on Judiciary has authority to report out legislation to the Second Regular Session of the 129th Legislature concerning the extension of tribal court jurisdiction to felony domestic violence offenses consistent with the federal Violence Against Women Reauthorization Act of 2013 and the Tribal Law and Order Act of 2010.

The tribal courts are required to participate in uniform crime reporting by reporting certain information to the Department of Public Safety, State Bureau of Identification, and the bureau will share its annual reports with tribal law enforcement agencies.

The changes to the Act To Implement the Maine Indian Claims Settlement included in the bill and this amendment do not take effect unless the tribes affected approve of the changes and certify their approval.

This amendment was adopted in the First Regular Session but was removed from the bill when the bill was re-committed to the committee in the Second Regular Session.

### **Committee Amendment "B" (H-649)**

This amendment was the minority report of the committee in the First Regular Session. It differs from the majority report by repealing the expanded tribal court jurisdiction January 1, 2026.

This amendment was not adopted in either session.

### **House Amendment "A" To Committee Amendment "A" (H-655)**

This amendment clarifies the application of the expanded jurisdiction.

This amendment was adopted in the First Regular Session but was removed from the bill when the bill was re-committed to committee in the Second Regular Session.

### **Committee Amendment "C" (H-763)**

This amendment is the majority report of the committee in the Second Regular Session. It replaces the bill but carries out the bill's intent of extending tribal court jurisdiction, originally authorized by the federal Violence Against Women Reauthorization Act of 2013, to any person who commits certain Class D domestic violence offenses against a member of a federally recognized tribe, nation, band or other group on the lands of the Passamaquoddy Tribe or the Penobscot Nation. This concurrent jurisdiction includes offenses committed by a member of a federally recognized Indian tribe, nation, band or other group on tribal lands against a person who is not a member of any federally recognized Indian tribe, nation, band or other group.

Parts A and C apply to the Penobscot Nation. Parts B and D apply to the Passamaquoddy Tribe.

This amendment provides authority for the Passamaquoddy Tribe and the Penobscot Nation to extend the jurisdiction of their respective tribal courts over certain criminal offenses committed by a person, regardless of whether the person is a member of a federally recognized Indian tribe. The criminal offenses are domestic violence offenses in the Maine Criminal Code and criminal violation of a protection from abuse order, but do

## *Joint Standing Committee on Judiciary*

not include offenses between nontribal members. The criminal offenses are Class D crimes, and the tribe's and nation's jurisdictions are concurrent with the State's jurisdiction for the crimes. The amendment references the tribal courts' guarantees of all other rights whose protection is necessary under the United States Constitution in order for the State to authorize concurrent jurisdiction to ensure that this enactment, if ratified by the Passamaquoddy Tribe, the Penobscot Nation, or both, is not later determined or deemed to be unconstitutional based on subsequent judicial decisions. This extended jurisdiction applies to the domestic violence crimes committed on the respective reservations and lands taken into trust by the Secretary of the Interior for the benefit of the Passamaquoddy Tribe or the Penobscot Nation, now or in the future. This extended jurisdiction covers lands held in trust on or before the effective date of this Act, as well as lands taken into trust after the effective date of this Act.

This amendment also extends the exclusive jurisdiction of the Passamaquoddy Tribal Court to criminal offenses committed on the Passamaquoddy Indian Reservation between members of any federally recognized Indian tribe, nation, band or other group.

The tribal courts, law enforcement agencies and law enforcement officers are required to participate in uniform crime reporting by reporting certain information to the Department of Public Safety, State Bureau of Identification, and the bureau is required to share its annual reports with tribal law enforcement agencies.

Other changes include revisions to the definition of "another jurisdiction" in the Maine Criminal Code to include criminal convictions by courts of federally recognized Indian tribes. This change is consistent with federal law and the recognition of orders of protection from abuse from the courts of federally recognized Indian tribes by the Maine Revised Statutes, Title 19-A, section 4011.

The changes to the Act To Implement the Maine Indian Claims Settlement included in this amendment do not take effect unless the tribes affected approve of the changes and certify their approval.

### **Committee Amendment "D" (H-764)**

This amendment is the minority report of the committee in the Second Regular Session. It differs from Committee Amendment "C" in that it includes a sunset on the extended jurisdiction of July 1, 2026.

This amendment was not adopted.

### **Enacted Law Summary**

Public Law 2019, chapter 621 provides authority for the Passamaquoddy Tribe and the Penobscot Nation to extend the jurisdiction of their respective tribal courts over certain criminal offenses committed by a person, regardless of whether the person is a member of a federally recognized Indian tribe. The criminal offenses are domestic violence offenses in the Maine Criminal Code and criminal violation of a protection from abuse order, but do not include offenses between nontribal members. The criminal offenses are Class D crimes, and the tribe's and nation's jurisdictions are concurrent with the State's jurisdiction for the crimes. Chapter 621 references the tribal courts' guarantees of all other rights whose protection is necessary under the United States Constitution in order for the State to authorize concurrent jurisdiction to ensure that this enactment, if ratified by the Passamaquoddy Tribe, the Penobscot Nation or both, is not later determined or deemed to be unconstitutional based on subsequent judicial decisions. This extended jurisdiction applies to the domestic violence crimes committed on the respective reservations and lands taken into trust by the Secretary of the Interior for the benefit of the Passamaquoddy Tribe or the Penobscot Nation, now or in the future. This extended jurisdiction covers lands held in trust on or before the effective date of this Act, as well as lands taken into trust after the effective date of this Act.

Chapter 621 also extends the exclusive jurisdiction of the Passamaquoddy Tribal Court to criminal offenses committed on the Passamaquoddy Indian Reservation between members of any federally recognized Indian tribe,

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nation, band or other group.

The tribal courts, law enforcement agencies and law enforcement officers are required to participate in uniform crime reporting by reporting certain information to the Department of Public Safety, State Bureau of Identification, and the bureau is required to share its annual reports with tribal law enforcement agencies.

Other changes include revisions to the definition of "another jurisdiction" in the Maine Criminal Code to include criminal convictions by courts of federally recognized Indian tribes. This change is consistent with federal law and the recognition of orders of protection from abuse from the courts of federally recognized Indian tribes by the Maine Revised Statutes, Title 19-A, section 4011.

The changes to the Act To Implement the Maine Indian Claims Settlement included in chapter 621 do not take effect unless the Passamaquoddy Tribe and the Penobscot Nation approve of the changes and certify their approval.

**LD 776      An Act Regarding Post-judgment Motion by a Person Seeking To Satisfy      CARRIED OVER**  
**the Prerequisites for Obtaining Special Restrictions on the**  
**Dissemination and Use of Criminal History Record Information for**  
**Certain Criminal Convictions**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill amends the law concerning a post-judgment motion by a person seeking to satisfy the prerequisites for obtaining special restrictions on the dissemination and use of criminal history record information for certain criminal convictions in the following ways:

1. Current law makes convictions of only certain Class E crimes eligible for special restrictions on dissemination and use of criminal history record information. This bill expands eligibility to include convictions of both certain Class E crimes and certain Class D crimes;
2. Current law allows eligibility for restrictions on dissemination and use of criminal history record information only for persons who at the time of the commission of the crime were 18 to 20 years of age. This bill expands eligibility to a person who at the time of the commission of the crime was 18 to 25 years of age; and
3. This bill removes the provision repealing the current law October 1, 2019.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 793      An Act To Improve Accountability of Opioid Manufacturers      PUBLIC 536**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MADIGAN C	OTP-AM ONTP	S-320 S-321 JACKSON T

## *Joint Standing Committee on Judiciary*

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. The bill became law without signature at the beginning of the Second Regular Session.

This bill prohibits opioid medication manufacturers and distributors from falsely advertising that an opioid medication does not have abuse liability or has a lower abuse liability than another opioid medication; distributing a quantity of opioid medications that is not medically reasonable; or failing to report orders that are not medically reasonable. It establishes a civil violation and authorizes the Attorney General to investigate violations. It creates a fund into which the penalties and fees must be paid. This legislation applies retroactively to January 1, 1985.

### **Committee Amendment "A" (S-320)**

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

The amendment raises the annual fee for a manufacturer of opioid medication to \$55,000. The amendment establishes a registration fee due from manufacturers of opioid medications of \$250,000 if the manufacturer sells, delivers or distributes 2,000,000 or more units of an opioid medication within this State, not including units that are prescribed for the purpose of medication-assisted treatment of substance use disorder. The fees are deposited into the Opioid Use Disorder Prevention and Treatment Fund, which is established to provide opioid use disorder prevention and treatment services and administered by the Department of Health and Human Services.

The amendment also requires manufacturers and wholesale distributors of opioid medications to provide to the State the same information as provided to the United States Drug Enforcement Administration under its Automation of Reports and Consolidated Orders System regarding controlled substances transactions in this State on the same schedule that information is provided to the Federal Government.

The amendment requires the Maine Board of Pharmacy to evaluate and report whether the fees have affected the prescribing practices for opioid medications by reducing the number of opioid medication prescriptions issued during calendar years 2020, 2021 and 2022 or whether the fees have created any unintended consequences in the availability of opioid medications for the treatment of chronic or intractable pain, to the extent the board has the ability to identify a correlation. The board shall provide the report to the joint standing committee of the Legislature having jurisdiction over health and human services matters, which may report out legislation based upon the report. The reports must be submitted annually by March 1st.

### **Senate Amendment "A" To Committee Amendment "A" (S-321)**

This amendment exempts from the opioid medication fee a manufacturer of opioid medications exclusively for use in veterinary medicine.

### **Enacted Law Summary**

Public Law 2019, chapter 536 raises the annual fee for a manufacturer of opioid medication to \$55,000, and establishes a registration fee due from manufacturers of opioid medications of \$250,000 if the manufacturer sells, delivers or distributes 2,000,000 or more units of an opioid medication within this State, not including units that are prescribed for the purpose of medication-assisted treatment of substance use disorder. The fees are deposited into the Opioid Use Disorder Prevention and Treatment Fund, which is established to provide opioid use disorder prevention and treatment services and administered by the Department of Health and Human Services.

Chapter 536 also requires manufacturers and wholesale distributors of opioid medications to provide to the State the same information as provided to the United States Drug Enforcement Administration under its Automation of Reports and Consolidated Orders System regarding controlled substances transactions in this State on the same schedule that information is provided to the Federal Government.

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Chapter 536 requires the Maine Board of Pharmacy to evaluate and report whether the fees have affected the prescribing practices for opioid medications by reducing the number of opioid medication prescriptions issued during calendar years 2020, 2021 and 2022 or whether the fees have created any unintended consequences in the availability of opioid medications for the treatment of chronic or intractable pain, to the extent the board has the ability to identify a correlation. The board shall provide the report to the joint standing committee of the Legislature having jurisdiction over health and human services matters, which may report out legislation based upon the report. The reports must be submitted annually by March 1st.

**LD 954      An Act To Rescind An Act To Implement the Maine Indian Claims Settlement      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill repeals An Act to Implement the Maine Indian Claims Settlement. The repeal does not take effect unless approved by the Houlton Band Council of the Houlton Band of Maliseet Indians, the Tribal Chief and the Council of the Penobscot Nation and the Joint Tribal Council of the Passamaquoddy Tribe within 90 days after the adjournment of the First Regular Session of the 129th Legislature.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1021      An Act To Require the Maine Commission on Indigent Legal Services To Pay Court-appointed Attorneys for Certain Probate Court Cases      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides that when a probate court appoints an attorney for a party in a guardianship or protective proceeding, if the party is indigent or a minor, the attorney's fees must be paid by the Maine Commission on Indigent Legal Services.

This bill, which had been reported out of committee but not yet taken up by the House or the Senate, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1053      An Act To Reduce the Duration of Execution Liens      PUBLIC 622**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER J BELLOWS S	OTP-AM	H-716

*Joint Standing Committee on Judiciary*

This bill was carried over in committee from the First Regular Session of the 129th Legislature by order, H.P. 1322.

Current law provides that a judgment or decree of a court of record of the United States or of any state is presumed to be paid and satisfied at the end of 20 years after any duty or obligations accrued by virtue of such judgment or decree. This bill provides an exception to this law for a judgment or decree based upon a consumer obligation, which is irrebuttably presumed to be paid and satisfied at the end of one year after any duty or obligation accrued by virtue of the judgment or decree unless within that period the judgment creditor has commenced other action as permitted by law for the enforcement of the judgment or decree.

**Committee Amendment "A" (H-716)**

This amendment replaces the bill and provides that an execution lien created on or after September 1, 2020, for any underlying judgment, expires at the end of 10 years unless it is renewed before the expiration of the 10-year period. The renewal period is also 10 years. The lien can be renewed once.

The amendment provides that the current law, which provides for a 20-year duration and a 20-year renewal period, applies to liens created before September 1, 2020.

**Enacted Law Summary**

Public Law 2019, chapter 622 provides that an execution lien created on or after September 1, 2020, for any underlying judgment, expires at the end of 10 years unless it is renewed before the expiration of the 10-year period. The renewal period is also 10 years. The lien can be renewed once.

Public Law 2019, chapter 622 provides that the current law, which provides for a 20-year duration and a 20-year renewal period, applies to liens created before September 1, 2020.

**LD 1061     An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons     CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS J DESCHAMBAULTS		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates the Unjustly Incarcerated Persons Compensation Fund and establishes compensation amounts and a process for the application for and determination of compensation for persons unjustly incarcerated. The bill establishes compensation of \$25,000 per year of unjust incarceration and \$10,000 for each year that the person eligible for compensation was required to register as a sex offender.

The bill repeals the existing law providing a maximum payment of \$300,000 for wrongful imprisonment that is based on a pardon granted on the basis of innocence.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Judiciary*

**LD 1067 An Act To Promote Fairness and Efficiency in the Delivery of Indigent Legal Services**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill proposes to implement the recommendations of a national center dedicated to protecting rights secured by the Sixth Amendment to the United States Constitution regarding the delivery of indigent legal services in Maine.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1073 Resolve, To Implement an Intensive Drug Treatment Court Pilot Project in the Midcoast**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M DOW D	ONTP OTP-AM	H-475

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve establishes an intensive drug treatment court two-year pilot project in the midcoast area of the State to be operational no later than November 1, 2019. The pilot project will serve 10 participants who meet the requirements for participation in drug court programs. The support services provided by the Department of Health and Human Services under the pilot project are more intensive than those provided to current participants in drug court programs. The department is required to provide an interim report on implementation and a final report that includes the results of an independent evaluation of the project.

**Committee Amendment "A" (H-475)**

This amendment is the minority report of the committee. It revises the number of participants in the pilot project from 10 to 25. The amendment also replaces the appropriations and allocations section.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Judiciary*

**LD 1229      Resolve, To Establish the Committee To Study and Develop  
Recommendations To Address Guardianship Challenges That Delay  
Patient Discharges from Hospitals**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J DAVIS P	OTP-AM	H-452

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Study Table by joint order, H.P. 1322.

This resolve establishes the Committee To Study and Develop Recommendations To Address Guardianship Challenges That Delay Patient Discharges from Hospitals. The committee is required to study and develop recommendations to address guardianship, conservatorship and authorization of transaction challenges that result in extended hospitalization of patients clinically qualified for discharge from a hospital.

**Committee Amendment "A" (H-452)**

This amendment revises the membership of the study committee, requires the report to be submitted to both the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Judiciary, authorizes both committees to report out legislation based on the report to the Second Regular Session of the 129th Legislature and adds an emergency preamble and clause. It also allows the study committee to accept outside contributions, approved by the Legislative Council, to help fund the study committee.

This resolve was again carried over, still on the Special Study Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1291      An Act To Update the Maine Parentage Act**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill proposes to enact changes to the Maine Parentage Act that have been adopted as updates to the Uniform Parentage Act by the Uniform Law Commission.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Judiciary*

**LD 1294      Resolve, Directing the Maine Human Rights Commission To Implement  
a Pilot Program To Investigate and Report on Incidents of Harassment  
Due to Housing Status, Lack of Employment and Other Issues**

**RESOLVE 113**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M	OTP ONTP	H-666    TALBOT ROSS R

This resolve was finally passed by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. During the Second Regular Session, the resolve was recalled from the Governor's desk and, as described in this summary, was acted upon without reference to committee.

This resolve directs the Maine Human Rights Commission to create a two-year pilot program to receive, review and investigate incidents and complaints of harassment due to a person's lack of employment or housing status and other reports of interference with a person's access to public accommodations. In carrying out the pilot program, the commission must investigate and respond to incidents and complaints of harassment as set out in the Maine Revised Statutes, Title 5, sections 4611 and 4612. The commission is authorized to use any of its powers under Title 5, section 4566 to carry out the pilot program and may limit its scope. The commission is authorized to establish an advisory board to document and evaluate complaints and to advise the commission as to which incidents and complaints should be acted on and possible solutions. The commission is directed to produce an interim report for submission to the Joint Standing Committee on Judiciary by September 15, 2020, and a final report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by September 15, 2021. The reports are authorized to contain recommendations on changes to the program or for its continuation as well as proposed legislation to carry out any recommendations.

**House Amendment "A" (H-666)**

This amendment, which was adopted in the Second Regular Session after the resolve was recalled from the Governor's desk, removes the authority of the Maine Human Rights Commission to establish an advisory board to assist the commission in carrying out the pilot program. The amendment also extends by one year the due dates for the interim and final reports of the commission.

**Enacted Law Summary**

Resolve 2019, chapter 113 directs the Maine Human Rights Commission to create a two-year pilot program to receive, review and investigate incidents and complaints of harassment due to a person's lack of employment or housing status and other reports of interference with a person's access to public accommodations. In carrying out the pilot program, the commission must investigate and respond to incidents and complaints of harassment as set out in the Maine Revised Statutes, Title 5, sections 4611 and 4612. The commission is authorized to use any of its powers under Title 5, section 4566 to carry out the pilot program and may limit its scope. The commission is directed to produce an interim report for submission to the Joint Standing Committee on Judiciary by September 15, 2021, and a final report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by September 15, 2022. The reports are authorized to contain recommendations on changes to the program or for its continuation as well as proposed legislation to carry out any recommendations.

**LD 1380      An Act To Transfer the Violations Bureau from the Courts to the Office  
of the Secretary of State**

**ONTP**

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



*Joint Standing Committee on Judiciary*

excessive use of alcohol or use of illegal drugs, the condition of reporting on a regular basis to the defendant's attorney and the condition of returning to custody for specified hours after work release, schooling or other purposes;

- 4. Removes from bail conditions requirements that the defendant refrain from criminal conduct and that the integrity of the judicial system be ensured;
- 5. Makes changes to the information that must be taken into account when determining bail for the defendant;
- 6. Requires a judicial officer when determining bail to find by clear and convincing evidence that imposing a financial condition on a defendant will not cause excessive financial hardship on the defendant and requires that judicial officer to state on the record or in writing the findings upon which the determination is made; and
- 7. Adds to the list of facts a judicial officer must consider when determining bail whether the defendant is the primary person responsible for the care of another, has a health care need including a mental health care need that is being met or would be better met outside of custody or has employment that would be affected if the defendant is placed in custody.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1426 An Act To Increase Protections for Land Installment Contracts**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARNETT T BELLOWS S	OTP-AM ONTP	H-582

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the Legislature. During the Second Regular Session it was recalled from the Governor's desk and then tabled in the House without reference to committee.

This bill expands the definition of "land installment contracts," creates foreclosure procedures for residential land installment contracts that include a 90-day redemption period and removes the right to cure of the purchaser and imposes mortgagee requirements on the foreclosing party. This bill also requires the vendor of a land installment contract to certify that the property meets the warranty of habitability under state law, makes the vendor of a land installment contract a creditor under the Maine Consumer Credit Code and, along with other remedies, makes a violation of the provisions regarding land installment contracts a violation under the Maine Unfair Trade Practices Act.

**Committee Amendment "A" (H-582)**

This amendment was the majority report of the committee in the First Regular Session. It amends the bill to make clear that the parties to a rent-to-own or option-to-buy contract may agree to treat the agreement as a residential lease subject to the rental statutes in the Maine Revised Statutes, Title 14, chapters 709, 710 and 710-A; otherwise the residential properties foreclosure procedures apply. If the contract is treated as a residential lease agreement, the down payment is treated as a security deposit and must be returned when the rental ends.

The bill requires vendors who engage in land installment contracts to be treated as creditors under the Maine Consumer Credit Code. The amendment exempts vendors who engage in no more than one land installment contract per year.

## *Joint Standing Committee on Judiciary*

This bill was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1442    An Act To Provide for Court-appointed Advocates for Justice in Animal Cruelty Cases**

**PUBLIC 547**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D CHIPMAN B	OTP-AM ONTP	H-574

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

This bill allows courts to appoint law students or volunteer lawyers to advocate for the interests of justice in animal cruelty proceedings.

**Committee Amendment "A" (H-574)**

This amendment is the majority report of the committee in the First Regular Session. The bill requires the Department of Agriculture, Conservation and Forestry to keep a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system, and requires the Commissioner of Agriculture, Conservation and Forestry to provide that list to the courts. The courts use the list to appoint a separate advocate to represent the interests of justice in cases involving animal cruelty. This amendment moves the responsibilities concerning the list from the department and the commissioner to the Maine State Bar Association.

**Enacted Law Summary**

Public Law 2019, chapter 547 requires the Maine State Bar Association to keep a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system and provide that list to the courts. The courts will use the list to appoint a separate advocate to represent the interests of justice in cases involving animal cruelty.

**LD 1490    An Act To Enhance Tribal-State Collaboration in the Enforcement of Child Support**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The purpose of this bill is to establish legal authority to allow federally recognized Indian tribes in the State to use the same legal tools that are currently available to the State to compel noncustodial parents to assist in the support of their children.

The bill, which had not yet been voted by the committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Judiciary*

**LD 1554      Resolve, Establishing a Commission To Reform Child Protective Services**

**CARRIED OVER**

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

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H. P. 1322.

This resolve establishes the Commission To Reform Child Protective Services. The commission is required to submit a report, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

This resolve, which had been reported out of committee but not yet taken up by the House or the Senate, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1575      An Act To Improve the Freedom of Access Laws of Maine**

**CARRIED OVER**

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

The bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The purpose of this bill is to enhance access to public records without imposing undue burdens on the efficient and effective functioning of government. This bill makes the following changes to the Freedom of Access Act.

1. Current law defines public records that are subject to the Freedom of Access Act as matter in the possession or custody of an agency or public official that has been received or prepared for use in connection with, or that contains information relating to, the transaction of public or governmental business. This bill defines "public or governmental business" as the administration of public policy and the exercise of governmental power through laws, rules, ordinances, regulations and the equivalent.
2. The bill requires that, when requesting to inspect or to receive a copy of a public record, a person must provide to the agency or official with custody of the record sufficient information to identify the record sought. Under the bill, a request for a public record must include, at a minimum, the specific subject matter contained in the record and the date or dates upon which the record was created or a range of dates within which the record may have been created.
3. Current law requires that, within "a reasonable time" of receiving a request for information, the agency or official must provide a good faith, nonbinding estimate of the time within which the agency or official will comply. This bill instead requires that the agency or official, within 30 days of receiving the request, provide to the requester an update on progress on the request and, within 30 days of providing the update, fulfill the request. If the agency or official is unable to fulfill the entirety of the request within the specified time period, the agency or official must provide to the requester an explanation of the reason or reasons it was unable to comply, fulfill those portions of the request that it can fulfill and provide a written estimate of the expected date of compliance with the remainder of the request.

***Joint Standing Committee on Judiciary***

4. The bill directs the Right To Know Advisory Committee to examine the specific challenges of ensuring public access to public records in the face of new and emerging technologies and to develop recommendations that are designed to preserve communications that can be accessed by the public. The Right To Know Advisory Committee is directed to report its findings and recommendations to the Joint Standing Committee on Judiciary, which is authorized to report out a bill to the Second Regular Session of the 129th Legislature.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1598      An Act To Define the Responsibilities of Property Owners for the Maintenance and Repair of Private Roads      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes responsibility for the repair and maintenance of private roads and private ways that benefit residential properties. Unless there is an agreement, restriction, covenant or road association that specifies the cost to be paid by each owner of a benefited property, the cost is shared in proportion to the benefit received by each owner of benefited property. An owner who damages a private road or private way that benefits other residential properties is solely responsible for the cost of repairs to fix the damage. An owner who fails to comply may be forced to comply through an action brought by other owners on the private road or private way.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1612      An Act Regarding the Presumption of Abandonment of Gift Obligations      PUBLIC 553**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S LIBBY N	OTP-AM	H-661 BAILEY D

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. During the Second Regular Session, it was recalled from the Governor's desk and, as described in this summary, was acted upon without reference to committee.

Under current law, a gift obligation card, which includes a gift certificate, gift card and online gift account, is considered abandoned two years after the expiration of the calendar year in which it was purchased or last used. This bill removes the presumption of abandonment for gift obligation cards.

**Committee Amendment "A" (H-613)**

This amendment was the unanimous report of the committee in the First Regular Session. It provides that this legislation, which exempts gift obligation cards from the Uniform Unclaimed Property Act by establishing that a gift obligation card is never presumed abandoned, is effective January 1, 2021, and applies to gift obligation cards sold

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on or after January 1, 2021.

This amendment was adopted in the First Regular Session, but was removed from the bill after the bill was recalled from the Governor's desk.

### **Senate Amendment "A" To Committee Amendment "A" (S-366)**

This amendment provides that the amount of a gift obligation's face value that is unclaimed for purposes of the Uniform Unclaimed Property Act is 60% for gift obligations issued or whose most recent transaction, whichever is later, occurred during calendar year 2018 or earlier; 40% for gift obligations issued or whose most recent transaction, whichever is later, occurred during calendar year 2019; 20% for gift obligations issued or whose most recent transaction, whichever is later, occurred during calendar year 2020; and 0% for gift obligations issued or whose most recent transaction, whichever is later, occurred during calendar year 2021 or thereafter.

This amendment was adopted in the First Regular Session, but was removed from the bill after the bill was recalled from the Governor's desk.

### **House Amendment "A" (H-661)**

This amendment, which was adopted in the Second Regular Session after the bill was recalled from the Governor's desk, provides that the amount of a gift obligation's net obligation that is unclaimed for purposes of the Maine Revised Unclaimed Property Act is 60% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2019 or earlier; 40% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2020; 20% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2021; and 0% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2022 or after.

### **Enacted Law Summary**

Public Law 2019, chapter 553 amends the unclaimed property laws applicable to gift cards. Under current law, a gift obligation card, which includes a gift certificate, gift card and online gift account, is considered abandoned two years after the expiration of the calendar year in which it was purchased or last used.

Public Law 2019, chapter 553 provides that the amount of a gift obligation's net obligation that is unclaimed for purposes of the Maine Revised Unclaimed Property Act is 60% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2019 or earlier; 40% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2020; 20% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2021; and 0% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2022 or after.

**LD 1653      *Resolve, Establishing the Conference To Address and Improve Relations between Maine Indian Tribes and the Legislature*      **CARRIED OVER****

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

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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This resolve establishes the Conference To Address and Improve Relations between Maine Indian Tribes and the Legislature to develop meaningful conversations among the members of the conference on communication and policy differences that led to the breakdown between the Legislature and the tribal representatives to the Legislature and how better to communicate and improve the relationship between the Legislature and Maine Indian tribes. Ex officio members of the conference are the President of the Senate, the Speaker of the House, the Senate Minority Leader and the House Minority Leader, who are directed to invite as members of the conference the Chief of the Aroostook Band of Micmacs, the Chief of the Houlton Band of Maliseet Indians, the Chief of the Penobscot Indian Nation, the Chief of the Passamaquoddy Tribe at Indian Township and the Chief of the Passamaquoddy Tribe at Pleasant Point.

This resolve, which had been referred to committee but not yet heard, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1670 An Act To Limit the Dissemination of Juvenile Records**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	ONTP	H-594

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. During the Second Regular Session, it was recalled from the Governor's desk and was re-committed to committee. It was ultimately and reported out of committee as Ought Not To Pass because the content of the bill is contained in the final version of LD 1964.

The bill changes the sealing process for juvenile records to provide that at the time a person who is adjudicated to have committed a juvenile crime is discharged from the disposition ordered for that juvenile crime, the court is required to automatically and immediately enter an order sealing from public inspection all records pertaining to the juvenile crime and its disposition.

**Committee Amendment "A" (H-594)**

This amendment was the majority report of the committee in the First Regular Session.

The bill provides for the automatic sealing of all records of juvenile crimes once the juvenile is finally discharged from the disposition ordered for the crime. This amendment restores the three-year waiting period after discharge and the petition process for sealing records of juvenile crimes and provides that the petition process applies to crimes that, if the juvenile were an adult, would constitute murder, aggravated attempted murder, attempted murder, Class A manslaughter other than the reckless or criminally negligent operation of a motor vehicle, elevated aggravated assault on a pregnant person, elevated aggravated assault, arson that recklessly endangers any person, causing a catastrophe, Class A robbery, any Class A or Class B sex crimes or operating under the influence.

This amendment clarifies that the court is required to seal the record for other juvenile crimes when it receives appropriate notice that the juvenile has been finally discharged from the disposition ordered. That notice must come from the Department of Corrections, the district attorney or the juvenile or the juvenile's attorney. If the juvenile or the juvenile's attorney is providing the notice, the notice must first be served on the office of the district attorney who prosecuted the juvenile crime.

This amendment provides that the court must send the order sealing the record to the Department of Public Safety, Bureau of State Police, State Bureau of Identification, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources or the Department of the Secretary of State, Bureau of Motor Vehicles, as appropriate.



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5. Clarifying the scope of the Maine Human Rights Act application in education.

The bill also clarifies the protections provided to pregnant persons in employment and that the sexual orientation provisions already in the Maine Human Rights Act extend to gender identity.

### **Committee Amendment "A" (H-643)**

This amendment was the majority report of the committee in the First Regular Session. It removes housing from the list in the policy section of activities for which it is illegal to discriminate on the basis of age. The bill clarifies the Maine Human Rights Act by adding "or gender identity" where the phrase "sexual orientation" currently is in place; the amendment does the same throughout the rest of the Maine Revised Statutes.

This amendment was adopted in the First Regular Session, but was removed and replaced by House Amendment "C" in the Second Regular Session.

### **Senate Amendment "A" (S-349)**

This amendment strikes from the bill the clarifications of protections provided to pregnant persons in employment because they are covered by another bill.

This amendment was adopted in the First Regular Session but was removed and replaced by House Amendment "C" in the Second Regular Session.

### **House Amendment "A" (H-654)**

This amendment removes references to bona fide nonprofits regarding religious entities.

This amendment was adopted in the First Regular Session but was removed and replaced by House Amendment "C" in the Second Regular Session.

### **House Amendment "B" (H-663)**

This amendment, which was adopted in the Second Regular Session after the bill was recalled from the Governor's Desk, incorporates the substance of the bill, as amended by Committee Amendment "A," Senate Amendment "A" and House Amendment "A" and it strikes from the bill a provision that makes it unlawful public accommodations discrimination under the Maine Human Rights Act for any public entity to discriminate on the basis of protected class.

It updates the statutory sections to reflect changes in the law that were enacted in the First Regular Session of the 129th Legislature.

This amendment was not offered or adopted. See House Amendment "C".

### **House Amendment "C" (H-665)**

This amendment incorporates the substance of the bill, as amended by Committee Amendment "A," Senate Amendment "A" and House Amendment "A" and makes the following changes:

1. It strikes from the bill a provision that makes it unlawful public accommodations discrimination under the Maine Human Rights Act for any public entity to discriminate on the basis of protected class because that provision duplicates changes made in LD 1701, Public Law 2019, chapter 464; and
2. It retains a provision in current law that makes it unlawful discrimination for a qualified individual with a disability, by reason of that disability, to be excluded from participation in or denied the benefits of the services, programs or activities of a public entity or subjected to discrimination by a public entity.





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a law school accredited by the American Bar Association when the practice is pursuant to a rule of the Supreme Judicial Court.

### **Enacted Law Summary**

Public Law 2019, chapter 597 provides an exception to the unauthorized practice of law for practice by a law student enrolled in a law school accredited by the American Bar Association when the practice is pursuant to a rule of the Supreme Judicial Court.

### **LD 1862      Resolve, Authorizing the Probate and Trust Law Advisory Commission To Submit Trust Decanting Legislation**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

ONTP  
OTP

This resolve directs the Probate and Trust Law Advisory Commission to review the existing trust laws of this State and the Uniform Trust Decanting Act from the National Conference of Commissioners on Uniform State Laws and develop legislative recommendations based on the review. The Probate and Trust Law Advisory Commission may submit a bill to the Second Regular Session of the 129th Legislature.

This resolve, which had been reported out of committee but not yet taken up by the House or the Senate, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1863      An Act To Amend the Maine Uniform Probate Code**

**PUBLIC 598**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill includes recommendations from the Probate and Trust Law Advisory Commission pursuant to the Maine Revised Statutes, Title 18-C, section 1-803.

The bill amends Title 18-C, section 3-306 to add language that previously existed in Title 18-A, section 3-306 in order to ensure that heirs, devisees and personal representatives are given notice of the filing of an application for informal probate.

The bill adds language to Title 18-C, section 3-310 that previously existed in Title 18-A, section 3-310 in order to ensure that heirs and devisees are given notice of the filing of an application for informal appointment of a personal representative. The changes to Title 18-C, section 3-310 parallel the amendment made to Title 18-C, section 3-306.

The bill amends Title 18-C, section 3-706, subsection 1 to clarify that the personal representative is required to send a copy of the inventory to all interested persons "who request" the inventory. Both the former counterpart provision under Title 18-A and the counterpart provision under the Uniform Probate Code require the personal representative to furnish the inventory only to persons "who request" the inventory; Title 18-C, section 3-706, subsection 2 states that "the personal representative shall furnish the inventory to interested persons who request it."

The bill amends Title 18-C, section 3-801, subsection 1 to require that notice of the appointment of a personal representative be published to creditors in the county where the decedent was domiciled at the time of death, rather than in the county in which the court that appointed the personal representative is located. When an application for

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appointment of a personal representative is transferred from the county where the decedent was domiciled to another county before the date of the appointment of the personal representative, notice to creditors by publication in the county to which the application was transferred will be unlikely to be seen by interested persons and creditors.

The bill amends Title 18-C, section 5-906, subsection 5, which was added to the Maine Uniform Power of Attorney Act with an effective date of September 1, 2019 and which governs the validity of executed powers of attorney, to add language clarifying that the subsection does not affect powers of attorney executed before September 1, 2019. The notices required in powers of attorney by Title 18-C, section 5-905, subsection 2 include references to Title 18-C. The notices required in powers of attorney under Title 18-A, section 5-905, subsection (b) were identical to the notices required by Title 18-C, section 5-905, subsection 2 with the exception of including references to Title 18-A rather than to Title 18-C. Subsection 5 was added to Title 18-C to protect against the likelihood that attorneys or others preparing powers of attorney might overlook the need to change the notices to reference Title 18-C.

The bill amends Title 18-C, section 5-931 to clarify that the authority of an agent under a power of attorney to create or change a beneficiary designation, unless otherwise expressly limited in the power of attorney, includes the authority to create, change or revoke a transfer on death deed. As the Maine Uniform Power of Attorney Act currently reads, there is ambiguity as to whether an agent under a power of attorney has the authority to create, change or revoke a transfer on death deed created under the Uniform Real Property Transfer on Death Act, which became effective on September 1, 2019. Under Title 18-C, section 5-931 of the Maine Uniform Power of Attorney Act, there are several powers that an agent may exercise only if the authority to exercise the powers is expressly granted in the power of attorney. Among those powers is the power to create or change a beneficiary designation. Because a transfer on death deed is a type of beneficiary designation, this bill amends Title 18-C, section 5-931, subsection 1, paragraph D to make it clear that an agent who has the authority to create or change a beneficiary designation also has the authority to create, change or revoke a transfer on death deed.

The bill amends Title 18-C, section 8-301, subsection 2, paragraph A-1 to add a reference to the intestate succession provisions of Title 18-C to avoid any ambiguity as to the timing of the applicability of the intestate succession provisions of Title 18-C.

The bill amends Title 18-C, section 8-301, subsection 2, paragraphs A, B and C to add language clarifying that the provisions are effective "on or after" the effective date of Title 18-C.

The bill amends Title 18-C, section 8-301, subsection 2, paragraph F to restore the intestate succession involving adoptions completed before the original Probate Code took effect in 1981. Public Law 2019, chapter 417 erroneously changed the date to September 1, 2019. The bill makes the correction retroactive to September 1, 2019.

### **Enacted Law Summary**

Public Law 2019, chapter 598 consists of recommendations from the Probate and Trust Law Advisory Commission pursuant to the Maine Revised Statutes, Title 18-C, section 1-803.

Chapter 598 amends Title 18-C, section 3-306 to add language that previously existed in Title 18-A, section 3-306 in order to ensure that heirs, devisees and personal representatives are given notice of the filing of an application for informal probate.

Chapter 598 adds language to Title 18-C, section 3-310 that previously existed in Title 18-A, section 3-310 in order to ensure that heirs and devisees are given notice of the filing of an application for informal appointment of a personal representative. The changes to Title 18-C, section 3-310 parallel the amendment made to Title 18-C, section 3-306.

Chapter 598 amends Title 18-C, section 3-706, subsection 1 to clarify that the personal representative is required to

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send a copy of the inventory to all interested persons "who request" the inventory. Both the former counterpart provision under Title 18-A and the counterpart provision under the Uniform Probate Code require the personal representative to furnish the inventory only to persons "who request" the inventory; Title 18-C, section 3-706, subsection 2 states that "the personal representative shall furnish the inventory to interested persons who request it."

Chapter 598 amends Title 18-C, section 3-801, subsection 1 to require that notice of the appointment of a personal representative be published to creditors in the county where the decedent was domiciled at the time of death, rather than in the county in which the court that appointed the personal representative is located. When an application for appointment of a personal representative is transferred from the county where the decedent was domiciled to another county before the date of the appointment of the personal representative, notice to creditors by publication in the county to which the application was transferred will be unlikely to be seen by interested persons and creditors.

Chapter 598 amends Title 18-C, section 5-906, subsection 5, which was added to the Maine Uniform Power of Attorney Act with an effective date of September 1, 2019 and which governs the validity of executed powers of attorney, to add language clarifying that the subsection does not affect powers of attorney executed before September 1, 2019. The notices required in powers of attorney by Title 18-C, section 5-905, subsection 2 include references to Title 18-C. The notices required in powers of attorney under Title 18-A, section 5-905, subsection (b) were identical to the notices required by Title 18-C, section 5-905, subsection 2 with the exception of including references to Title 18-A rather than to Title 18-C. Subsection 5 was added to Title 18-C to protect against the likelihood that attorneys or others preparing powers of attorney might overlook the need to change the notices to reference Title 18-C.

Chapter 598 amends Title 18-C, section 5-931 to clarify that the authority of an agent under a power of attorney to create or change a beneficiary designation, unless otherwise expressly limited in the power of attorney, includes the authority to create, change or revoke a transfer on death deed. As the Maine Uniform Power of Attorney Act currently reads, there is ambiguity as to whether an agent under a power of attorney has the authority to create, change or revoke a transfer on death deed created under the Uniform Real Property Transfer on Death Act, which became effective on September 1, 2019. Under Title 18-C, section 5-931 of the Maine Uniform Power of Attorney Act, there are several powers that an agent may exercise only if the authority to exercise the powers is expressly granted in the power of attorney. Among those powers is the power to create or change a beneficiary designation. Because a transfer on death deed is a type of beneficiary designation, chapter 598 amends Title 18-C, section 5-931, subsection 1, paragraph D to make it clear that an agent who has the authority to create or change a beneficiary designation also has the authority to create, change or revoke a transfer on death deed.

Chapter 598 amends Title 18-C, section 8-301, subsection 2, paragraph A-1 to add a reference to the intestate succession provisions of Title 18-C to avoid any ambiguity as to the timing of the applicability of the intestate succession provisions of Title 18-C.

Chapter 598 amends Title 18-C, section 8-301, subsection 2, paragraphs A, B and C to add language clarifying that the provisions are effective "on or after" the effective date of Title 18-C.

Chapter 598 amends Title 18-C, section 8-301, subsection 2, paragraph F to restore the intestate succession involving adoptions completed before the original Probate Code took effect in 1981. Public Law 2019, chapter 417 erroneously changed the date to September 1, 2019. Chapter 598 makes the correction retroactive to September 1, 2019.

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**LD 1864 An Act To Correct the Maine Revised Unclaimed Property Act to Reflect Recent Changes**

**PUBLIC 571  
EMERGENCY**

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

This bill amends the Maine Revised Unclaimed Property Act to clarify the procedure for disposing of funds presumed abandoned in a lawyer's trust account.

**Enacted Law Summary**

Public Law 2019, chapter 571 amends the Maine Revised Unclaimed Property Act to clarify the procedure for disposing of funds presumed abandoned in a lawyer's trust account. This makes permanent the changes made in the First Regular Session by LD 1483, Public Law 2019, chapter 496 that were inadvertently repealed by the enactment of Public Law 2019, chapter 498.

Public Law 2019, chapter 571 was enacted as an emergency measure effective February 27, 2020.

**LD 1865 An Act To Amend the Protection from Abuse Laws Concerning Consent Agreements**

**PUBLIC 574**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM	H-674

This bill amends the protection from abuse laws to provide that parties are not precluded from voluntarily requesting a consent agreement without a finding by the court that the alleged conduct described in the Maine Revised Statutes, Title 19-A, section 4005, subsection 1 occurred.

**Committee Amendment "A" (H-674)**

This amendment clarifies that a court may grant a protection from abuse order without holding a hearing if the parties have voluntarily requested a consent agreement. The court may enter the protective order based on the consent agreement with or without a finding that the defendant engaged in abuse. If the protection from abuse order is granted to stop alleged conduct described in the Maine Revised Statutes, Title 19-A, section 4005, subsection 1, it may be granted with or without a finding that the alleged conduct occurred. Current law is silent on the issue of a protection from abuse order when the parties request a consent agreement based on alleged conduct, as opposed to abuse.

**Enacted Law Summary**

Public Law 2019, chapter 574 provides that a court may grant a protection from abuse order without holding a hearing if the parties have voluntarily requested a consent agreement. The court may enter the protective order based on the consent agreement with or without a finding that the defendant engaged in abuse. If the protection from abuse order is granted to stop alleged conduct described in the Maine Revised Statutes, Title 19-A, section 4005, subsection 1, it may be granted with or without a finding that the alleged conduct occurred.

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**LD 1897      An Act To Authorize the Expungement of Records of Nonviolent Crimes      ONTP**

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

This bill allows a person convicted of a Class E, Class D or Class C crime to petition the court where the person was convicted to expunge all records of the crime five years after the completion of the person's sentence. Expungement is not available for persons who have subsequent convictions or pending criminal charges; for crimes involving bribery, corruption, violence or sex offenses; or for crimes that had as an element of the offense victims who were minors or were 65 years of age or older.

**LD 1907      An Act To Restore to the Penobscot Nation and Passamaquoddy Tribe      CARRIED OVER**  
**the Authority To Exercise Jurisdiction under the Federal Tribal Law**  
**and Order Act of 2010**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M		

This bill amends the Act To Implement the Maine Indian Claims Settlement by:

1. Extending the criminal jurisdiction of the Penobscot Nation and the Passamaquoddy Tribe to persons who are not members of any federally recognized Indian tribe, nation, band or other group when such persons commit certain crimes on the Penobscot Indian Reservation or the Passamaquoddy Indian Reservation;
2. Expanding the jurisdiction of the Penobscot Nation and the Passamaquoddy Tribe from criminal offenses with a maximum period of imprisonment of one year and a maximum fine of \$5,000 for any one offense to criminal offenses with a maximum period of imprisonment of three years and a maximum fine of \$15,000 for any one offense but not to exceed a total penalty or punishment greater than imprisonment for nine years, as authorized by the federal Tribal Law and Order Act of 2010, Public Law 111-211; and
3. Ensuring that defendants prosecuted in the Penobscot Nation Tribal Court and Passamaquoddy Tribal Court have the rights afforded defendants by the federal Tribal Law and Order Act of 2010, Public Law 111-211; 25 United States Code, Section 1302 (2019); and the United States Constitution.

This bill, which had been referred to committee but not yet heard, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1953      An Act Regarding Driver's License Suspensions for Nondriving      PUBLIC 603**  
**Violations**

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

This bill does the following.

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1. It removes the provisions of law that provide for the suspension of a driver's license or permit for failure to pay a fine for an offense not related to driving and strikes the October 1, 2021, repeal provisions.
2. It repeals the provision of law that provides for the issuance of a restricted driver's license for failure to pay a fine for offenses not related to driving.
3. It repeals the provision, effective on October 1, 2021, that provides the statutory exemptions from attachment and execution for certain property do not apply to enforcement of fines owed to the State.

### **Enacted Law Summary**

Public Law 2019, chapter 603 does the following.

1. It removes the provisions of law that provide for the suspension of a driver's license or permit for failure to pay a fine for an offense not related to driving and strikes the October 1, 2021, repeal provisions.
2. It repeals the provision of law that provides for the issuance of a restricted driver's license for failure to pay a fine for offenses not related to driving.
3. It repeals the provision, effective on October 1, 2021, that provides the statutory exemptions from attachment and execution for certain property do not apply to enforcement of fines owed to the State.

<b>LD 1960</b>	<b>An Act To Protect Communications between Bargaining Agents and Bargaining Unit Members</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

This bill makes communications between a bargaining agent and a municipal or state employee confidential in proceedings before the Maine Labor Relations Board to the same extent that such communications would be subject to the lawyer-client privilege under the Maine Rules of Evidence if the bargaining agent were a lawyer.

<b>LD 1963</b>	<b>An Act To Preserve the Value of Abandoned Properties by Allowing Entry by Mortgagees</b>	<b>PUBLIC 647</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J JACKSON T	OTP-AM	H-759

The purpose of this bill is to assist communities and financial institutions when a home becomes abandoned by the property owner. This bill allows, under specific circumstances, a mortgagee or mortgage servicer to enter the property, secure the property and prevent further deterioration. This bill enhances the existing abandoned property laws and provides specific procedures for mortgage servicers and their designees to enter abandoned property for the purpose of abating an identified nuisance, preserving property or preventing waste. Mortgage servicers and their designees must post notices on properties prior to entering them, and the notices must contain information about the rights of the property owners and authorized occupants. Mortgage servicers and their designees may not enter property that is occupied.

### **Committee Amendment "A" (H-759)**

This amendment replaces the bill. It allows a mortgage loan servicer to take certain actions to preserve the value of

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residential property that is the subject of a foreclosure action if the mortgaged premises are presumed abandoned.

A mortgage loan servicer or its designee may not enter occupied property. A mortgagee, its mortgage loan servicer, its designee or a third-party agent or other person acting on behalf of the mortgagee may not force, intimidate, harass or coerce a lawful occupant of residential property to vacate the property so that it may be considered abandoned. A violation of these provisions is deemed a violation of the Maine Revised Statutes, Title 14, section 6113, which imposes a duty of good faith on mortgage loanservicers.

**Enacted Law Summary**

Public Law 2019, chapter 647 allows a mortgage loan servicer to take certain actions to preserve the value of residential property that is the subject of a foreclosure action if the mortgaged premises are presumed abandoned. The mortgage loan servicer may file an affidavit attesting the abandonment factors found, and the affidavit must include a statement that a municipal, county or state official, code enforcement officer or law enforcement official was present when the abandonment factors were observed. The affidavit must be filed with the court, with copies mailed to the parties as required by the Maine Rules of Civil Procedure. Once the affidavit is filed, the mortgage loan servicer may take steps to secure the property.

A county or municipality is not liable for any damages caused by an act or omission of the mortgage loan servicer or its designee.

The mortgage loan servicer or its designee must make a record of every entry of the premises and may not remove personal items from the premises unless they are hazardous or perishable. Before entering the premises, the mortgage loan servicer or its designee must post a notice on the front door that explains the rights of the property owner or occupant authorized by the owner, including how to contact the mortgage loan servicer or its designee and how to contact the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection's foreclosure hotline.

A mortgage loan servicer or its designee may not enter occupied property. A mortgagee, its mortgage loan servicer, its designee or a third-party agent or other person acting on behalf of the mortgagee may not force, intimidate, harass or coerce a lawful occupant of residential property to vacate the property so that it may be considered abandoned. A violation of these provisions is deemed a violation of the Maine Revised Statutes, Title 14, section 6113, which imposes a duty of good faith on mortgage loanservicers.

**LD 1964    An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information**

**CARRIED OVER**

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

This bill defines "confidential juvenile history record information" and "public juvenile history record information" and creates statutory authority governing the dissemination of juvenile history record information by a Maine criminal justice agency to create consistency between which juvenile case records may be open to public inspection at the courts and information that may be shared publicly by a criminal justice agency.

It modifies the Maine Juvenile Code to limit access to juvenile case records and reorganize existing provisions based on whether they allow disclosure of a juvenile's identity, allow inspection of juvenile case records, allow dissemination of juvenile case records or allow the general public access to Juvenile Court proceedings. It provides that a victim or an agent of the victim may inspect the juvenile petition and order of adjudication regardless of whether the general public may do so.

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This bill allows automatic public inspection of juvenile petitions only if the petition alleges murder, felony murder or manslaughter and the juvenile has attained 13 years of age at the time of the offense. Petitions alleging that a juvenile under 13 years of age has committed murder, felony murder, manslaughter, aiding or soliciting suicide or any crime that would be a Class A, B or C crime may be open to public inspection only if authorized by court order. Juvenile petitions may be open to public inspection only after the juvenile's first appearance in the Juvenile Court to ensure that the Juvenile Court has determined there is probable cause to believe the juvenile committed the crime alleged and there is no assertion that the juvenile is not competent to proceed in the Juvenile Court.

It provides that only orders of adjudication for juvenile crimes that would constitute murder or Class A, B or C crimes if the juvenile were an adult are open to public inspection and dissemination by a court or criminal justice agency.

It clarifies that the general public may not be excluded from any Juvenile Court proceeding when a juvenile petition is open to public inspection pursuant to statute or court order. A victim or an agent of the victim may be present at all court proceedings regardless of whether the proceeding is open to the general public.

It makes all juvenile case records and all Juvenile Court proceedings confidential when Juvenile Court proceedings are suspended due to an assertion by the juvenile, the State or the court that the juvenile may not be competent to proceed in the Juvenile Court. Juvenile case records and Juvenile Court proceedings remain confidential unless the Juvenile Court proceedings resume after the juvenile is found competent.

This bill, which had been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1967      *Resolve, Authorizing the Establishment of Prosecutorial Districts in  
Downeast Maine***

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MOORE M		

This resolve requires the county commissioners of Hancock and Washington counties to submit a referendum question to the voters at the statewide election in November 2020. The referendum question is whether the voters of each county desire to direct the county commissioners to dissolve Prosecutorial District Number 7 and develop a plan to either establish a separate prosecutorial district or join a neighboring prosecutorial district. If a majority of voters in both counties vote in favor of this referendum question, the county commissioners of both counties are directed to develop and submit a plan to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 1, 2021. If the county commissioners plan to join a neighboring prosecutorial district, the county commissioners of that neighboring district are required to submit a report to the committee stating their consent to the addition. The committee is directed to introduce legislation in the First or Second Regular Session of the 130th Legislature that implements the plans of the counties. The plans and the dissolution of Prosecutorial District Number 7 take effect January 1, 2023.

This resolve, which had been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Judiciary*

**LD 1990    An Act To Amend the Laws Governing Access To Prescription Monitoring Information**

**CARRIED OVER**

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

This bill expands the list of persons that may access prescription monitoring information to include the United States Attorney for the District of Maine in specified instances and the Attorney General under the laws governing unfair trade practices.

This bill, which had not yet been voted by the committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2034    An Act Concerning Name Changes for Minors**

**CARRIED OVER**

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

This bill contains recommendations of the Family Law Advisory Commission.

This bill clarifies and consolidates in a single section of Maine law the process and standards for changing the names of adults and minors. The current process to change the name of an adult is for the adult to file a petition in the Probate Court in the county where the adult lives, except when an adult is petitioning to change that adult's name pursuant to a divorce proceeding, and this bill does not change that. This bill provides that a parent or guardian of a minor may file a name change petition for the minor in the Probate Court in the county in which the minor lives, unless the District Court has exclusive jurisdiction regarding the minor pursuant to the Maine Revised Statutes, Title 4, section 152, subsection 5-A, in which case the petition must be filed in District Court. The bill also permits a parent or guardian to request to change the minor's name as part of a proceeding concerning parentage or other parental rights with respect to the minor in the District Court. A separate petition is not required in these cases.

This bill requires the parent or legal guardian who requests a name change for the minor in District Court to provide notice pursuant to the applicable rules of procedure to any other parent, any guardian and any person or agency with legal custody of the minor and to the minor if the minor is 14 years of age or older. The court must provide an opportunity for those entitled to notice to be heard and may change the name of the minor if the court finds that the change is in the best interest of the minor.

Because this bill consolidates the provisions governing the process for change of name, except in the case of annulment, divorce or adoption, it revises the provision in the Maine Parentage Act providing for change of name of a minor on determination of parentage.

This bill, which had been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 2038      An Act To Ensure the Safety of State Employees By Allowing Disclosure of Certain Information in Limited Circumstances      CARRIED OVER**

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

This bill amends the records confidentiality statute within the Child and Family Services and Child Protection Act to ensure that information may be disclosed to a social media service when necessary to report, investigate or remove a threat or serious intimidation attempt against an employee of the Department of Health and Human Services, an employee of the Attorney General's Office or an employee of the court.

This bill, which had been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2039      An Act To Provide for Judicial Review in Compliance with the Federal Legislation Known as the Family First Prevention Services Act      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C	OTP-AM	H-700

In order to claim federal reimbursement for the cost of a child's placement in a residential care facility under the federal legislation known as the Family First Prevention Services Act, this bill adds definitions to the Child and Family Services and Child Protection Act and creates a statutory requirement for a court hearing within 60 days of a child's placement in a qualified residential treatment program within a residential care facility. Additionally, this bill ensures that regular reviews of a child's placement in a qualified residential treatment program are conducted by the court.

**Committee Amendment "A" (H-700)**

This amendment adds an appropriations and allocations section.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2040      An Act To Eliminate the Requirement That Municipalities Retain Paper Copies of Certain Vital Statistics Records      PUBLIC 611**

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

This bill eliminates municipal paper record retention requirements for maintaining death disposition permits and requires those permits to be maintained in the electronic death registration system. A copy of a permit must be made available to a member of the public upon a request made to the municipal clerk.

**Enacted Law Summary**

Public Law 2019, chapter 611 eliminates municipal paper record retention requirements for maintaining death disposition permits and requires those permits to be maintained in the electronic death registration system. A copy

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of a permit must be made available to a member of the public upon a request made to the municipal clerk.

**LD 2041      An Act To Allow Access to and Ensure the Confidentiality of Records of Child Advocacy Centers      ONTP**

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

This bill allows confidential information related to services provided by a child advocacy center to be disclosed to a court if the court finds the information may be necessary for the determination of an issue before the court. If the court determines the information is necessary for the resolution of the issue, the bill authorizes the court to issue a protective order allowing the counsel of record and the clients of the counsel of record to review the information.

**LD 2079      An Act To Implement the Recommendations of the Family Law Advisory Commission Concerning Adoption and Minor Guardianship      PUBLIC 664**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-758

This bill was reported by the committee pursuant to Joint Rule 353 and then referred back to the committee for processing in the normal course. This bill implements the recommendations of the Family Law Advisory Commission as submitted to the Joint Standing Committee on Judiciary on December 1, 2019, pursuant to Public Law 2019, chapter 417, Part A, section 111.

Part A addresses the consent to an adoption by a minor adoptee and the person or agency having legal custody or guardianship of a minor adoptee. It also eliminates the ambiguity in the statute regarding whether the Department of Health and Human Services may consent to more than one petitioner by explicitly allowing the department to consent to more than one petitioner if the department concludes that multiple petitioners could each provide a suitable adoptive home for the child. Part A amends the Adoption Act (Title 18-C, Article 9 of the Maine Revised Statutes) to lower the age of a minor's consent to the minor's adoption from 14 years of age to 12 years of age. Currently, a child 12 years of age or older must consent to the child's adoption by a permanency guardian.

Part B addresses the termination of parental rights in the context of adoption.

Part C addresses post-adoption contact rights for siblings separated by adoption. It requires the court to provide notice of an adoption to any sibling of the child who has visitation or contact with the child under Title 22, section 4068. Part C also amends the Adoption Act to authorize an adoption court to order post-adoption sibling contact for adoptees who lived with a sibling for two or more years if such contact would be in the adoptee's and sibling's best interests and each sibling's parent, guardian or custodian has consented to the order. This language permits certain rights in Title 22, section 4068 to be extended potentially to any child separated from siblings by adoption, not only those in the child protection system.

Part D addresses adoptions from permanency guardianship. The parental consent requirement that is now in Title 22, section 4038-E, subsection 8, paragraph B is retained but amended to provide that the adoption petition must be filed and adjudicated in accordance with the Adoption Act. It clarifies that a permanency guardian may not seek an order terminating the parental rights of a parent as part of a petition to adopt the child. With this change, if a parent whose rights have not been terminated does not consent to the adoption, the adoption cannot proceed so long as the permanency guardianship is in place.

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Part D amends the permanency guardianship provisions to clearly state that the appointment terminates when the child is no longer a minor or upon the minor's death or adoption.

Part E addresses post-guardianship contact for former guardians and minors. It gives courts an additional tool to mitigate or avoid harm or unnecessary trauma to a minor who has a strong relationship with the minor's guardian by providing some rights of contact between the former guardian and the minor after the guardianship is terminated. The language also makes clear that a court terminating a guardianship has jurisdiction to enter an order and that the court has continuing jurisdiction unless a different court has exclusive jurisdiction under the so-called Home Court Act.

### **Committee Amendment "A" (H-758)**

This amendment is the majority report of the committee. It clarifies that when the parent of a child is petitioning with that parent's spouse to adopt the child as a couple, often referred to as a stepparent adoption, the court is required to make findings about the background and qualities of the prospective adoptive parent, also referred to as the stepparent, and not the person who is already the child's parent.

This amendment strikes all of Part C of the bill, which proposes post-adoption contact for siblings separated by adoption.

### **Enacted Law Summary**

Public Law 2019, chapter 664 implements the recommendations of the Family Law Advisory Commission as submitted to the Joint Standing Committee on Judiciary on December 1, 2019, pursuant to Public Law 2019, chapter 417, Part A, section 111.

Part A addresses the consent to an adoption by a minor adoptee and the person or agency having legal custody or guardianship of a minor adoptee. It amends the statute to make clear that courts are to take a bifurcated approach to the adoption proceeding if a petitioner is challenging the lack of consent from the person or agency, such as the Department of Health and Human Services. This change ensures that the court resolves the question of whether the person or agency unreasonably withheld its consent before the court makes findings regarding the requirements for the adoption itself, such as those set out in the Maine Revised Statutes, Title 18-C, section 9-308. The changes clarify that the court may alter the order of presentation of evidence if the person or agency has facts that the petitioner would need to include to prove the petitioner's contention that the person or agency unreasonably withheld its consent. Part A enables a court to require the person or agency to present its reasons for withholding consent and the facts supporting the decision before the petitioner presents evidence while the petitioner retains the burden of proof on the question of the person's or agency's alleged unreasonableness.

Part A amends the factors a court must consider when reviewing the reasonableness of an agency's withholding of consent to include a new factor: whether the agency granted consent to another petitioner who was previously approved by the agency or the court as the child's permanency placement.

Part A eliminates the ambiguity in the statute regarding whether the Department of Health and Human Services may consent to more than one petitioner by explicitly allowing the department to consent to more than one petitioner if the department concludes that multiple petitioners could each provide a suitable adoptive home for the child. The language gives the court authority to request the department to provide information and to make recommendations regarding the petitioners.

Part A amends the Adoption Act (Title 18-C, Article 9 of the Maine Revised Statutes) to lower the age of a minor's consent to the minor's adoption from 14 years of age to 12 years of age. Currently, a child 12 years of age or older must consent to the child's adoption by a permanency guardian.

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Part B addresses the termination of parental rights in the context of adoption. The Adoption Act permits an adoption petitioner to file a petition to terminate the parental rights of the child's parent if that parent does not consent to the adoption or join the petition. The termination of parental rights standard in Title 18-C, section 9-204, subsection 3 is consistent with the Title 22 standard used in child protection cases, except that it does not include the language regarding the parent's failure to make a good faith effort to follow a reunification plan. Such plans are features of child protection matters but not adoption proceedings. The Adoption Act instead permits the court to consider the extent to which the parent had opportunities to rehabilitate and to reunify with the child, including actions by the child's other parent to foster or to interfere with a relationship between the parent and child or services provided by public or nonprofit agencies. This recent change to the termination of parental rights standard, however, does not entirely address the concerns about private termination of parental rights noted by the Law Court in *Adoption of Isabelle T.*, 2017 ME 220, a stepparent adoption case in which a child's mother and stepfather successfully petitioned to terminate the parental rights of the child's father. The Law Court vacated the termination and emphasized the importance of considering the merits of the adoption petitioner who would be added as a parent as part of the best interests determination when ruling on a petition to terminate parental rights. Part B includes language expressly requiring courts terminating parental rights to make specific written findings. Title 18-C, section 9-204 is amended to require that the findings address the background and qualities of the prospective adoptive parent. In addition, Part B requires a court to consider the parent's attempts to reunify or maintain a relationship with a child as part of its analysis of the parent's alleged unfitness. Finally, Part B revises the consent to termination provision to make clear that a judge's explanation of the effects of a termination order must be provided to the parent prior to the parent's execution of the consent.

Part C addresses adoptions from permanency guardianship. The parental consent requirement that is now in Title 22, section 4038-E, subsection 8, paragraph B is retained but amended to provide that the adoption petition must be filed and adjudicated in accordance with the Adoption Act. It clarifies that a permanency guardian may not seek an order terminating the parental rights of a parent as part of a petition to adopt the child. With this change, if a parent whose rights have not been terminated does not consent to the adoption, the adoption cannot proceed so long as the permanency guardianship is in place.

Part C amends the permanency guardianship provisions to clearly state that the appointment terminates when the child is no longer a minor or upon the minor's death or adoption.

Part D addresses post-guardianship contact for former guardians and minors. It gives courts an additional tool to mitigate or avoid harm or unnecessary trauma to a minor who has a strong relationship with the minor's guardian by providing some rights of contact between the former guardian and the minor after the guardianship is terminated. Specifically, the new provision permits a court, on timely motion of a parent or guardian, to order, at the time of the termination of the guardianship or the expiration of any transitional arrangement, rights of communication or contact, including overnight visitation, between a minor and the former guardian after the termination of the guardianship. The court may award such rights only if the parent and guardian consent or the court finds by clear and convincing evidence that the order is necessary to avoid a likelihood of harm to the minor resulting from severing the legal relationship with the former guardian; would not significantly interfere with any parent-child relationship or with the parent's rightful authority over the minor; and is in the best interest of the minor due to the existing relationship between the minor and the former guardian because the former guardian was a primary caregiver and custodian of the minor for a significant period of time. The court is required to give due consideration to the specific objections of the parent to the entry of an order and to determine whether ordering a period of transitional arrangements is sufficient to mitigate harm to the minor. The language also makes clear that a court terminating a guardianship has jurisdiction to enter an order and that the court has continuing jurisdiction unless a different court has exclusive jurisdiction under the so-called Home Court Act.

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**LD 2086      Resolve, To Create a Criminal Records Review Committee**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CLAXTON N		

This resolve establishes the Criminal Records Review Committee.

This bill, which had been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2094      An Act To Implement the Recommendations of the Task Force on  
Changes to the Maine Indian Claims Settlement Implementing Act**

**CARRIED OVER**

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

This bill was reported by the committee pursuant to Joint Order 2019, H.P. 1307, and then referred back to the committee for processing in the normal course. This bill implements the consensus recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act, referred to in this summary as "the task force." The report was released on January 14, 2020 and is available online at <http://legislature.maine.gov/maine-indian-claims-tf>.

This bill does not address the relationship between the State and the Aroostook Band of Micmacs because that issue was specifically set aside by the task force.

In this summary, the Maine Revised Statutes, Title 30, chapter 601, which is titled An Act to Implement the Maine Indian Claims Settlement, enacted by Public Law 1979, chapter 732, is referred to as the "Maine Implementing Act" and the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420, formerly codified at 25 United States Code, Sections 1721 to 1735, is referred to as "the Settlement Act." The federal Settlement Act ratified the Maine Implementing Act, and both have an effective date of October 10, 1980.

The task force voted, in Consensus Recommendation #1, to establish an enhanced process for tribal-state collaboration and consultation as well as a process for alternative dispute resolution, but left the contours of those processes to be developed by stakeholders. The bill therefore does not contain language implementing this recommendation, but the task force anticipated that language putting the recommendation into effect would be developed during the legislative process and would be added by amendment or in additional legislation.

The Settlement Act, in Section 6(e)(1), provides federal consent for the State and the Passamaquoddy Tribe and the Penobscot Nation to agree to amend the Maine Implementing Act with respect to the enforcement or application of civil, criminal or regulatory laws of the tribes and the State within their respective jurisdictions, the allocation or determination of governmental responsibility of the State and the tribe or nation over specified subject matters or specified geographical areas, or both, including provisions for concurrent jurisdiction between the State and the tribe or nation, and the allocation of jurisdiction between tribal courts and state courts. The federal law also provides, in Section 6(e)(2), federal consent for the State and the Houlton Band of Maliseet Indians to execute agreements regarding the jurisdiction of the State over lands owned by or held in trust for the benefit of the band or its members. The task force, whose members represented the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, the Aroostook Band of Micmacs and the State, exercised the opportunity offered in the Settlement Act to reconsider the relationship between the Passamaquoddy Tribe, the Penobscot Nation, the

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Houlton Band of Maliseet Indians and the State. The statutory changes contained in this bill are the result of a collaborative effort to determine how best to focus efforts to develop mutually beneficial solutions that allow all of the State's citizenry, including its tribal citizenry, to prosper and progress.

The purpose of the reconsideration and rewriting of the Maine Implementing Act is to establish that the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians enjoy the rights, privileges, powers, duties and immunities similar to those of other federally recognized Indian tribes within the United States. This is a significant change from the current law, which provides the State with significant authority over Indian affairs. To carry out this significant change, many provisions of chapter 601 are repealed or amended to recognize that federal Indian law governs the rights, privileges, powers, duties and immunities of the tribe, nation and band.

Under the bill, except as otherwise specified in the Maine Implementing Act, federal Indian law applies with regard to the rights, privileges, powers, duties and immunities of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians. "Federal Indian law" is the body of law that applies to almost all federally recognized Indian tribes, nations, bands or other groups in the United States and describes their relationship with the Federal Government and the states. Federal Indian law is defined in this bill as the United States Constitution and all federal statutes and regulations and subsequent amendments thereto or judicial interpretations thereof, relating to the rights, privileges, powers, duties and immunities of federally recognized Indian tribes within the United States, except those federally recognized Indian tribes subject to United States Public Law 83-280 or a specific treaty or settlement act. This definition explicitly recognizes that federal Indian law is not static, but evolves as federal laws are passed and amended and as federal courts interpret the relevant statutes and regulations and their application to federally recognized Indian tribes, nations, bands and other groups. Federal Indian law addresses myriad subjects, including criminal adjudicatory and legislative jurisdiction, civil adjudicatory and legislative jurisdiction, taxation, the right to sue and be sued, hunting and fishing rights, regulation of natural resources and land use, gaming and many other topics.

This bill newly defines the term "tribal lands" to describe the lands of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians over which the tribes may exert jurisdiction as described in Consensus Recommendation #2. Passamaquoddy Tribal Lands consist of the lands designated as Passamaquoddy reservation lands as well as all lands held in trust for the Passamaquoddy Tribe by the United States Secretary of the Interior. Penobscot Tribal Lands include the Penobscot reservation and all lands held in trust for the Penobscot Nation by the United States Secretary of the Interior. Houlton Band Tribal Lands include all lands held in trust by the United States Secretary of the Interior for the Houlton Band of Maliseet Indians. In addition, for each tribe, nation and band, tribal lands include land that, after the effective date of this legislation, is acquired and held in trust by the United States Secretary of the Interior for the respective tribe, nation or band.

The Maine Implementing Act currently limits the criminal jurisdiction of the Passamaquoddy Tribal Court and the Penobscot Nation Tribal Court as well as the potential criminal jurisdiction of the Houlton Band of Maliseet Indians Tribal Court. Federal Indian law provides broader jurisdiction for tribal courts. This bill repeals most of the state limitations and recognizes and adopts most of federal Indian law, including the Indian Civil Rights Act of 1968, the Tribal Law and Order Act of 2010 and other federal laws addressing tribal court jurisdiction and the obligations of the tribal courts. This bill amends the Maine Implementing Act to make equal the exclusive criminal jurisdiction of the Passamaquoddy Tribal Court and the Houlton Band of Maliseet Indians Tribal Court with the exclusive criminal jurisdiction of the Penobscot Nation Tribal Court over offenses committed by Indian defendants against Indian victims or for which there is no victim. This bill further amends the Maine Implementing Act to recognize the criminal jurisdiction of the Passamaquoddy Tribal Court, the Penobscot Nation Tribal Court and the Houlton Band Tribal Court to impose the maximum penalties other tribal courts are authorized to impose under the federal Tribal Law and Order Act of 2010, as long as the due process protections required by that Act are observed. This bill does not include the provisions regarding tribal court concurrent jurisdiction over criminal offenses committed by non-Indian defendants against Indian victims authorized under the Federal Violence Against Women Reauthorization Act of 2013 because this jurisdiction is addressed in the 129th Legislature's L.D. 766, An Act Regarding the Penobscot Nation's and Passamaquoddy Tribe's Authority to Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010 and the Federal Violence Against Women Reauthorization Act of 2013.

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This bill amends state law to recognize tribal court jurisdiction, concurrent with the state courts, over offenses committed on tribal lands by Indian defendants against non-Indian victims, subject to the maximum penalty provisions and due process requirements of the federal Tribal Law and Order Act of 2010.

This bill retains current law providing that the exclusive authority of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians to exercise criminal jurisdiction over Indians on tribal lands remains at the discretion of the tribe, nation and band. To the extent that the tribe, nation or band does not exercise, or terminates its exercise of, exclusive criminal jurisdiction, the State has exclusive jurisdiction over those matters.

Unlike current law, this bill recognizes each tribal government's authority to define all crimes and juvenile offenses committed on its tribal lands over which the tribal court has exclusive or concurrent criminal jurisdiction. This bill, however, retains the authority of the State to define all crimes and juvenile offenses committed on tribal lands over which state courts have exclusive or concurrent jurisdiction.

This bill repeals the language of the Maine Implementing Act regarding the procedure for members of the Passamaquoddy Tribe or the Penobscot Nation living in their respective Indian territory to petition for an extended reservation in relation to tribal court jurisdiction. Those provisions are no longer necessary because this bill ensures that the law as amended recognizes the tribe's and nation's tribal court jurisdiction to cover the entirety of their tribal lands, not just reservations.

This bill recognizes federal Indian law regarding the exclusive jurisdiction of tribes to regulate fishing and hunting by tribal citizens of all federally recognized Indian tribes on tribal lands. This bill amends the Maine Implementing Act to restore and affirm the exclusive jurisdiction of tribes to regulate fishing and hunting by nontribal citizens on tribal lands, but does not cede to the State any authority of the Maine Indian Tribal-State Commission to regulate fishing on boundary waters under current law.

This bill relinquishes the State's jurisdiction with respect to the regulation of fishing and hunting by both tribal and nontribal citizens on tribal lands. The State, solely for conservation purposes, may regulate tribal members engaged in such activities off tribal lands to the extent permitted under general principles of federal Indian law and in a manner consistent with reserved tribal treaty rights.

This bill amends state law to recognize and adopt federal Indian law providing that: tribes have exclusive jurisdiction to tax tribal members and tribal entities on their respective tribal lands, including entities owned by a tribe or tribal member; tribes, tribal members and tribal entities are not subject to state and local sales taxation on tribal lands; tribal members who live on their respective tribal lands are not subject to state income tax for income earned on their respective tribal lands; tribal lands are not subject to state and local real property tax; tribes have concurrent jurisdiction to tax nonmembers on tribal lands; and the State and local governments have concurrent jurisdiction to tax nonmembers on tribal lands.

This bill amends state law to restore to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians the exclusive authority to exercise civil legislative jurisdiction over Indians and non-Indians on tribal lands. To the extent that the tribe, nation or band does not exercise, or terminates its exercise of, exclusive civil legislative jurisdiction, the State has exclusive jurisdiction over those matters.

This bill amends state law to restore to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians the exclusive authority to exercise civil adjudicatory jurisdiction over Indians and non-Indians on tribal lands. To the extent that the tribe, nation or band does not exercise, or terminates its exercise of, exclusive civil adjudicatory jurisdiction, the State has exclusive jurisdiction over those matters.

This bill amends state law to explicitly provide that, for the purposes of the Settlement Act, Section 6(h), any law or



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treasurers, managers or administrators, assessors and code enforcement officers must also complete training.

3. It clarifies that school superintendents, assistant superintendents and school board members are required to complete training.

This bill, which had been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2103     An Act To Implement the Recommendations of the Right To Know  
Advisory Committee Regarding Public Records Exceptions**

**PUBLIC 667**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6 and then referred back to committee for processing in the normal course. This bill implements the recommendations of the Right To Know Advisory Committee concerning public records exceptions as included in Appendix C of the Fourteenth Annual Report of the Right To Know Advisory Committee.

Part A implements statutory changes initially recommended by the Right To Know Advisory Committee in 2019 pursuant to its responsibility to review existing public records exceptions and included in L.D. 1511, "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions."

Part B implements recommendations identified by the Right To Know Advisory Committee in 2019.

Part B directs the Office of Policy and Legal Analysis, in consultation with the Office of the Revisor of Statutes and the Right To Know Advisory Committee, to examine inconsistencies in statutory language related to the designation of information and records as confidential or not subject to public disclosure and to recommend standardized language for use in drafting statutes to clearly delineate what information is confidential and the circumstances under which that information may appropriately be released. The Office of Policy and Legal Analysis is required to submit a report with its recommendations to the Right To Know Advisory Committee on or before September 1, 2021.

### **Enacted Law Summary**

Public Law 2019, chapter 667 implements the recommendations of the Right To Know Advisory Committee concerning public records exceptions as included in Appendix C of the Fourteenth Annual Report of the Right To Know Advisory Committee.

Part A implements statutory changes initially recommended by the Right To Know Advisory Committee in 2019 pursuant to its responsibility to review existing public records exceptions and included in L.D. 1511, "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions."

Part A eliminates specific protection under the Freedom of Access Act for social security numbers in the context of constituent communications because social security numbers are designated as not public records for all contexts.

Current law provides that personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or nonmandatory educational programs or services is not a public record as long as the municipality has adopted an ordinance that protects the information from disclosure. Part A removes the

## *Joint Standing Committee on Judiciary*

requirement that a municipality adopt such an ordinance in order to protect the information concerning minors.

Current law provides a public records exception for records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure, systems and software. Part A amends the provision to specifically include records or information maintained to ensure government operations and technology continuity and to facilitate disaster recovery.

Part A amends the statutes governing the confidentiality of the working papers of the Office of Program Evaluation and Government Accountability to clarify that the working papers, whether in the possession of the office or an entity with which the office director has contracted, remain confidential even after the report is released to the public. It removes duplicative language that is already captured in the definition of working papers.

Part A amends the Maine Human Rights Act to update and clarify the language describing medical history and information about disabilities, as well as to update a reference to employee health and wellness programs.

Part B implements recommendations identified by the Right To Know Advisory Committee in 2019. Four sections of Part B amend specific exceptions to the definition of public records in the Freedom of Access Act.

1. Part B amends the existing public records exceptions to clarify that records, working papers and interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Community College System and the University of Maine System are confidential when the subject matter is confidential or otherwise protected from disclosure by statute, other law, legal precedent or privilege recognized by the courts of this State.
2. Part B amends the public records exceptions to clarify that working papers become public records once distributed in a public meeting of an advisory organization and not when distributed by an individual member of an advisory organization.
3. Part B amends the public records exceptions to provide that personal contact information concerning public employees protected as confidential includes a person's username, password and uniform resource locator for a personal social media account.
4. Part B amends the public records exceptions to make records related to a discharge of hazardous materials transported by a railroad company that poses a threat to public health, safety and welfare subject to public disclosure after that discharge.

Part B amends the public records exceptions under the laws governing the Office of the State Auditor to permit the State Auditor to share confidential information related to a complaint alleging fraud, waste, inefficiency or abuse with a department or agency that is the subject of a complaint to ensure that the department or agency can respond appropriately to the complaint. The department or agency is required to maintain the confidentiality of any information related to a complaint furnished by the State Auditor.

Part B amends the public records exceptions in the laws governing the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council to remove references to a particular segment or segments of the milk industry.

Part B directs the Office of Policy and Legal Analysis, in consultation with the Office of the Revisor of Statutes and the Right To Know Advisory Committee, to examine inconsistencies in statutory language related to the designation of information and records as confidential or not subject to public disclosure and to recommend standardized language for use in drafting statutes to clearly delineate what information is confidential and the circumstances under which that information may appropriately be released. The Office of Policy and Legal Analysis is required to submit a report with its recommendations to the Right To Know Advisory Committee on or before September 1, 2021.

*Joint Standing Committee on Judiciary*

**LD 2118    An Act To Establish an Enhanced Process for Tribal-State Collaboration  
and Consultation and To Develop a Process for Alternative Dispute  
Resolution**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported by the committee pursuant to Joint Order, H.P. 1307, and referred back to the committee for processing in the normal course. This bill reflects the recommendations of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians to establish a formal government-to-government consultation process between the tribes and the State.

The bill establishes a requirement that state agencies consult with the tribes prior to engaging in any proposed action that may directly affect the tribes. It requires state agencies to request tribal consultation in writing and to provide the tribes with at least 30 days to respond and to agree to or decline consultation. If a state agency is required by outside legal factors to act earlier, the State must provide as much time for consultation as possible. If a tribe agrees to consultation, the State must provide preliminary drafts or proposals to the tribe and engage in meaningful and timely in-person consultation. The State must explain in writing to the tribe how it has or has not addressed tribal concerns.

The bill requires tribal consent prior to proposed actions that could cause substantial or irreparable harm to tribal communities or tribal rights, including but not limited to reserved treaty rights and other tribal rights in land, water and other natural resources.

The bill authorizes the State to enter into cooperative agreements with federally recognized Indian tribes within the State to facilitate cross-jurisdictional cooperation and the delivery of government services and to avoid disputes.

The bill establishes the annual assembly of the Governor and chiefs of each tribe and the biennial legislative assembly to discuss issues relating to the relationship between the State and the tribes.

The bill directs the Maine Indian Tribal-State Commission to report, by November 15, 2020, on its study of alternative dispute resolution options and best practices for facilitating resolution of tribal-state disputes. It authorizes the joint standing committee of the Legislature having jurisdiction over judiciary matters to report out legislation based on the recommendations of the commission.

Finally, the bill directs the Governor to work with the chiefs of each tribe to establish the Bicentennial Accord in order to institutionalize general principles governing tribal-state relations. It directs the Maine Indian Tribal-State Commission to provide logistical support and technical assistance in developing the Bicentennial Accord.

This bill, which had not yet been voted by the committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2153    An Act To Establish an Accidental Drug Overdose Death Review Panel**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

CARPENTER M



*Joint Standing Committee on Judiciary*

**SUBJECT INDEX**

**Attorney General & District Attorneys**

**Not Enacted**

LD 1967	Resolve, Authorizing the Establishment of Prosecutorial Districts in Downeast Maine	CARRIED OVER
LD 1990	An Act To Amend the Laws Governing Access to Prescription Monitoring Information	CARRIED OVER
LD 2153	An Act To Establish an Accidental Drug Overdose Death Review Panel	CARRIED OVER

**Child Abuse and Child Protection**

**Not Enacted**

LD 1554	Resolve, Establishing a Commission To Reform Child Protective Services	CARRIED OVER
LD 2038	An Act To Ensure the Safety of State Employees By Allowing Disclosure of Certain Information in Limited Circumstances	CARRIED OVER
LD 2039	An Act To Provide for Judicial Review in Compliance with the Federal Legislation Known as the Family First Prevention Services Act	CARRIED OVER

**Civil Actions**

**Enacted**

LD 1053	An Act To Reduce the Duration of Execution Liens	PUBLIC 622
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**Not Enacted**

LD 194	An Act To Allow the Reduction of a MaineCare Lien	CARRIED OVER
LD 698	An Act To Authorize Maine Courts To Award Attorney's Fees and Costs to Citizens Who Prevail in Civil Litigation against the Executive Branch	CARRIED OVER
LD 2160	An Act Relating To the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances	CARRIED OVER

## *Constitutional Issues*

### Not Enacted

LD 433      RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Prohibit Discrimination Based on the Sex of an Individual      CARRIED OVER

## *Courts*

### Not Enacted

LD 657      An Act To Reorganize the Probate Courts      CARRIED OVER

LD 1073      Resolve, To Implement an Intensive Drug Treatment Court Pilot Project in the Midcoast      CARRIED OVER

LD 1380      An Act To Transfer the Violations Bureau from the Courts to the Office of the Secretary of State      ONTP

## *Courts and Court Procedure*

### Enacted

LD 1442      An Act To Provide for Court-appointed Advocates for Justice in Animal Cruelty Cases      PUBLIC 547

LD 1953      An Act Regarding Driver's License Suspensions for Nondriving Violations      PUBLIC 603

### Not Enacted

LD 1759      An Act Regarding the Electronic Data and Court Records Filed in the Electronic Case Management System of the Supreme Judicial Court      ONTP

## *Criminal Law and Procedure*

### Not Enacted

LD 279      An Act To Raise Juror Pay to \$50 per Day      CARRIED OVER

LD 302      An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Evidence in Each Case Involving a Claim of Innocence      CARRIED OVER

LD 1061      An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons      CARRIED OVER

LD 1421      An Act To Amend the Maine Bail Code      CARRIED OVER

## *Criminal Records and Juvenile Records*

### Not Enacted

LD 776	An Act Regarding Post-judgement Motion by a Person Seeking To Satisfy the Prerequisites for Obtaining Special Restrictions on the Dissemination and Use of Criminal History Record Information for Certain Criminal Convictions	CARRIED OVER
LD 1670	An Act To Limit the Dissemination of Juvenile Records	ONTP
LD 1897	An Act To Authorize the Expungement of Records of Nonviolent Crimes	ONTP
LD 2086	Resolve, To Create a Criminal Records Review Committee	CARRIED OVER

## *Domestic Violence/Protection From Abuse*

### Enacted

LD 1865	An Act To Amend the Protection from Abuse Laws Concerning Consent Agreements	PUBLIC 574
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## *Family Law, General*

### Enacted

LD 545	An Act To Ban Child Marriage	PUBLIC 535
LD 2079	An Act To Implement Recommendations of the Family Law Advisory Commission Concerning Adoption and Minor Guardianship	PUBLIC 664

### Not Enacted

LD 1291	An Act To Update the Maine Parentage Act	CARRIED OVER
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## *Freedom of Access/Confidentiality/Privacy*

### Enacted

LD 2040	An Act To Eliminate the Requirement That Municipalities Retain Paper Copies of Certain Vital Statistics Records	PUBLIC 611
LD 2103	An Act To Implement the Recommendations of the Right To Know Advisory Committee Regarding Public Records Exceptions	PUBLIC 667

### Not Enacted

LD 639	An Act To Protect Study Privacy	CARRIED OVER
LD 1575	An Act To Improve the Freedom of Access Laws of Maine	CARRIED OVER

LD 1960	An Act To Protect Communications between Bargaining Agents and Bargaining Unit Members	ONTP
LD 2041	An Act To Allow Access to and Ensure the Confidentiality of Records of Child Advocacy Centers	ONTP
LD 2102	An Act To Implement the Recommendations of the Right To Know Advisory Committee	CARRIED OVER

### *Human Rights and Medical Rights*

#### Enacted

LD 1294	Resolve, Directing the Maine Human Rights Commission To Implement a Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues	RESOLVE 113
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#### Not Enacted

LD 759	An Act To Increase Efficiency in Enforcement of the Maine Human Rights Act	CARRIED OVER
LD 1703	An Act To Improve Consistency in the Maine Human Rights Act and Related Statutes	CARRIED OVER

### *Legal Services*

#### Enacted

LD 1859	An Act To Increase Access to Justice and Maine's Rural Lawyer Workforce by Expanding Student Attorney Practice Opportunities	PUBLIC 597
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#### Not Enacted

LD 1067	An Act To Promote Fairness and Efficiency in the Delivery of Indigent Legal Services	CARRIED OVER
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### *Minors and Juveniles*

#### Not Enacted

LD 1684	An Act To Clarify the Right to Counsel for Juveniles and Improve Due Process for Juveniles	CARRIED OVER
LD 1964	An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information	CARRIED OVER

**Miscellaneous**

**Enacted**

LD 793      An Act To Improve Accountability of Opioid Manufacturers      PUBLIC 536

**Not Enacted**

LD 1229      Resolve, To Establish the Committee To Study and Develop  
Recommendations To Address Guardianship Challenges That Delay  
Patient Discharges from Hospitals      CARRIED OVER

**Name Changes**

**Enacted**

LD 1771      An Act To Amend the Law Governing Name Changes      PUBLIC 629

**Not Enacted**

LD 2034      An Act Concerning Name Changes for Minors      CARRIED OVER

**Pretrial Justice and Bail**

**Not Enacted**

LD 182      An Act To Amend the Maine Bail Code Regarding the Financial Capacity  
of a Defendant To Post Bond      CARRIED OVER

**Probate Code and Trust Code**

**Enacted**

LD 1863      An Act To Amend the Maine Uniform Probate Code      PUBLIC 598

**Not Enacted**

LD 82      An Act To Determine the Necessity for a Public Guardian or Conservator  
Bond      CARRIED OVER

LD 531      An Act To Provide Counsel for a Person Who Is the Subject of an Adult  
Guardianship, Conservatorship or Other Protective Arrangement  
Proceeding      CARRIED OVER

LD 1021      An Act To Require the Maine Commission on Indigent Legal Services To  
Pay Court-appointed Attorneys for Certain Probate Court Cases      CARRIED OVER

LD 1862      Resolve, Authorizing the Probate and Trust Law Advisory Commission  
To Submit Trust Decanting Legislation      CARRIED OVER

**Real Property, Property Rights and Eminent Domain**

**Enacted**

LD 1963      **An Act To Preserve the Value of Abandoned Properties by Allowing Entry by Mortgagees**      **PUBLIC 647**

**Not Enacted**

LD 89      **An Act To Impose Requirements on the Rental of Residential Property That Has Been Used in the Manufacture of Methamphetamine**      **CARRIED OVER**

LD 1426      **An Act To Increase Protections for Land Installment Contracts**      **CARRIED OVER**

LD 1598      **An Act To Define the Responsibilities of Property Owners for the Maintenance and Repair of Private Roads**      **CARRIED OVER**

**Tribal-State Relations**

**Enacted**

LD 766      **An Act Regarding the Penobscot Nation's and Passamaquoddy Tribe's Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010 and the Federal Violence Against Women Reauthorization Act of 2013**      **PUBLIC 621**

**Not Enacted**

LD 573      **An Act To Extend Time Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement**      **CARRIED OVER**

LD 680      **An Act To Clarify the Intent of the Federal Maine Indian Claims Settlement Act of 1980 To Ensure the Federal Principle of Inherent Tribal Sovereignty**      **CARRIED OVER**

LD 954      **An Act To Rescind An Act To Implement the Maine Indian Claims Settlement**      **CARRIED OVER**

LD 1392      **An act To Establish A Formal Tribal Consultation Process with the State**      **CARRIED OVER**

LD 1490      **An Act To Enhance Tribal-State Collaboration in the Enforcement of Child Support**      **CARRIED OVER**

LD 1653      **Resolve, Establishing the Conference To Address and Improve Relations between Maine Indian Tribes and the Legislature**      **CARRIED OVER**

LD 1709      **An Act To Amend the Act To Implement the Maine Indian Claims Settlement**      **CARRIED OVER**

LD 1907      **An Act To Restore to the Penobscot Nation and Passamaquoddy Tribe the Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010**      **CARRIED OVER**

<b>LD 2094</b>	<b>An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act</b>	<b>CARRIED OVER</b>
<b>LD 2118</b>	<b>An Act To Establish an Enhanced Process for Tribal-State Collaboration and Consultation and To Develop a Process for Alternative Dispute Resolution</b>	<b>CARRIED OVER</b>

**Unclaimed Property**

**Enacted**

<b>LD 1612</b>	<b>An Act Regarding the Presumption of Abandonment of Gift Obligations</b>	<b>PUBLIC 553</b>
<b>LD 1864</b>	<b>An Act To Correct the Maine Revised Unclaimed Property Act to Reflect Recent Changes</b>	<b>PUBLIC 571 EMERGENCY</b>

**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON  
LABOR AND HOUSING**

November 2020

**MEMBERS:**

SEN. SHENNA BELLOWS, CHAIR  
SEN. MARK W. LAWRENCE  
SEN. STACEY K. GUERIN

REP. MICHAEL A. SYLVESTER, CHAIR  
REP. RALPH TUCKER  
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**STAFF:**

DEIRDRE SCHNEIDER, LEGISLATIVE ANALYST  
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*Joint Standing Committee on Labor and Housing*

**LD 402 An Act To Restore Overtime Protections for Maine Workers**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R BELLOWS S		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill annually raises the minimum salary that an employee who works in an executive, administrative or professional capacity must earn in order for that employee to be exempt from the laws governing the minimum wage and overtime pay until it is \$55,224 on January 1, 2022. The bill provides for an annual adjustment, beginning January 1, 2023, based on the percentage annual increase in certain earnings as published by the United States Department of Labor, Bureau of Labor Statistics.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 467 An Act To Amend the Eligibility Criteria for Creditable Service in the Armed Forces of the United States under the State Retirement System**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEOPLES A SANBORN L	OTP-AM ONTP	H-550

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill amends the state retirement system laws governing creditable service for service in the United States Armed Forces to provide credit for service during operations in Lebanon, August 21, 1982, to February 26, 1984; operations in Grenada, October 25, 1983, to December 15, 1983; and operations in Panama, December 21, 1989, to February 13, 1990.

**Committee Amendment "A" (H-550)**

This amendment is the majority report of the committee. It adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 507 An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOORE D DESCHAMBAULT S	OTP-AM ONTP	

## *Joint Standing Committee on Labor and Housing*

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill amends the definition of "overcompensation" by an employer to include compensation in the form of paid leave. It changes the maximum amount an employer can withhold from an employee's pay to recover overcompensation from 10% to 5%. It prohibits an employer from recovering more than the amount of overcompensation paid to an employee in the three years preceding the discovery of the overcompensation. The bill also specifies that the section of law regarding overcompensation by employers that includes these provisions does not limit or affect an employee's general civil remedies against an employer.

### **Committee Amendment "A" (H-732)**

This amendment, which is the majority report of the committee, amends the definition of "overcompensation" to exclude compensation in the form of paid leave. It also provides a definition of "employer."

This bill was carried over in the Senate to any special session of the 129th Legislature by joint order, S.P. 788.

<b>LD 734</b>	<b>Resolve, To Expedite the Processing of Applications for Certification under the Federal Work Opportunity Tax Credit</b>	<b>CARRIED OVER</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R LUCHINI L	OTP-AM ONTP	H-51

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table joint order, H.P. 1322.

This resolve directs the Department of Labor to establish a new permanent position in the Bureau of Employment Services to expedite the processing of employer applications for certification required for the federal work opportunity tax credit under Section 51 of the United States Internal Revenue Code of 1986. The resolve also requires the Department of Labor to submit a report to the Joint Standing Committee on Labor and Housing with the most recent information available concerning applications submitted by employers, including information on the extent of any backlog in application processing, by February 1, 2020.

### **Committee Amendment "A" (H-51)**

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

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

<b>LD 833</b>	<b>An Act To Provide the Same Retirement Benefits for State Employees Working as Emergency Communications Specialists as Are Provided to Law Enforcement Officers</b>	<b>PUBLIC 537</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOORE D CARPENTER M	OTP-AM ONTP	H-496

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

## *Joint Standing Committee on Labor and Housing*

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

This bill proposes to amend the laws governing the Maine Public Employees Retirement System to provide the same retirement benefits as are provided to law enforcement officers to state employees working in law enforcement, including these job classifications:

1. Emergency dispatchers;
2. Staff in the Maine State Police computer crimes unit;
3. Staff in the Maine State Police Crime Laboratory;
4. Law enforcement staff at the Attorney General's office; and
5. Forest rangers.

### **Committee Amendment "A" (H-496)**

This amendment is the majority report of the committee and replaces the bill. The amendment allows emergency communications specialists in the employment of the Department of Public Safety to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service or may retire before 55 years of age with 25 years of creditable service. The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2019, chapter 537 allows emergency communications specialists in the employment of the Department of Public Safety to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service or may retire before 55 years of age with 25 years of creditable service.

**LD 857      An Act To Increase Accountability for Wage Violations**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B BELLOWS S	OTP-AM ONTP	H-78

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill amends the law regarding employment practices by increasing the fine for a violation of certain state wage and benefits laws to \$500 for the first violation and \$2,500 for each subsequent violation and by providing a private right of action for a person aggrieved of such a violation. It amends the law regarding employees' remedies to provide that in a judgment for an employee an additional amount of three times the unpaid wages must be awarded the employee. It also provides ongoing funds for 10 labor and safety inspector positions within the Department of Labor, Bureau of Labor Standards, Wage and Hour Division beginning October 1, 2019.

### **Committee Amendment "A" (H-78)**

This amendment, which is the majority report of the committee, changes the fine structure proposed in the bill from a \$2,500 fine for each subsequent violation of the various wage and hour laws to a fine of at least \$500 but not

***Joint Standing Committee on Labor and Housing***

more than \$2,500 for each subsequent violation. It also strikes new language added by the bill regarding a civil action remedy for violations of various wage and hour laws. It reduces the liquidated damages available in a civil action to collect unpaid minimum wages from three times the amount of unpaid wages, as proposed by the bill, to twice the amount of unpaid wages, and it reduces the Labor and Safety Inspector positions added to the bill from 10 to four.

This bill was again carried over still, on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 900      An Act To Expand the Rights of Public Employees under the Maine Labor Laws      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M MIRAMANT D	OTP-AM ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows public employees, including municipal and county employees, state and legislative employees, university, academy and community college employees and judicial employees, but not including employees whose duties include protecting public safety, to strike pursuant to the official procedures of the employees' employee organization or under a process in which an affirmative vote to strike is held. The bill requires that notice be given to the public employer stating the dates upon which the strike will begin and end. The bill also provides that the employee organization or public employer may call for emergency bargaining within three days prior to the intended start of the strike.

**Committee Amendment "A" (H-725)**

This amendment, which is the majority report of the committee, clarifies which employees' duties include protecting public safety and are therefore prohibited from striking. It prohibits a public employer from permanently replacing an employee because that employee engaged in a strike. It clarifies that under certain circumstances an employer may require an employee to report to work during a strike, but allows the employee to file a grievance if the employee is required to work during a strike. It also specifies that judicial employees whose duties ensure an individual's procedural due process rights are not denied are prohibited from striking.

This bill was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1104      An Act To Clarify the State's Commitments Concerning Certain Public Service Retirement Benefits      PUBLIC 540**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M BELLOWS S	OTP-AM	H-205

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

This bill changes the contractual commitment to maintain state-protected benefits regarding cost-of-living adjustments for retired state employees and teachers by specifying that it constitutes a solemn contractual commitment of the State that is protected under the Constitution of Maine and the United States Constitution.

## *Joint Standing Committee on Labor and Housing*

### **Committee Amendment "A" (H-205)**

This amendment incorporates a fiscal note.

### **Enacted Law Summary**

Public Law 2019, chapter 540 changes the contractual commitment to maintain state-protected benefits regarding cost-of-living adjustments for retired state employees and teachers by specifying that it constitutes a solemn contractual commitment of the State that is protected under the Constitution of Maine and the United States Constitution.

### **LD 1184    An Act Regarding Penalties for Early Retirement for Certain Members of the Maine Public Employees Retirement System**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOORE D BELLOWS S	ONTP OTP-AM	H-244

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

Under changes made to the Maine Public Employees Retirement System in 1993, employees who were members of the Maine Public Employees Retirement System as of July 1, 1993, but did not have 10 years of creditable service as of July 1, 1993, are required to have 25 years of creditable service and attain 62 years of age in order to avoid incurring a penalty of 6% of earned benefits for each year the person retires before attaining 62 years of age. Prior to that change, the penalty was 2.25% for each year below 60 years of age the person retired.

This bill changes the rate of the penalty for those state employees who retired between July 1, 2011, and January 1, 2012, and for teachers who retired between July 1, 2011, and July 1, 2012, who had at least 25 years of service on July 1, 2011, but had not attained 62 years of age to 2.25% for each year the person was below 62 years of age upon retirement from service.

### **Committee Amendment "A" (H-244)**

This amendment is the minority report of the committee.

This amendment makes clear that the change in the rate of the early retirement penalty for qualified members applies prospectively beginning October 1, 2019.

The amendment also adds an appropriations and allocations section to fund the one-time cost of the unfunded actuarial liability created as a result of the change in the rate of penalty for qualified members.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1207    An Act To Expand the 1998 Special Retirement Plan To Include  
Detectives in the Office of Investigations within the Department of the  
Secretary of State, Bureau of Motor Vehicles**

**PUBLIC 541**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C CYRWAYS	OTP-AM ONTP	H-497

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

This bill allows detectives in the employment of the Office of Investigations within the Department of the Secretary of State, Bureau of Motor Vehicles to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service or may retire before 55 years of age with 25 years of creditable service and at a reduced benefit.

**Committee Amendment "A" (H-497)**

This amendment is the majority report of the committee. The amendment changes the deadline for the one-time election for detectives in the Department of the Secretary of State, Bureau of Motor Vehicles to participate in the 1998 Special Plan and establishes the effective date of their participation. This amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2019, chapter 541 allows detectives in the employment of the office of investigations within the Department of the Secretary of State, Bureau of Motor Vehicles to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service or may retire before 55 years of age with 25 years of creditable service and at a reduced benefit.

**LD 1208    An Act To Expand the 1998 Special Retirement Plan To Include  
Detectives in the Office of the Attorney General**

**PUBLIC 542**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C CYRWAYS	OTP-AM ONTP	H-498

This bill was passed to be enacted by the Legislature but then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

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

**Committee Amendment "A" (H-498)**

This amendment is the majority report of the committee. The amendment changes the deadline for the one-time election for detectives in the Office of the Attorney General to participate in the 1998 Special Plan and establishes the effective date of their participation. The amendment also adds an appropriations and allocations section.

## *Joint Standing Committee on Labor and Housing*

### Enacted Law Summary

Public Law 2019, chapter 542 allows detectives in the Office of the Attorney General to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service or may retire before 55 years of age with 25 years of creditable service and at a reduced benefit.

**LD 1214      *Resolve, To Conduct a Comprehensive Study of the Compensation System for State Employees***

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN D	OTP-AM ONTP	S-146

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve directs the Commissioner of Administrative and Financial Services to commission a comprehensive study of the wages and compensation system for employees of the executive branch of State Government. The resolve directs the commissioner to involve the certified bargaining agents for the employees covered by collective bargaining units and report the findings and any recommendations to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than July 1, 2020, and authorizes the joint standing committee to submit a bill relating to the subject matter of the report to the First Regular Session of the 130th Legislature.

**Committee Amendment "A" (S-146)**

This amendment, which is the majority report of the committee, changes the committee to which the report is submitted in the bill to the Joint Standing Committee on Labor and Housing and authorizes that committee to report out a bill. This amendment adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1250      *An Act To Prohibit Sexual Harassment as a Subject Matter of Mandatory Arbitration in Employment Contracts***

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P.1322.

This bill prohibits an employment contract entered into after the effective date of this legislation from including a clause that requires arbitration of a sexual harassment allegation or claim and makes any such clause void. The bill does not affect the ability of an employer to include any other arbitration clause in a contract or to enforce the provisions of a contract other than the prohibited clause.

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**LD 1355      An Act To Expand the 1998 Special Retirement Plan To Include Civilian Employees Who Work for the Department of Public Safety Crime Lab and Computer Crimes Unit      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B	OTP-AM	S-201

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill allows civilian employees in the employment of the Department of Public Safety, Maine State Police Crime Laboratory or computer crimes unit to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service or may retire before 55 years of age with 25 years of creditable service and at a reduced benefit.

**Committee Amendment "A" (S-201)**

This amendment clarifies the type of civilian employees in the employment of the Department of Public Safety, Maine State Police Crime Laboratory or Computer Crimes Unit that can elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. It also clarifies the date by which an employee must elect to participate in the 1998 Special Plan and specifies when that employee's participation in the 1998 Special Plan becomes effective. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1359      An Act Regarding Local Workforce Development Boards      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAUR	OTP-AM ONTP	H-218

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides for each local workforce development board in the State to receive an annual appropriation equal to \$25 multiplied by the number of unemployed persons in the local workforce development board's service area for the prior calendar year divided by 12 and requires that on or before September 1st of each even-numbered year, the Commissioner of Labor is required to prepare and submit the annual appropriation requirement for each year of the ensuing biennium to the State Budget Officer to be included in the Governor's biennial budget proposal.

This bill includes General Fund appropriations totaling \$465,252 in fiscal year 2019-20 and \$465,252 in fiscal year 2020-21 to provide funding for the local workforce development boards for the 2020-2021 biennium.

**Committee Amendment "A" (H-218)**

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

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th

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Legislature by joint order, S.P. 788.

## LD 1386 An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects

PUBLIC 545

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L COLLINGS B	OTP-AM ONTP	S-204 S-342 BREEN C

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without signature at the beginning of the Second Regular Session.

This bill directs the Department of Labor, Bureau of Labor Standards, when determining prevailing hourly wages and benefits, to collect one set of data through conducting a survey of wages and benefits and a second set of data through certified payroll submissions on state construction projects during two weeks in July of each year and to use the higher wage and benefit information of the two data sets to determine the prevailing hourly wage and benefit rate. This bill also increases from \$50 to \$250 the penalty for failing to provide requested information to the bureau.

### Committee Amendment "A" (S-204)

This amendment is the majority report of the committee. Like the bill, this amendment requires two data sets to be reported to the Department of Labor, Bureau of Labor Standards in order to determine the hourly prevailing wage and benefits rate paid in the construction industry but clarifies that the second set of data, the certified payroll submissions on state construction of public works, is to come from reporting by state agencies that contract for the construction of public works. It also requires that all data must be submitted to the bureau by the second week in October. It increases the penalties the director may assess against any person who fails to provide the information from \$250 for all offenses, as in the bill, to \$250 for the first offense, \$500 for a second offense and \$1,000 for any subsequent offense. Lastly, it adds an appropriations and allocations section to fund a position in the department necessary for the administration of requirements of the bill, as amended.

### Senate Amendment "A" To Committee Amendment "A" (S-342)

This amendment eliminates the General Fund appropriations for one-half of the cost of one Statistician II position within the Department of Labor, Bureau of Labor Standards and instead provides Other Special Revenue Funds allocations for the full cost of the position.

### Enacted Law Summary

Public Law 2019, chapter 545 requires two data sets to be reported to the Department of Labor, Bureau of Labor Standards in order to determine the hourly prevailing wage and benefits rate paid in the construction industry and specifies that the second set of data, the certified payroll submissions on state construction of public works, is to come from reporting by state agencies that contract for the construction of public works. It also requires that all data must be submitted to the bureau by the second week in October each year. It increases the penalties the director may assess against any person who fails to provide the information from \$250 for all offenses to \$250 for the first offense, \$500 for a second offense and \$1,000 for any subsequent offense. Lastly, it funds a position in the department necessary for the administration of requirements of this law.

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**LD 1410 An Act To Create Paid Family and Medical Leave Benefits**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S SANBORNH		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P.1322.

This bill establishes a paid family and medical leave benefits program administered by the Department of Labor. The program provides up to 12 weeks of family leave and up to 20 weeks of medical leave to eligible covered individuals. No more than 20 weeks of family leave and medical leave in the aggregate may be taken in a 12-month period. An individual is eligible for leave under the program after working 26 weeks or more for any employer in the 12 months prior to submitting an application or if the individual is self-employed and has elected to be part of the program.

The maximum weekly benefit amount is capped at 100% of the state average weekly wage. The weekly benefit amount is 90% of the portion of the covered individual's average weekly wage that is equal to or less than 50% of the state average weekly wage and 67% of the portion of the covered individual's average weekly wage that is more than 50% of the state average weekly wage.

Covered individuals are required to file claims for benefits in accordance with rules adopted by the department and to provide certification that they qualify for family leave or medical leave.

This bill establishes the Family and Medical Leave Insurance Fund to support the program. The funds for administrative costs and payment of benefits will come from payroll contributions by employees.

The bill requires payroll contributions to begin January 1, 2021, and benefits will be paid out beginning January 1, 2022.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1529 An Act Concerning Nondisclosure Agreements in Employment**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order H.P. 1322. The bill had been passed to be enacted but was recalled from the Governor's desk and recommitted to the committee at the end of the First Regular Session.

This bill prohibits employers from requiring agreements that prevent an employee or prospective employee from disclosing or discussing discrimination, including harassment, occurring between employees or between an employer and an employee.

The bill prohibits settlement agreements, unless requested by the employee, prospective employee or former employee, from including a provision that prevents the disclosure of factual information relating to a claim of

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discrimination, including harassment. Agreements may not explicitly or implicitly limit an individual's ability to provide testimony or evidence, file claims or make reports to any federal or state agency that enforces employment or discrimination laws, including, but not limited to, the Maine Human Rights Commission and the Department of Labor.

An employee, prospective employee or former employee is not liable for damages for breaching a prohibited nondisclosure agreement or a settlement agreement.

### **Committee Amendment "A" (H-448)**

This amendment was the majority report of the committee in the First Regular Session.

This amendment replaces the bill. It prohibits an employer from requiring an employee, intern, applicant for employment or applicant for internship to enter into a contract with the employer that contains a nondisclosure agreement, nondisparagement agreement, waiver or other provision that prevents the employee, intern or applicant from disclosing or discussing discrimination, including harassment, occurring in the workplace or at work-related events coordinated by or through the employer.

It also prevents an employer from requiring an employee, intern, applicant for employment or applicant for internship to enter into a settlement, separation or severance agreement that includes a provision that prevents the disclosure of factual information relating to a claim of discrimination, including harassment, unless the employee, intern or applicant requests such a provision. Agreements may not explicitly or implicitly limit an individual's ability to provide testimony or evidence or make reports to any federal or state agency that enforces employment or discrimination laws, including, but not limited to, the Maine Human Rights Commission and the Department of Labor, and any agreement must make it clear that an individual retains the right to provide testimony or evidence or make reports to any federal or state agency that enforces employment or discrimination laws, including, but not limited to, the Maine Human Rights Commission and the Department of Labor.

It specifies that an individual must be given 21 days to consider any agreement containing nondisclosure provisions and be provided at least seven days following the execution of the agreement to revoke the agreement. The bill states that an agreement is not effective or enforceable until the revocation period has expired.

It requires that an employer retain a copy of any settlement, separation or severance agreement that prevents the disclosure of factual information relating to a claim of discrimination, including harassment, in the individual's personnel file for six years.

It prohibits an employer from retaliating against an individual who opposes any act or practice that is unlawful under these provisions or interfering with an individual in the exercise or enjoyment of the rights granted or protected by these provisions. It provides the Department of Labor with the duty to enforce these provisions.

This amendment was adopted in the First Regular Session, but removed from the bill when it was recommitted to committee at the end of the First Regular Session.

This bill, which had been voted but not yet reported out of committee during the Second Regular Session, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1537    An Act To Increase the Portion of Retirement Benefits to Which the Cost-of-living Adjustment Applies**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J JACKSON T	OTP-AM ONTP	H-446

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill increases the portion of retirement benefits of retired state employees, teachers and beneficiaries of either to which the cost-of-living adjustment applies from \$20,000 to \$30,000 effective July 1, 2020.

**Committee Amendment "A" (H-446)**

This amendment is the majority report of the committee and adds an appropriations and allocations section to the bill.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1572    An Act To Enact the Maine Fair Chance Housing Act**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R BELLOWS S		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes the Maine Fair Chance Housing Act, the purpose of which is to ensure that a person is not denied housing based solely on the existence of a history of criminal convictions. This bill prohibits a housing provider from considering an applicant's criminal history until after the housing provider determines that the applicant meets all other qualifications for tenancy.

A person who is aggrieved by a violation of the Maine Fair Chance Housing Act by a housing provider may file a grievance with the Maine Human Rights Commission and, if it is a violation by a private housing provider, may bring a civil action in court.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1639    An Act To Require Comprehensive Responsible Contracting Practices for Public Construction Projects**

**CARRIED OVER**

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

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This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

### Part A

Part A of this bill creates a responsible contractor certification process to be administered by the Department of Administrative and Financial Services, Bureau of General Services for publicly funded construction projects that receive state funds.

It would require a contractor submitting a bid to include a contractor responsibility certification form at the time of the bid. A certification form would certify that certain requirements are met for both the contractor and the contractor's employees. Requirements include:

1. Having all required valid licenses, registrations or certifications;
2. Meeting any bonding and insurance requirements;
3. Certifying that the contractor has not been suspended or debarred from eligibility to receive government contracts or subcontracts in the three years prior to the date of the bid submission;
4. Certifying that the contractor has not defaulted on any project in the three years prior to the date of the bid submission;
5. Certifying that the contractor has not been convicted of any crime related to its contracting business in the 10 years prior to the date of the bid submission;
6. Certifying that the contractor has not been found in violation of any law applicable to its contracting business where the contractor had to pay a fine, back pay, damages or any other penalty in an amount that exceeds \$1000 in the three years prior to the date of the bid submission;
7. Committing to paying all craft workers employed by that prime contractor the prevailing hourly wage and benefits rate and requiring all craft workers to complete a 10-hour safety training course when the project is for a municipality or school administrative unit for which the State provides any portion of the funding;
8. Participation on a Class A apprenticeship program for the three years prior to the date of the bid for each separate trade or occupational classification in which it proposes to employ craft workers and committing to continuing to such participation for the duration of the contract;
9. Verifying the employment eligibility of all craft workers on the project;
10. Committing to having all craft workers employed on a project to pass a drug and alcohol test at least preemployment and post any accident;
11. Certifying that the contractor possesses the technical qualifications and resources, including equipment, personnel and financial resources to meet contract requirements;
12. Committing to maintaining all qualifications, resources and capabilities referenced by the form for the duration of the project;
13. Committing to notification within seven days of any material changes to matters attested to in the form; and

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14. Providing a list of all subcontractors and all subcontractor information required by this law if it receives a notice of intent to be awarded the contract.

This portion of the bill also requires a public review period of 21 days following the issuance of the notice of intent to award a contract. During this period any member of the public may protest, in writing and with supporting evidence, a contractor or subcontractor for failing to meet certification requirements or on any other relevant grounds

It requires the bureau to adopt rules to implement the responsible contracting law requirements.

This part also clarifies that, for the purpose of the law requiring fair minimum rate of wages and benefits on public works contracts, "public works" includes any construction projects funded all or in part with state funds.

This part also amends the method of determining the prevailing wage and benefits rate paid in the construction industry to require the Department of Labor, Bureau of Labor Standards to ascertain the applicable wage and benefits rates established in collective bargaining agreements in private construction and includes in benefits wages paid to apprentices in apprenticeship programs registered with the department.

### Part B

This part requires the Executive Director of the Workers' Compensation Board or the executive director's designee to immediately issue a stop-work order to an employer who fails to procure workers' compensation insurance coverage.

It also requires the executive director or the executive director's designee to issue a stop-work order to an employer if the executive director or the executive director's designee finds after a hearing that the employer knowingly misrepresented employees as independent contractors or provided false, incomplete or misleading information to an insurance company on the numbers of employees the employer has for the purpose of paying a lower payment.

### Part C

This part encourages the State to use project labor agreements for large-scale, state-funded construction projects of \$10,000,000 or more. A project labor agreement is a pre-hire collective bargaining agreement with one or more labor unions that establishes the terms and conditions of employment for a specific construction project.

This part also requires Maine Department of Labor in consultation with Department of Administrative and Financial Services and Maine Department of Transportation to submit a report with recommendations about whether broader use of project labor agreements would help promote the economical, efficient and timely completion of state projects.

### Part D

This part requires an employer with a public works contract with the State of \$50,000 or more to provide to all employees who will be on the construction work site a safety training program that uses a curriculum approved by the United States Department of Labor, Occupational Safety and Health Administration and that is at least 10 hours in duration. Flaggers, security workers and certain other employees not considered to be on the work site are exempt from this requirement. A contractor that violates this safety training program requirement may be assessed a fine of up to \$2,500 and an additional fine of \$100 per employee for each day of noncompliance.

### Part E

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This part provides that for public works construction contracts that involve funding from the Federal Government, the prevailing wage requirements in state law apply unless the prevailing wage requirements that would otherwise apply under the federal Davis-Bacon Act would result in higher total wages under the contract. An exception is provided for funds received under the United States Housing Act of 1937 if the application of a state prevailing wage is expressly preempted by federal law.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1659      An Act To Include Additional Corrections Officers and Mental Health Workers under the 1998 Special Plan for Retirement and 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>
JACKSONT		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill adds employees of the Office of Aging and Disability Services and mental health workers who work with wards of the State or in mental health institutions within the Department of Health and Human Services and employees of the Maine Correctional Center, Long Creek Youth Development Center, Downeast Correctional Facility, former Mountain View Youth Development Center, former Charleston Correctional Facility and Mountain View Correctional Facility to the 1998 Special Plan for certain Maine Public Employees Retirement System members and requires that service retirement benefits for corrections and mental health workers and Capitol Police officers in the employment of the Department of Public Safety included in the 1998 Special Plan be computed on the same basis as benefits for other members under the plan are computed; creditable service is included regardless of when that service was earned.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1693      An Act To Enhance Enforcement of Employment Laws      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill authorizes private persons, acting in the public interest, to enforce the laws governing employment practices and prohibiting unfair discrimination in the workplace.

Under this bill:

1. Private persons or whistleblowers, acting as relators, may bring public enforcement actions of employment laws on behalf of the State;

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- 2. Civic organizations may assist aggrieved persons in reporting violations of employment laws; and
- 3. Persons who are injured by violations of employment laws are protected fromretaliation.

This bill, which had not yet been voted by the committee, was carried over committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1842      An Act Relating to the Computation of Benefits for Correctional Officers in the 1998 Special Retirement Plan      CARRIED OVER**

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

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill was reported out by the Joint Standing Committee on Labor and Housing in the First Regular Session pursuant to Joint Order 2019, S.P. 584, and was the majority report of the committee. The bill requires that service retirement benefits for employees of the Department of Corrections included in the 1998 Special Plan as of the effective date of the bill who receive a direct care stipend pursuant to a collective bargaining agreement and who were employed prior to January 1, 2000, be computed on the same basis as benefits for other members under the plan are computed; creditable service is included regardless of when that service was earned.

The bill includes an appropriations and allocations section to provide funding.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1874      An Act To Amend the Laws Governing the Subminimum Wage      PUBLIC 632**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAUR LIBBY N	OTP-AM ONTP	H-724

This bill eliminates current exemptions from the minimum wage law that allow the payment of wages at less than the minimum wage rate to certain individuals with disabilities.

**Committee Amendment "A" (H-724)**

This amendment, which is the majority report of the committee, removes the section of the bill that specifies that a special certificate issued pursuant to the Maine Revised Statutes, Title 26, section 666 is not valid; that provision is unnecessary because no employer in the State holds a special certificate to pay an employee with a disability a subminimum wage.

**Enacted Law Summary**

Public Law 2019, chapter 632 eliminates current exemptions from the minimum wage law that allow the payment of wages at less than the minimum wage rate to certain individuals with disabilities.

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**LD 1909    An Act To Support Emergency Shelter Access for Persons Experiencing Homelessness in Maine**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D	OTP-AM	H-680

This bill includes ongoing General Fund appropriations of \$3,000,000 per year to the Shelter Operating Subsidy program within the Maine State Housing Authority to support operations and capacity at low-barrier emergency homeless shelters across the State. This bill specifies that the funding is supplemental to the Maine State Housing Authority's emergency shelter and housing assistance program and is to be delivered outside of the funding formula set forth in the Maine State Housing Authority's rule under 99-346 C.M.R. Chapter 19, Homeless Solutions Rule.

**Committee Amendment "A" (H-680)**

This amendment expands the use of funds to support shelter operations at all emergency homeless shelters, not just low-barrier emergency shelters as proposed in the bill. It also allows the Maine State Housing Authority to allocate funds to shelters using the funding formula methodology for shelter operations from its Homeless Solutions Rule.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1911    An Act To Amend the Unemployment Compensation Laws**

**PUBLIC 585  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWSS	OTP-AM	S-388

This bill makes the following changes to the laws governing unemployment compensation.

1. Current law provides that, beginning January 1, 2022, benefits paid to an individual under the laws governing unemployment compensation must be charged against the experience rating record of the claimant's employers in a ratio inversely proportional to the claimant's employment beginning with the most recent employer. This bill strikes that language and instead restores the previous language governing the employer benefit charging model.
2. It provides that the experience rating record of the most recent subject employer may not be charged with benefits paid to a claimant whose work record with that employer totals five or fewer consecutive weeks.
3. It provides that, in the absence of an application for redetermination filed within 30 days after the mailing of notification of benefits paid and chargeable to the employer's experience rating, the notification is conclusive and binding. Under the bill, any request for reconsideration must be made under the laws governing appeals of determination or assessment.
4. It replaces references to the Unemployment Insurance Commission with references to the Division of Administrative Hearings to conform with changes made in Public Law 2017, chapter 284, Part AAAAA.

**Committee Amendment "A" (S-388)**

This amendment incorporates a fiscal note.

*Joint Standing Committee on Labor and Housing*

**Enacted Law Summary**

Public Law 2019, chapter 585 makes the following changes to the laws governing unemployment compensation.

1. It restores language previously in law governing the employer benefit charging model.
2. It provides that the experience rating record of the most recent subject employer may not be charged with benefits paid to a claimant whose work record with that employer totals five or fewer consecutive weeks.
3. It provides that, in the absence of an application for redetermination filed within 30 days after the mailing of notification of benefits paid and chargeable to the employer's experience rating, the notification is conclusive and binding. It requires that any request for reconsideration must be made under the laws governing appeals of determination or assessment.
4. It replaces references to the Unemployment Insurance Commission with references to the Division of Administrative Hearings to conform with changes made in Public Law 2017, chapter 284, Part AAAAA.

Public Law 2019, chapter 585 was enacted as an emergency measure effective March 12, 2020.

<b>LD 1912</b>	<b>An Act To Conform the Maine Apprenticeship Program to the Federal Equal Employment Opportunity Act of 1972</b>	<b>CARRIED OVER</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELOWSS		

This bill amends the information relating to a request for demographic data that an apprenticeship agreement under the Maine Apprenticeship Program must contain. The bill brings the program into compliance with federal Equal Employment Opportunity Act standards.

This bill, which had been voted but not yet reported out by committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

<b>LD 1931</b>	<b>An Act To Require Background Investigations for Certain Individuals To Receive Federal Tax Information in Accordance with Federal Standards</b>	<b>PUBLIC 644 EMERGENCY</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	OTP	

This bill implements background investigations for certain individuals with a business need to receive federal tax information, in order to meet United States Internal Revenue Service standards.

**Enacted Law Summary**

Public Law 2019, chapter 644 implements background investigations for certain individuals with a business need to receive federal tax information, in order to meet United States Internal Revenue Service standards.

Public Law 2019, chapter 644 was enacted as an emergency measure effective March 18, 2020.

*Joint Standing Committee on Labor and Housing*

**LD 1949    An Act To Amend the Retirement Laws Pertaining to Certain Educational Technicians**

**CARRIED OVER**

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

This bill provides an exception to mandatory membership in the State Employee and Teacher Retirement Program for employees filling certain educational technician positions who do not introduce new learning plans and supervise small groups of students in community-based programs and are therefore not required by statute to be certified.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1956    Resolve, To Establish a Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions**

**CARRIED OVER**

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

This resolve establishes the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions, which is a 10-member commission directed to review data on housing shortages in the State for low-income and middle-income households, state laws that affect the local regulation of housing and efforts in other states and municipalities to address housing shortages and to consider measures that would encourage increased housing options in the State. The commission must, no later than November 4, 2020, submit a report, including suggested legislation, for presentation to the First Regular Session of the 130th Legislature.

This resolve, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1959    An Act To Include within the Definition of "Public Employee" Those Who Have Been Employed Less than 6 Months**

**CARRIED OVER**

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

This bill allows a person who has been an employee of the State or another public employer for less than six months to be considered a public employee for the purposes of the public employees labor relations laws.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Labor and Housing*

**LD 1965 An Act To Set a Minimum Wage for School Support Staff**

**CARRIED OVER**

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

This bill establishes a minimum wage of \$16.00 per hour for school support staff.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1976 An Act To Help Retain School Bus Drivers**

**ONTP**

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

This bill exempts a school bus driver who has been temporarily laid off from work search requirements in the unemployment compensation laws for up to six weeks if the driver's employer sets a definite recall date of not more than 12 weeks from the date of the temporary layoff.

**LD 1978 An Act To Improve the Disability Retirement Program of the Maine Public Employees Retirement System**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D INGWERSEN H	OTP-AM ONTP	

This bill amends the laws relating to disability retirement under the Maine Public Employees Retirement System and makes other changes relating to the structure of the Maine Public Employees Retirement System.

This bill:

1. Repeals the laws providing for a medical board to review applications for disability retirement;
2. Provides that the system's hearing officers are not employees of the Board of Trustees of the Maine Public Employees Retirement System but independent contractors that serve as neutral and independent decision makers;
3. Modifies the definition of "disabled";
4. Provides that a member seeking disability retirement must obtain a residual functional capacity assessment from a health care provider. The bill defines "health care provider." The board may find that a member has a mental or physical disability and is eligible for disability retirement based on the information provided through the assessment. If the board is unable to determine whether the member is eligible for disability retirement based on the information provided through the assessment, the board must direct the member to have an independent medical examination by an independent health care provider. After an independent medical review, the board must refer the member's application to a disability specialist, who must, in consultation with the board, make a finding of disability

## *Joint Standing Committee on Labor and Housing*

based upon the totality of the evidence. A final decision of the board that the member is not disabled may be appealed by the member to a hearing officer. An adverse decision by the hearing officer may be appealed to the court, which must review the matter de novo;

5. Provides that, beginning with the first full month following the receipt of a residual functional capacity form that states a member is unable to perform essential functions of a job due to a disability that is expected to last at least 12 months, the member must be granted a preapproval benefit calculated at 50% of full disability retirement for six months or until a determination of disability is made entitling the member to full disability retirement, whichever comes first. This preapproval payment may be made upon a disability application only once within a five-year period;

6. Provides that, when reviewing medical evidence in making a determination of disability, the board, disability specialists and hearing officers must primarily consider medical opinions in the record and whether the opinions are supported by sound medical evidence and are consistent with other medical evidence in the record; and

7. Provides that, if a member has retained services of an attorney to represent the member before a hearing officer or in a court proceeding on appeal of a hearing officer's decision and the fee arrangement has been approved by the hearing officer or the court and the attorney obtains a favorable result for the member, the attorney's legal fees must be paid by the board up to a maximum of \$12,000. The attorney may have a contingency fee arrangement, in which case any payment from the board must be applied toward the satisfaction of the contingency fee.

### **Committee Amendment "A" (S-447)**

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

The amendment makes changes consistent across retirement programs of the Maine Public Employees Retirement System; clarifies the decision-making process for disability retirement applications; eliminates expansion of the definition of "disability" and creation of a preapproval benefit to avoid creating an unfunded actuarial liability; specifies that independent medical examinations may take place at the health care provider's office or facility; and requires the retirement system to report to the joint standing committee of the Legislature having jurisdiction over retirement matters on the experience of the retirement system and its members under the changes. The amendment also requires formation of a stakeholder group to report to the joint standing committee of the Legislature having jurisdiction over retirement matters on implementing mandatory long-term disability insurance coverage.

This bill, which had been reported out of committee but not yet taken up by the House or the Senate, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1986     An Act To Clarify the Law Protecting Job Applicants from Identity Theft**

**PUBLIC 567**

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

Current law prohibits an employer from requesting the social security number of a prospective employee. This bill provides an exception to the prohibition when the employer is required to request the social security number by federal law.

### **Enacted Law Summary**

Public Law 2019, chapter 567 creates an exception to the prohibition on requesting the social security number of a prospective employee by an employer by allowing an employer to request the social security number when that employer is required to request it by federal law.

*Joint Standing Committee on Labor and Housing*

**LD 2015    An Act To Provide for Leave from Work for Victims of Domestic Violence, Sexual Assault or Stalking**

**ONTP**

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

This bill allows an employee to take reasonable leave from work, with or without pay, including by reducing the employee's usual number of hours per work day or workweek:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking;
2. To seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault or stalking or to attend to health care treatment for a victim who is the employee's family member;
3. To obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center or other social services program for relief from domestic violence, sexual assault or stalking;
4. To obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault or stalking in which the employee or employee's family member was a victim; or
5. To participate in safety planning, temporarily or permanently relocate or take other actions to protect the employee or employee's family members from domestic violence, sexual assault or stalking.

**LD 2019    An Act To Extend to Other Public Sector Employees the Same Protections Provided to State Employees upon the Expiration of Contracts**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N CARNEY A		

This bill provides the same protections to municipal, judicial and public higher education employees that are provided to state employees upon the expiration of labor contracts by requiring that, during an interim between the expiration of a public employee collective bargaining agreement and before the effective date of any subsequent collective bargaining agreement, those employees covered by the expired collective bargaining agreement remain eligible for and must receive merit increases in accordance with the terms and conditions set forth in the expired collective bargaining agreement.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Labor and Housing*

**LD 2049    An Act To Amend the Laws Concerning the Retired County and  
Municipal Law Enforcement Officers and Municipal Firefighters  
Health Insurance Program**

**CARRIED OVER**

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

This bill amends language contained in Public Law 2019, chapter 446 governing contributions under the open enrollment provisions of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program. Currently, the law requires a person hired on or after October 1, 2019, to enroll no later than five years after hire, conditioned on the enrollment and eligibility requirements of the applicable health plan; this bill removes that condition.

This bill also changes the percentage of gross wages for contributions from 1.5% to 3% for the first five years and from 3% to 1.5% for additional years. This bill removes the requirement of 60 months of contributions by enrollees. The bill also changes the State's payment of certain premium subsidies from payment to the plan to payment directly to enrollees. The amendments to the open enrollment provisions are retroactive to September 19, 2019, and the Department of Administrative and Financial Services, Office of Employee Health and Benefits is required to ensure correct contribution amounts for those who enrolled between September 19, 2019, and the effective date of this legislation.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2087    An Act Relating to Fair Chance in Employment**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CLAXTON N		

This bill prohibits an employer from requesting criminal history record information on an initial employee application form, subject to certain exceptions. An employer may inquire about a prospective employee's criminal history record information during an interview or once the prospective employee has been determined otherwise qualified for the position. The bill prohibits an employer from stating on an initial employee application form or advertisement or otherwise asserting that a person with a criminal history may not apply or will not be considered for a position, subject to certain exceptions. The bill provides that if an employer inquires about a prospective employee's criminal history record information, the prospective employee, if still eligible for the position under applicable federal or state law, must be afforded an opportunity to explain the information and the circumstances regarding any convictions, including post-conviction rehabilitation.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Labor and Housing*

**LD 2090     An Act To Amend the Laws Governing Arbitration under Certain Public  
Employees Labor Relations Laws**

**CARRIED OVER**

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

Under current law, arbitrations under labor relations laws governing municipal public employees, University of Maine System employees, state employees and judicial employees require that each party select one arbitrator and those two arbitrators select a neutral third arbitrator. This bill requires that the neutral third arbitrator be selected from a panel of arbitrators appointed by the Governor from a list of nominations supplied by the Maine Labor Relations Board. Under the bill, appointees to the panel of arbitrators serve as impartial arbitrators of the interests of the public in the settlement of disputes between employers and employees or their representatives, and each appointee must reside in the State. In addition, this bill:

1. Amends the labor relations laws governing municipal public employees and University of Maine System employees to provide that determinations by arbitrators with respect to controversies over all subjects, including salaries, pensions and insurance, are final and binding on the parties;
2. Amends the labor relations laws governing state employees to provide that, with respect to controversies over salaries, an arbitrator's determinations are final and binding on the parties;
3. Amends the labor relations laws governing judicial employees to provide that an arbitrator's determinations with respect to controversies over all subjects, including salaries, pensions and insurance, are final and binding on the parties and that, with respect to controversies over salaries, determinations by mediator-arbitrators are final and binding on the parties;
4. Adds specific factors an arbitrator must consider when a controversy is not resolved between a public employer and bargaining agent under the municipal public employees labor relations law;
5. Provides that, if a public employer fails to enter into an agreement to carry out and effectuate binding determinations made by arbitrators, the public employees are authorized to strike;
6. Requires that cost items in a collective bargaining agreement arrived at through arbitration may not be included in the state or local operating budget, as relevant, for the current fiscal year, but must instead be submitted for inclusion in the operating budget for the following fiscal year; and
7. Provides an effective date for the changes made in the bill of July 1, 2021.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

# *Joint Standing Committee on Labor and Housing*

## **SUBJECT INDEX**

### **Collective Bargaining**

#### **Not Enacted**

**LD 2019**      **An Act To Extend to Other Public Sector Employees the Same Protections Provided to State Employees upon the Expiration of Contracts**      **CARRIED OVER**

### **Department of Labor**

#### **Enacted**

**LD 1931**      **An Act To Require Background Investigations for Certain Individuals To Receive Federal Tax Information in Accordance with Federal Standards**      **PUBLIC 644  
EMERGENCY**

#### **Not Enacted**

**LD 734**      **Resolve, To Expedite the Processing of Applications for Certification under the Federal Work Opportunity Tax Credit**      **CARRIED OVER**

**LD 1912**      **An Act To Conform the Maine Apprenticeship Program to the Federal Equal Employment Opportunity Act of 1972**      **CARRIED OVER**

### **Employee Benefits**

#### **Not Enacted**

**LD 1214**      **Resolve, To Conduct a Comprehensive Study of the Compensation System for State Employees**      **CARRIED OVER**

**LD 1410**      **An Act To Create Paid Family and Medical Leave Benefits**      **CARRIED OVER**

**LD 1959**      **An Act to Include within the Definition of “Public Employee” Those Who Have Been Employed Less than 6 Months**      **CARRIED OVER**

**LD 2015**      **An Act To Provide for Leave from Work for Victims of Domestic Violence, Sexual Assault or Stalking**      **ONTP**

**LD 2049**      **An Act To Amend the Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program**      **CARRIED OVER**

**Employee Compensation**

**Not Enacted**

LD 402	An Act To Restore Overtime Protections for Maine Workers	CARRIED OVER
LD 507	An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee	CARRIED OVER

**Employment Contracts/Agreements**

**Not Enacted**

LD 1250	An Act To Prohibit Sexual Harassment as a Subject Matter of Mandatory Arbitration in Employment Contracts	ONTP
LD 1529	An Act Concerning Nondisclosure Agreements in Employment	CARRIED OVER

**Employment Practices**

**Enacted**

LD 1986	An Act To Clarify the Law Protecting Job Applicants from Identify Theft	PUBLIC 567
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**Not Enacted**

LD 857	An Act To Increase Accountability for Wage Violations	CARRIED OVER
LD 2087	An Act Relating to Fair Chance in Employment	CARRIED OVER

**Housing**

**Not Enacted**

LD 1572	An Act To Enact the Maine Fair Chance Housing Act	CARRIED OVER
LD 1956	Resolve, To Establish a Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions	CARRIED OVER

**Labor Relations**

**Not Enacted**

LD 900	An Act To Expand the Rights of Public Employees under the Maine Labor Laws	CARRIED OVER
LD 2090	An Act To Amend the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws	CARRIED OVER

**Minimum Wage**

**Enacted**

LD 1874	An Act to Amend the Laws Governing the Subminimum Wage	PUBLIC 632
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**Not Enacted**

LD 1965	An Act to Set a Minimum Wage for School Support Staff	CARRIED OVER
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**Miscellaneous**

**Not Enacted**

LD 1639	An Act To Require Comprehensive Responsible Contracting Practices for Public Construction Projects	CARRIED OVER
LD 1693	An Act to Enhance Enforcement of Employment Laws	CARRIED OVER
LD 1909	An Act To Support Emergency Shelter Access for Persons Experiencing Homelessness in Maine	CARRIED OVER

**Prevailing Wage and Benefits**

**Enacted**

LD 1386	An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects	PUBLIC 545
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**State Retirement System**

**Enacted**

LD 833	An Act To Provide the Same Retirement Benefits for State Employees Working as Emergency Communications Specialists as Are Provided to Law Enforcement Officers	PUBLIC 537
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LD 1104	An Act To Clarify the State's Commitments Concerning Certain Public Service Retirement Benefits	PUBLIC 540
LD 1207	An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of Investigations within the Department of the Secretary of State, Bureau of Motor Vehicles	PUBLIC 541
LD 1208	An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General	PUBLIC 542

**Not Enacted**

LD 467	An Act To Amend the Eligibility Criteria for Creditable Service in the Armed Forces of the United States under the State Retirement System	CARRIED OVER
LD 1184	An Act Regarding Penalties for Early Retirement for Certain Members of the Maine Public Employees Retirement System	CARRIED OVER
LD 1355	An Act To Expand the 1998 Special Retirement Plan To Include Civilian Employees Who Work for the Department of Public Safety Crime Lab and Computer Crimes Unit	CARRIED OVER
LD 1537	An Act to Increase the Portion of Retirement Benefits to Which the Cost-of-living Adjustment Applies	CARRIED OVER
LD 1659	An Act To Include Additional Corrections Officers and Mental Health Workers under the 1998 Special Plan for Retirement and to Amend the Laws Governing Retirement Benefits for Capitol Police Officers	CARRIED OVER
LD 1842	An Act Relating to the Computation of Benefits for Correctional Officers in the 1998 Special Retirement Plan	CARRIED OVER
LD 1949	An Act To Amend the Retirement Laws Pertaining to Certain Educational Technicians	CARRIED OVER
LD 1978	An Act to Improve the Disability Retirement Program of the Maine Public Employees Retirement System	CARRIED OVER

**Unemployment Compensation**

**Enacted**

LD 1911	An Act To Amend the Unemployment Compensation Laws	PUBLIC 585 EMERGENCY
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**Not Enacted**

LD 1976	An Act To Help Retain School Bus Drivers	ONTP
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**Workforce Investment and Development**

**Not Enacted**

**LD 1359 An Act Regarding Local Workforce Development Boards**

**CARRIED OVER**

**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON  
MARINE RESOURCES**

November 2020

**MEMBERS:**

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SEN. ELOISE A. VITELLI  
SEN. DANA L. DOW

REP. JOYCE "JAY" MCCREIGHT, CHAIR  
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*Joint Standing Committee on Marine Resources*

**LD 28      Resolve, Directing the Department of Marine Resources To Evaluate the Limited-entry Lobster and Crab Fishing Licensing System**

**RESOLVE 116**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J MIRAMANT D	OTP-AM ONTP	H-686

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill directs the Commissioner of Marine Resources to authorize new zone entrants for a limited-entry lobster zone who have been on a waiting list for 10 or more years and have met certain eligibility requirements. A person authorized as a new zone entrant under this bill must adhere to specific trap tag limits.

**Committee Amendment "A" (H-686)**

This amendment, which is the majority report of the committee, replaces the bill with a resolve and changes the title. It requires the Department of Marine Resources to provide the joint standing committee of the Legislature having jurisdiction over marine resources matters with a report that evaluates the limited-entry zone system by February 15, 2021. It requires the department to examine the long waiting period for entry to fish in a limited-entry zone. This amendment requires the department, in examining the waiting list, to consider several factors, including, but not limited to, the current biological status of the fishery, current exit-to-entry ratios in each limited-entry zone, latency of licenses and trap tags and the current policy for student lobster and crab fishing licenses. It requires the department to revisit the recommendations made in the report prepared for the department by the Gulf of Maine Research Institute pursuant to Resolve 2011, chapter 62. It requires the department to make recommendations regarding the long waiting period for entry into a limited-entry zone. It also requires the department to account for possible new federal regulations to address protections for endangered right whales when making any recommendations. Lastly, this amendment authorizes the joint standing committee of the Legislature having jurisdiction over marine resources matters to report out legislation to the First Regular Session of the 130th Legislature.

**Enacted Law Summary**

Resolve 2019, chapter 116 requires the Department of Marine Resources to provide the joint standing committee of the Legislature having jurisdiction over marine resources matters with a report that evaluates the limited-entry zone system by February 15, 2021. It requires the department to examine the long waiting period for entry to fish in a limited-entry zone and in examining the waiting list, to consider several factors, including, but not limited to, the current biological status of the fishery, current exit-to-entry ratios in each limited-entry zone, latency of licenses and trap tags and the current policy for student lobster and crab fishing licenses. It requires the department to revisit the recommendations made in the report prepared for the department by the Gulf of Maine Research Institute pursuant to Resolve 2011, chapter 62. It requires the department to make recommendations regarding the long waiting period for entry into a limited-entry zone. It also requires the department to account for possible new federal regulations to address protections for endangered right whales when making any recommendations. Lastly, Resolve 2019, chapter 116 authorizes the joint standing committee of the Legislature having jurisdiction over marine resources matters to report out legislation to the First Regular Session of the 130th Legislature.

***Joint Standing Committee on Marine Resources***

**LD 936      *Resolve, Establishing a Commission To Study the Existing and Potential Effects of Freshwater and Marine Debris on Maine's Freshwater and Coastal Habitats and Species*      **CARRIED OVER****

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

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve establishes the Commission To Study the Effects of Freshwater and Marine Debris, which is a 13-member commission tasked with studying freshwater and marine debris and how it has affected or potentially will affect Maine's freshwater and ocean and coastal ecosystems, habitats and species. The commission must submit a report, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than December 4, 2019.

**Committee Amendment "A" (H-733)**

This amendment, which is the majority report of the committee, replaces the resolve, removes the emergency preamble and clause and changes the title. It requires the Department of Marine Resources to provide the joint standing committee of the Legislature having jurisdiction over marine resources matters with a report by February 1, 2021, detailing the status of action items identified in the 2019 Gulf of Maine Marine Debris Action Plan published by the National Oceanic and Atmospheric Administration Marine Debris Program. It requires the department to evaluate whether the activities in the action plan are sufficient to reduce marine debris in coastal waters and it also allows the department to make recommendations to reduce marine debris in coastal waters. The amendment authorizes the joint standing committee of the Legislature having jurisdiction over marine resources matters to report out a bill to the First Regular Session of the 130th Legislature based upon the report.

This resolve was carried over in the Senate to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 961      *An Act To Create the Shellfish Research Fund*      **CARRIED OVER****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J	OTP-AM	H-376

The bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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

This bill proposes to create a research fund for the clam fishing industry in the State.

**Committee Amendment "A" (H-376)**

This amendment replaces the bill which is a concept draft. It creates the Shellfish Research Fund as a nonlapsing fund administered by the Commissioner of Marine Resources for the purpose of funding shellfish research projects in the State. It provides ongoing funding of \$50,000 per fiscal year from the General Fund. It also allows the commissioner to accept and deposit into the fund any monetary gifts, donations or other contributions from public

*Joint Standing Committee on Marine Resources*

or private sources. It requires that the commissioner consult with the Shellfish Advisory Council before deciding upon research projects and awarding grants from the fund.

It also increases the membership of the Shellfish Advisory Council from 13 to 14 members. It directs the commissioner to appoint as a member of the Shellfish Advisory Council a person who has a demonstrated knowledge of a marine science and, at minimum, a bachelor's degree in a field of marine science.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1882      An Act To Provide Noncommercial Lobster and Crab Fishing Licenses      PUBLIC 575  
and Scallop Licenses to Disabled Veterans at No Cost**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEPLER A MOORE M	OTP-AM	H-672

This bill allows a resident disabled veteran to obtain upon application, at no cost, a noncommercial lobster and crab fishing license or a noncommercial scallop license.

**Committee Amendment "A" (H-672)**

This amendment replaces the bill. It clarifies that a qualified resident disabled veteran may obtain a noncommercial lobster and crab fishing license or a noncommercial scallop license at no cost, and it adds reservists to the definition of "qualified resident disabled veteran." It also exempts a qualified resident disabled veteran from paying the scallop license surcharge that is assessed on a noncommercial scallop license.

**Enacted Law Summary**

Public Law 2019, chapter 575 allows a qualified resident disabled veteran to obtain upon application, at no cost, a noncommercial lobster and crab fishing license or a noncommercial scallop license.

**LD 1906      An Act To Amend the Laws Governing the Composition of the Shellfish      PUBLIC 600  
Advisory Council**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W	OTP-AM	H-697

This bill changes the composition of the Shellfish Advisory Council by:

1. Eliminating the requirement that three of the four members who are commercial shellfish license holders be soft-shell clam harvesters;
2. Expanding the representation from a member representing the interests of municipalities with wastewater treatment systems to a member who is a municipal official involved in pollution permitting or mitigation;
3. Changing the requirement that two members be municipal shellfish wardens to instead provide that two members must be municipal shellfish officials, including, but not limited to, a municipal shellfish conservation warden or a member of a municipal shellfish management committee;

## Joint Standing Committee on Marine Resources

4. Allowing a person who is designated by the Department of Marine Resources as an authorized representative of the holder of a shellfish depuration certificate to be a member; and
5. Adding a nonvoting member who has a demonstrated knowledge of biological science and holds at least a bachelor's degree.

### Committee Amendment "A" (H-697)

This amendment changes the member of the Shellfish Advisory Council with a demonstrated knowledge of biological science from a nonvoting member, as proposed in the bill, to a voting member. It also requires the Commissioner of Marine Resources to make a reasonable effort to appoint as this member a person who has a minimum of five years of relevant experience.

### Enacted Law Summary

Public Law 2019, chapter 600 changes the composition of the Shellfish Advisory Council by:

1. Eliminating the requirement that three of the four members who are commercial shellfish license holders be soft-shell clam harvesters;
2. Expanding the representation from a member representing the interests of municipalities with wastewater treatment systems to a member who is a municipal official involved in pollution permitting or mitigation;
3. Changing the requirement that two members be municipal shellfish wardens to instead provide that two members must be municipal shellfish officials, including, but not limited to, a municipal shellfish conservation warden or a member of a municipal shellfish management committee;
4. Allowing a person who is designated by the Department of Marine Resources as an authorized representative of the holder of a shellfish depuration certificate to be a member; and
5. Adding a member who has a demonstrated knowledge of biological science. It also requires the Commissioner of Marine Resources to make a reasonable effort to appoint, as this member, a person who has a minimum of five years of relevant experience.

## LD 1922 An Act To Create a Menhaden Fishing License

PUBLIC 640

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONALD G	OTP-AM	H-723

This bill removes the authority to fish for Atlantic menhaden from the commercial pelagic and anadromous fishing license and creates a new commercial menhaden fishing license with two license categories.

### Committee Amendment "A" (H-723)

Like the bill, this amendment creates a menhaden fishing license system. The system set up in the amendment includes a resident commercial menhaden fishing license, a nonresident commercial menhaden fishing license and a noncommercial menhaden fishing license to begin in the 2021 licensing year. The amendment requires the Commissioner of Marine Resources to adopt routine technical rules to implement menhaden fishing license requirements and limitations.

### Enacted Law Summary

## *Joint Standing Committee on Marine Resources*

Public Law 2019, chapter 640 removes the authority to fish for Atlantic menhaden from the commercial pelagic and anadromous fishing license and creates a new commercial menhaden fishing license. The system set up in the law includes a resident commercial menhaden fishing license, a nonresident commercial menhaden fishing license and a noncommercial menhaden fishing license to begin in the 2021 licensing year. This law requires the Commissioner of Marine Resources to adopt routine technical rules to implement menhaden fishing license requirements and limitations.

**LD 1925     An Act To Make Technical Changes to Maine's Marine Resources Laws**

**PUBLIC 642**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D	OTP-AM	S-420

This bill makes technical changes to Maine's marine resources laws. It clarifies that it is the amount of quota, not the weight of elvers, sold through the elver transaction card system that is used to determine if an allocated quota has been exceeded. It clarifies that if a person holds a license in a limited entry fishery and that license has been suspended by the court, by the Department of Health and Human Services or by the Department of Administrative and Financial Services, Maine Revenue Services, the person, when the person becomes compliant, has the remainder of that calendar year and all of the following calendar year to purchase the license. It clarifies that a person who holds a wholesale seafood license with a lobster permit may remove lobster meat from the shell under either a lobster processor license or a lobster meat permit.

### **Committee Amendment "A" (S-420)**

This amendment clarifies language related to the elver quota. Specifically, it does the following.

1. It allows the Commissioner of Marine Resources to use data collected from the elver transaction cards to determine whether the overall annual quota has been reached for federally recognized Indian tribes in the State.
2. It specifies that a person may not possess or sell elvers when that person's elver transaction card has been used to record transactions equal to or in excess of the elver quota allocation to that person.
3. It specifies that a person may not fish for or possess elvers for the remainder of the season when that person's elver transaction card has been used to record sales of elvers in an amount equal to or in excess of the elver quota allocation to that person.

### **Enacted Law Summary**

Public Law 2019, chapter 642 makes technical changes to Maine's marine resources laws. Specifically, it:

1. Allows the Commissioner of Marine Resources to use data collected from the elver transaction cards to determine whether the overall annual quota has been reached for federally recognized Indian tribes in the State;
2. Specifies that a person may not possess or sell elvers when that person's elver transaction card has been used to record transactions equal to or in excess of the elver quota allocation to that person;
3. Specifies that a person may not fish for or possess elvers for the remainder of the season when that person's elver transaction card has been used to record sales of elvers in an amount equal to or in excess of the elver quota allocation to that person;
4. Clarifies that if a person holds a license in a limited entry fishery and that license has been suspended by the court, by the Department of Health and Human Services, by the Department of Administrative and Financial

*Joint Standing Committee on Marine Resources*

Services or Maine Revenue Services, the person, when the person becomes compliant, has the remainder of that calendar year and all of the following calendar year to purchase the license; and

5. Clarifies that a person who holds a wholesale seafood license with a lobster permit may remove lobster meat from the shell under either a lobster processor license or a lobster meat permit.

**LD 1930 An Act To Amend Maine's Aquaculture Leasing and Licensing Statutes**

**CARRIED OVER**

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

This bill amends the aquaculture leasing and licensing statutes to:

1. Provide that the Department of Environmental Protection receives notices only of those lease applications that involve activities that have a discharge;
2. Expand the reasons under which the Commissioner of Marine Resources may initiate lease revocation proceedings to include operating in a manner substantially injurious to public health or violating minimum lease standards;
3. Reduce the number of days in advance of which an individual must apply for the renewal of a lease from 90 days prior to the expiration to 30 days prior to the expiration;
4. Clarify notice requirements when a standard lease is proposed for renewal;
5. Require the fee for a lease transfer to be paid upon application for the transfer instead of at the execution of the lease;
6. Specify that a person may not apply for an expansion of a lease until the person has held that lease for a minimum of two years;
7. Move the responsibility for notifying riparian landowners of an application for a lease expansion from the applicant to the Department of Marine Resources and move the responsibility for providing public notice in the newspaper from the department to the applicant;
8. Establish the rule-making authority for the commissioner to establish fees for services provided by the department to lease holders if they request testing or studies to ensure their products are safe for human consumption;
9. Broaden the language allowing changes to leases and require the commissioner to establish a fee for making changes to a lease;
10. Remove the commissioner's rule-making authority regarding changes to limited-purpose leases;
11. Limit the ability of the holder of a limited-purpose aquaculture license to have unlicensed individuals participate in the licensed activities by requiring their direct supervision by the license holder; and
12. Raise the fee for a limited-purpose aquaculture license from \$50 to \$100 for a resident and from \$300 to \$400 for a nonresident.

*Joint Standing Committee on Marine Resources*

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2098    An Act To Remove Nighttime Restrictions on Lobster Fishing in a  
                  Certain Area in the Bay of Fundy**

**PUBLIC 568**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported out by the Joint Standing Committee on Marine Resources pursuant to Resolve 2019, chapter 23, section 2. The resolve directed the Commissioner of Marine Resources to allow a person to raise or haul any lobster trap from September 1, 2019, to October 31, 2019, during any time of the day in an area in the Bay of Fundy, referred to as "the gray zone," that encompasses approximately 210 square miles around Machias Seal Island where there are overlapping claims of sovereignty by the United States and Canada if that person is authorized to fish in the lobster management zone in which the area described is located. The resolve required the commissioner to submit a report to the committee describing the results of this limited allowance, and this bill implements the findings of that report.

This bill allows a person who holds a lobster and crab fishing license to raise or haul any lobster trap during any time of the day from September 1st to October 31st in the gray zone if that person is authorized to fish in that area. The bill also requires the commissioner to define this area in rule to ensure that the boundaries of this area are clearly delineated.

**Enacted Law Summary**

Public Law 2019, chapter 568 allows a person who holds a lobster and crab fishing license to raise or haul any lobster trap during any time of the day from September 1st to October 31st in the gray zone if that person is authorized to fish in that area. It also requires the commissioner to define the gray zone in rule to ensure that the boundaries of this area are clearly delineated.

**LD 2149    An Act To Protect the Lobster Industry by Providing to Consumers  
                  Information Regarding Live Lobsters Sold in the State**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

JACKSONT

This bill directs the Department of Marine Resources to implement a program to provide to consumers information regarding live lobsters sold in the State. The information, which may be conveyed through labeling, must convey to the consumer certain information regarding the location in which the lobster was landed and the method and length of time of storage.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 2150    An Act To Amend the Laws Governing the Issuance of Wholesale  
Seafood Licenses with Lobster Permits**

**CARRIED OVER**

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

This bill establishes a moratorium until April 1, 2023, on the issuance of new wholesale seafood licenses with lobster permits. Under this bill, the Commissioner of Marine Resources may not issue a wholesale seafood license with a lobster permit to an individual unless that individual landed at least 1,000 pounds of lobster under a wholesale seafood license with a lobster permit held by that individual at some point during the period of April 1, 2017, to March 31, 2020.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Marine Resources*

**SUBJECT INDEX**

*Aquaculture*

Not Enacted

LD 1930      An Act To Amend Maine's Aquaculture Leasing and licensing Statutes      CARRIED OVER

*Commercial Fisheries Management*

Enacted

LD 1922      An Act To Create a Menhaden Fishing License      PUBLIC 640

*Complimentary Licenses*

Enacted

LD 1882      An Act To Provide Noncommercial Lobster and Crab Fishing Licenses and Scallop Licenses to Disabled Veterans at No Cost      PUBLIC 575

*Fisheries Management*

Not Enacted

LD 1925      An Act To Make Technical Changes to Maine's Marine Resources Laws      PUBLIC 642

*Lobsters and Crabs*

Enacted

LD 28      Resolve, Directing the Department of Marine Resources to Evaluate the Limited-entry Lobster and Crab Fishing Licensing System      RESOLVE 116

LD 2098      An Act To Remove Nighttime Restrictions on Lobster Fishing in a Certain Area in the Bay of Fundy      PUBLIC 568

**Not Enacted**

**LD 2149**     **An Act To Protect the Lobster Industry by Providing Consumers Information Regarding Live Lobsters Sold in the State**     **CARRIED OVER**

***Marine Environment***

**Not Enacted**

**LD 936**     **Resolve, Establishing a Commission To Study the Existing and Potential Effects of Freshwater and Marine Debris on Maine's Freshwater and Coastal Habitats and Species**     **CARRIED OVER**

***Shellfish***

**Enacted**

**LD 1906**     **An Act To Amend the Laws Governing the Composition of the Shellfish Advisory Council**     **CARRIED OVER**

**Not Enacted**

**LD 961**     **An Act To Create the Shellfish Research Fund**     **CARRIED OVER**

***Wholesale and Retail Licenses***

**Not Enacted**

**LD 2150**     **An Act To Amend the Laws Governing the Issuance of Wholesale Seafood Licenses with Lobster Permits**     **CARRIED OVER**

STATE OF MAINE  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON  
STATE AND LOCAL GOVERNMENT**

November 2020

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SEN. SUSAN A. DESCHAMBAULT

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**LD 390      An Act To Amend the Laws Governing Dangerous Buildings**

**PUBLIC 557  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHANSEN C	OTP-AM	H-662

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows a municipality or county to seek a writ of attachment in Superior Court to recover expenses incurred by the municipality or county when abating or removing a building found to be a nuisance or dangerous under the Maine Revised Statutes, Title 17, section 2851.

**Committee Amendment "A" (H-662)**

This amendment adds an emergency preamble and emergency clause. It adds reference to "county" or "county commissioners" in certain sections of the Maine Revised Statutes, Title 17, chapter 91, subchapter 4, where the law was silent on whether a county or county commissioners had the same obligations or powers granted to municipalities under this subchapter.

**Enacted Law Summary**

Public Law 2019, chapter 557 allows a municipality or county to seek a writ of attachment in Superior Court to recover expenses incurred by the municipality or county when abating or removing a building found to be a nuisance or dangerous under the Maine Revised Statutes, Title 17, section 2851.

Public Law 2019, chapter 557 was enacted as an emergency measure effective February 14, 2020.

**LD 431      An Act To Make Election Day a State Holiday**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B MIRAMANTD	OTP-AM ONTP	H-188

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill designates the day of the general election, which is the day of the regular election of state and county officials occurring biennially in November, as a state holiday.

**Committee Amendment "A" (H-188)**

This amendment, which is the majority report of the committee, adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 592      Resolve, To Establish a Background Check Consolidation Commission**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREAD VITELLIE	OTP-AM ONTP	H-35

This resolve was carried from the First Regular Session of the 129th Legislature on the Special Study Table by joint order, H.P.1322.

This resolve establishes the Background Check Consolidation Commission to study consolidating and centralizing as many state-required background checks required for employment as possible, including background checks for teachers, state workers and persons seeking Maine Guide licenses. It prohibits the commission from studying background checks to obtain firearms.

**Committee Amendment "A" (H-35)**

This amendment, which is the majority report of the committee, removes the emergency preamble and emergency clause. It reduces the number of Senate members from four to two and increases the number of House members from three to five. It adds the Commissioner of Administrative and Financial Services, or the commissioner's designee, to the Background Check Consolidation Commission. It moves the report deadline from December 4, 2019, to December 20, 2019.

This resolve was again carried over, still on the Special Study Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1054      An Act To Amend the Laws Regarding Ancient Burying Grounds**

**PUBLIC 561**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM	H-669

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. The Presiding Officers authorized the formation of the Subcommittee on Ancient and Family Burying Grounds to meet during the interim between the First and Second Regular Sessions.

This bill clarifies the law relating to the use of burying grounds and family burying grounds. It requires that the description of a burying ground or family burying ground be recorded only in the registry of deeds and not with the town clerk. The bill also allows property surrounding a family burying ground to be conveyed as long as reasonable access, including the establishment of an easement route, is provided to the spouse, ancestors and descendants of persons interred there.

**Committee Amendment "A" (H-669)**

This amendment adopts the recommendations of the Subcommittee on Ancient and Family Burying Grounds. This amendment replaces the bill. It expands the list of entities with whom a municipality collaborates when maintaining veterans' graves in ancient burying grounds to include the descendants of veterans buried in ancient burying grounds. This amendment clarifies that a municipally designated caretaker must be designated pursuant to a writing signed by the municipal officers. This amendment changes the definition of "ancient burying ground." This amendment permits the existence of an ancient burying ground to be documented through a variety of papers or



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may apply to the Governor or the Governor's designee for a waiver of the requirement if the executive head of the public agency finds that the application of the requirement would be inconsistent with the public interest, that the necessary manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality or that inclusion of manufactured goods made in the United States will increase the cost of the overall project contract by an unreasonable amount. The Department of Administrative and Financial Services is directed to develop rules to implement the Act.

The bill requires that, if the department has reason to believe that any person, business or other entity has intentionally made fraudulent representations about the domestic content of a manufactured good or has intentionally violated any provision of the Act, the department must, after a hearing, debar that person, business or other entity from contracts or subcontracts with the State for two years.

The bill provides that the provisions of this legislation must be applied in a manner consistent with the State's obligations under any applicable international agreements pertaining to government procurement.

The bill also requires that, in the award of a bid for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work or for services to be provided to or on behalf of the State, if two or more bids are submitted that are substantially similar, preference must be given to the bid submitted by an in-state contractor, which includes a business at which at least 60% of the employees are residents of Maine. If the bid submitted by an in-state contractor is higher than the lowest bid submitted by a contractor that is not an in-state contractor, the in-state contractor must be given the opportunity to match the lowest bid submitted.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1415 An Act To Improve the Laws Regarding Abandoned Roads**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C DIAMONDB	OTP-AM	H-691

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. The Presiding Officers authorized the formation of the Subcommittee on Abandoned and Discontinued Roads to meet during the interim between the First and Second Regular Sessions.

Under current law, a presumption of abandonment exists if a municipality fails for a period of 30 or more years to keep a way passable for the use of motor vehicles at the expense of the municipality. This bill eliminates that presumption for ways that have not met that statutory requirement by January 1, 2020, and instead specifies that the only process that a municipality may use to terminate its interests in a public way is through the discontinuance process established in the Maine Revised Statutes, Title 26, section 3026-A. This bill also amends the filing required by the clerk of a municipality following the determination of discontinuance by abandonment of a town way to require that the record filed with the registry of deeds include the evidence used by the municipality to make the determination of abandonment and the effective date of that determination of abandonment.

**Committee Amendment "A" (H-691)**

This amendment adopts the subcommittee’s recommendations. Effective October 1, 2020, it repeals the current statute on the abandonment of town ways and enacts a new abandonment process that a municipality may choose to follow to declare a town way abandoned. The optional process includes notice provisions to abutting property owners, property owners for whom the town way is the only means of access and adjacent municipalities and counties. The optional process provides for a public hearing and a local appeals process. The amendment clarifies

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that the public easement retained in a town way discontinued by abandonment is limited to rights of access by foot or motor vehicle, which are the limits of public easements laid out by a municipality through its eminent domain powers in the Maine Revised Statutes, Title 23, section 3022.

The fiscal note on this amendment identifies a requirement in the amendment as a potential state mandate with a moderate statewide cost. The committee finds that the provisions identified as a potential mandate do not require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. In order to be a mandate pursuant to the Constitution of Maine, Article IX, Section 21, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue.

The requirements in this amendment that a municipality or county provide notice and the opportunity for hearing if the municipality or county takes the step of declaring a town way abandoned does not require an expansion or modification of activities because there is no requirement that a municipality or county abandon a town way or declare a town way abandoned. Additionally, a municipality or county that chooses to abandon a town way may do so under the common law presumption of abandonment recognized by the Maine Supreme Judicial Court since 1916.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S. P. 788.

**LD 1458     An Act To Protect Taxpayers in the Privatization of State Services**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S MARTIN D		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates a process by which a state agency can enter a privatization contract with a nongovernmental entity to perform basic agency services for up to five years if a number of criteria are met, including:

1. Wages and benefits for employees of the contractor are comparable to state employees performing the same services;
2. The contractor endeavors to hire agency employees terminated due to the privatization;
3. The agency provides an estimate of its costs in providing the subject services in the most efficient manner;
4. The agency provides support and resources to allow agency employees to submit a competing bid to provide the privatized services;
5. The agency considers as a contract cost any income tax revenue lost to the State as a result of services to be performed out of state under the contract; and
6. The Attorney General performs a review to determine that all of the requirements of the bidding process and privatization contract have been met.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special

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session of the 129th Legislature by joint order, S.P. 788.

**LD 1733 An Act To Ensure Comprehensive Interdepartmental Planning, Coordination and Collaboration on Aging Policy**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates the position of Director of Aging in the Governor's Office of Policy and Management to oversee the planning and policy development for all functions and activities conducted or supported in the State that relate to aging, older adults and family care partners of older adults, including, but not limited to, promoting intergovernmental collaboration in meeting established aging policy objectives and managing the coordination of multiple-agency initiatives related to policy objectives. The bill amends the requirements for preparing and implementing a comprehensive state plan relating to Maine's aging population and incapacitated and dependent adults. The bill establishes a State Commission on Aging to advise the Governor, Legislature and state agencies on planning, research and intergovernmental cooperation related to the needs of older adults in the State. The bill authorizes the Revisor of Statutes, in preparing legislation, to change any terms that refer to "elderly," "elder" or "senior" individuals to refer instead to "older" individuals.

**Committee Amendment "A" (H-682)**

This amendment was the majority report of the committee. It creates the Cabinet on Aging to promote intergovernmental collaboration in meeting aging policy objectives and managing the coordination of multiple-agency initiatives related to the needs of older adults in the State. The Cabinet on Aging will provide input to the Department of Health and Human Services on the department's comprehensive state plan for Maine's aging population and incapacitated and dependent adults and on the new state plan on Alzheimer's disease and other dementias. This amendment was not adopted.

This bill was reported out of committee and then recommitted back to committee with accompanying papers. This bill was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1799 Resolve, Authorizing the Department of Agriculture, Conservation and Forestry To Convey Certain Land in the Little Moose Unit of Moosehead Junction Township**

**RESOLVE 126**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM	H-728

This resolve was carried over in the Agriculture, Conservation and Forestry Committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. This resolve was re-referred to the State and Local Government Committee during the Second Regular Session.

This resolve authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey 0.23 acre of land in Little Moose Unit, Moosehead Junction Township to an abutter, Charles Benevento, to resolve a boundary issue.

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**Committee Amendment "A" (H-728)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2019, chapter 126 authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey 0.23 acre of land in Little Moose Unit, Moosehead Junction Township to an abutter, Charles Benevento, to resolve a boundary issue.

**LD 1812 An Act To Make Necessary Changes to State Law**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to make necessary changes to state law.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1814 An Act To Amend the Laws Regarding the Legislature**

**CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to amend certain laws affecting the operations of the Legislature.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1852 An Act To Amend the Law That Increases the Number of Franklin County Commissioners.**

**EMER ENACT  
FAILED**

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

This bill, which was introduced and finally disposed of during the First Special Session of the 129th Legislature, was not referred to committee.

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This emergency bill amends Public Law 2019, chapter 362, which increased the number of Franklin County commissioners, subject to referendum by the voters of Franklin County. This bill authorizes the submission of the referendum question in the statewide election to be held in November 2019. This bill also makes technical changes to the designations of new County Commissioner Districts Number 1 and Number 5.

**LD 1908     An Act To Establish First Responders Day on September 11th**

**PUBLIC 570**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MOORE M	OTP-AM	H-668

This bill establishes September 11th of each year as First Responders Day and as a state holiday.

**Committee Amendment "A" (H-668)**

This amendment establishes September 11th as First Responders Day. It requires the Governor to issue a proclamation inviting and urging the people of the State to observe this day through appropriate ceremony, celebration and activity. First Responders Day honors the significant contributions of the men and women of Maine who put their lives in danger to keep the people of Maine safe, including law enforcement officers, firefighters, emergency medical personnel, game wardens, forest rangers and marine patrol officers.

**Enacted Law Summary**

Public Law 2019, chapter 570 establishes September 11th as First Responders Day. It requires the Governor to issue a proclamation inviting and urging the people of the State to observe this day through appropriate ceremony, celebration and activity. First Responders Day honors the significant contributions of the men and women of Maine who put their lives in danger to keep the people of Maine safe, including law enforcement officers, firefighters, emergency medical personnel, game wardens, forest rangers and marine patrol officers.

**LD 1969     An Act To Protect State Workers from Exposure to Carcinogens**

**CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to require the collection and cataloging of data on the history of public buildings regarding abatement and contaminant testing, create new standards regarding the level of contaminants allowed in public buildings, improve testing requirements and better reinforce oversight of those buildings identified as having contaminant issues. This bill also seeks to improve the ability of state workers in public buildings to raise and resolve safety concerns.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on State and Local Government*

**LD 1973 An Act To Amend the Laws Regarding Municipal Conservation Commissions**

**ONTP**

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

This bill makes several changes to the law that permits municipal officers to establish a conservation commission. It adds the requirement that the commissioners appoint a chair and a secretary. It allows municipal officers to appoint alternate commissioners when necessary to ensure a quorum for voting purposes. It allows the commission to establish ad hoc committees and to appoint members to those committees that are not members of the commission. It changes the duties and powers of the commission to include developing an open area plan; assisting in drafting the municipality's comprehensive plan; advising any municipal reviewing authority in its deliberation related to effects on the municipality's environment and natural resources; educating community members; and developing and recommending to bodies politic a program for the better use of open areas. It repeals the provision that addressed park commissions established under previous law.

**LD 1979 An Act To Allow Public Members of the Maine-Canadian Legislative Advisory Commission To Receive Reimbursement for Travel Expenses**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M MARTIN J		

This bill allows the expenses of members of the Maine-Canadian Legislative Advisory Commission to be reimbursed.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1989 An Act To Amend the Laws Governing Recounts in Municipal Elections**

**PUBLIC 558  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N MCCREIGHT J	OTP-AM	S-375

This bill corrects an error in Public Law 2019, chapter 288 by applying the provisions enacted in chapter 288 beyond recounts in the election of a municipal officer to recounts in the election for any municipal office.

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

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

**Enacted Law Summary**

Public Law 2019, chapter 558 corrects an error in Public Law 2019, chapter 288 by applying the provisions enacted in chapter 288 beyond recounts in the election of a municipal officer to recounts in the election for any municipal office.

Public Law 2019, chapter 558 was enacted as an emergency measure effective February 14, 2020.

*Joint Standing Committee on State and Local Government*

**LD 2018     An Act To Require That Parking Lots for State Agencies Meet the Standards Set Forth in the Federal Americans with Disabilities Act of 1990**

**PUBLIC 573  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T LIBBY N	OTP	

This bill requires each state department, state agency and quasi-independent state entity to ensure, by November 1, 2020, that parking areas serving state-owned or state-leased buildings housing a state department, state agency or quasi-independent state entity meet the 2010 federal standards related to the marking of parking space access aisles under the federal Americans with Disabilities Act of 1990. It requires each state department, state agency or quasi-independent state entity to examine each parking area by June 1, 2020.

**Enacted Law Summary**

Public Law 2019, chapter 573 requires each state department, state agency and quasi-independent state entity to ensure, by November 1, 2020, that parking areas serving state-owned or state-leased buildings housing a state department, state agency or quasi-independent state entity meet the 2010 federal standards related to the marking of parking space access aisles under the federal Americans with Disabilities Act of 1990. It requires each state department, state agency or quasi-independent state entity to examine each parking area by June 1, 2020.

Public Law 2019, chapter 573 was enacted as an emergency measure effective February 27, 2020.

**LD 2028     An Act Regarding the Sale of Information by the Secretary of State**

**CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to address the sale of information by the Office of the Secretary of State by establishing a process to be used by the office to restrict or prohibit the sale of certain information or the sale of certain information for specific purposes, such as commercial use.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was tabled in the Senate pending reference.

**LD 2029     An Act To Make March Maine Childhood Cancer Awareness Month**

**PUBLIC 569  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L	OTP-AM	S-378

This bill establishes March of each year as Maine Childhood Cancer Awareness Month and requires the Governor to issue a proclamation inviting and urging the people of the State to observe the month through appropriate activities and to become informed about childhood cancer.

*Joint Standing Committee on State and Local Government*

**Committee Amendment "A" (S-378)**

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

**Enacted Law Summary**

Public Law 2019, chapter 569 establishes March as Maine Childhood Cancer Awareness Month and requires the Governor to issue a proclamation inviting and urging the people of the State to observe the month through appropriate activities and to become informed about childhood cancer.

Public Law 2019, chapter 569 was enacted as an emergency measure effective February 25, 2020.

**LD 2055      An Act To Require State Agencies To Use Renewable and Sustainable Energy and Reduce Greenhouse Gas Emissions      CARRIED OVER**

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

This bill requires renewable and sustainable energy use and greenhouse gas emissions reduction targets and timelines to be established for state agencies by February 1, 2021. Solar panels or similar solar technologies must be considered and included as a method to achieve the targets and timelines as appropriate. The bill requires the Governor's Energy Office, the Governor's Office of Policy Innovation and the Future, the Department of Environmental Protection, the Efficiency Maine Trust, the Department of Administrative and Financial Services and the Department of Transportation to work together to establish these targets and timelines and to submit a biennial progress report to the Governor and the Legislature. Each of these offices and departments, and each other state agency, must designate a sustainability coordinator who is responsible to develop and implement the agency's plan to meet or exceed the targets and timelines. State agencies are required to procure environmentally preferable products and services as long as certain conditions are met. State agencies are encouraged to adopt and implement practices to decrease waste in the workplace. State agencies are required to account for climate change when siting or designing new state facilities or other construction projects.

This bill, which had been voted but not yet reported out of committee, was carried in committee over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2074      An Act To Update the Mileage Allowance Paid to State Employees Not Subject to a Collective Bargaining Agreement      CARRIED OVER**

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

This bill requires the mileage allowance for state employees, officers and officials not subject to a collective bargaining agreement to be consistent with the rate for employees covered under collective bargaining.

This bill, which had been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on State and Local Government*

**LD 2101    An Act To Implement the Recommendations of the Right To Know  
Advisory Committee Concerning Membership of the Archives Advisory  
Board**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill implements the recommendations from the Fourteenth Annual Report of the Right to Know Advisory Committee concerning the membership of the Archives Advisory Board. This bill adds three members to the Archives Advisory Board to ensure that journalists, newspapers, broadcasters and other news media as well as personal privacy protection advocates are represented in the expertise involved in the development of records retention schedules.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2115    An Act To Implement the Recommendations of the State Compensation  
Commission**

**CARRIED OVER**

<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 State and Local Government pursuant to the Maine Revised Statutes, Title 3, section 2, subsection 2 and then referred back to committee for processing in the normal course. This bill includes all the recommendations of the State Compensation Commission's January 2020 final report including increases in the:

1. Salary of the Governor from \$70,000 per year to \$135,000 per year to take effect after the election of a Governor not in office on December 2, 2020;
2. The expense account of the Governor from \$30,000 per year to \$40,000 per year;
3. Salary of Maine Legislators, beginning with the 130th Maine Legislature, from \$14,862 in the first year and \$10,582 in the second year of a biennium, after adjustment for inflation, to \$16,000 in each year of the biennium;
4. Mileage allowance for Maine Legislators from 44¢ per mile to 58¢ permile;
5. Lodging rate for Maine Legislators from \$38 per day to \$50 per day;
6. Salary of the Chief Justice of the Supreme Judicial Court from \$116,000 per year to \$184,000 per year;
7. Salary of the Associate Justices of the Supreme Judicial Court from \$96,000 to \$169,000 per year;
8. Per diem compensation for Active Retired Justices from \$350 per day to \$500 per day;
9. Salary of the Chief Justice of the Superior Court from \$94,000 per year to \$160,000 per year;
10. Salary of the Justices of the Superior Court from \$90,000 per year to \$150,000 per year;

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- 11. Salary of the Chief Judge of the District Court from \$94,000 per year to \$160,000 per year;
- 12. Salary of the Deputy Chief Judge of the District Court from \$92,000 per year to \$155,000 per year; and
- 13. Salary of the Associate Judges of the District Court from \$90,000 per year to \$150,000 per year.

The bill gives the Chief Justice of the Supreme Judicial Court the authority to develop criteria and rates for longevity pay for all justices and judges. It moves the initial meeting of the State Compensation Commission from within 15 days after appointment of the members to within 15 days after adjournment of a legislative session. It requires the President of the Senate and the Speaker of the House to appoint the fifth member of the commission in alternating odd-numbered years. It removes the following positions from the commission's review: Secretary and Assistant Secretary of the Senate and Clerk and Assistant Clerk of the House of Representatives.

By reporting out this bill, the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill. The committee is reporting out the bill for the sole purpose of having a bill printed and referred back to the committee for an appropriate public hearing and subsequent processing in the normal course.

This bill, which had not yet been voted by committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2132      Resolve, Regarding Legislative Review of Chapter 104: Certain      CARRIED OVER**  
**Payments Not Immediate, a Late-filed Major Substantive Rule of the**  
**Office of the Treasurer of State**

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

This resolve provides for legislative review of Chapter 104: Certain Payments Not Immediate, a major substantive rule of the Office of the Treasurer of State that was filed outside the legislative rule acceptance period.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2167      An Act To Implement Provisions Necessary to the Health, Welfare and      PUBLIC 617**  
**Safety of the Citizens of Maine in Response to the COVID-19 Public      EMERGENCY**  
**Health Emergency**

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

This bill was not referred to committee. This bill provides the Governor, on a temporary basis, with additional powers for the duration of the state of emergency declared by the Governor in accordance with the Maine Revised Statutes, Title 37-B, section 742 due to the outbreak of COVID-19 to enable the Governor to reduce the impact of the pandemic.

Part A allows the Governor or the Governor's designee, in consultation with the Commissioner of Education, to:

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1. Waive the compulsory school attendance requirements, including the minimum number of school days, or allow the compulsory attendance requirements to be met through nontraditional learning systems, including but not limited to remote access; and
2. Continue to provide nutrition services to students of schools that are closed due to COVID-19.

The authorization in Part A continues for the duration of the state of emergency and 30 days after the termination of the state of emergency.

Part B revises certain unemployment insurance eligibility and benefit charging provisions under the Employment Security Law to protect public health during the state of emergency by allowing an individual who takes a temporary leave of absence due to COVID-19 to qualify for unemployment benefits.

Part C allows for the Department of Public Safety, Maine Emergency Medical Services' Board to delegate functions and authority to Maine Emergency Medical Services staff without requiring rulemaking. This modification will allow for the board to respond quickly to emergencies by convening emergency board meetings and empowering the Director of Maine Emergency Medical Services to undertake specific activities that the board delegates.

Part C also allows the Medical Direction and Practices Board to use videoconferencing and other technologies to conduct its meetings and, until December 31, 2020, to delegate its duties to the statewide emergency medical services medical director and the statewide associate emergency medical services medical director.

Part D affects municipal budgets and elections by:

1. Establishing the prior year's budget as the budget for the ensuing year if an annual municipal budget meeting is delayed beyond the date the annual budget is customarily submitted to the legislative body of that municipality for approval due to public health concerns arising from COVID-19 until a final budget is approved. If a final budget is not approved in a timely manner and the municipal officers determine that property taxes must be committed in a timely manner to the collector, the municipal assessor or assessors may commit property taxes on the basis of the budget deemed approved;
2. Allowing a municipal treasurer to disburse money on the authority of a warrant that is seen and signed by individual municipal officers outside of a public meeting;
3. Allowing the municipal officers to postpone the date of a scheduled municipal secret ballot election when nomination papers have already been issued or filed by posting notice in a conspicuous public location at least two days prior to the date of the election. The notice must be signed by a majority of the board and must contain specific information regarding the election; and
4. If ballots have been printed for the postponed election, allowing the municipality to use those ballots despite inclusion of the original election date. If absentee ballots have been issued and returned, the municipality is required to use the ballots printed for the originally scheduled election. The municipal clerk is required to safeguard and secure any absentee ballots already returned until the date of the rescheduled election and is required to process them as required by the Maine Revised Statutes, Title 21-A. During the interim period between the originally scheduled election and rescheduled election, the clerk may continue to issue and accept absentee ballots and applications and allow voting in the presence of the clerk pursuant to the Maine Revised Statutes, Title 21-A.

Part D applies retroactively to March 1, 2020, and is repealed January 15, 2021.

Part E authorizes a school board, if, due to the state of emergency declared by the Governor, the level of state subsidy for the 2020-2021 school year is not finalized in accordance with the Maine Revised Statutes, Title 20-A,

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chapter 606-B before June 1, 2020, or if school board meetings are delayed, to delay a school budget meeting otherwise required to be held before July 1, 2020, to a date on or after July 1, 2020. If a school board elects to delay a school budget meeting, the meeting must be held and the budget approved within 30 days of the date the Commissioner of Education notifies the school board of the amount allocated to the school administrative unit under the Maine Revised Statutes, Title 20-A, section 15689-B or following the end of the state of emergency.

Part E applies retroactively to March 1, 2020, and is repealed January 15, 2021.

Part F affects licenses and registrations, such as for motor vehicles, all-terrain vehicles, watercraft and dogs, issued by a municipality by extending until 30 days after the end of the state of emergency any registration or license issued by that municipality that expires during the state of emergency. The registration and licensing fees that would have been payable but for the extension are due within 30 days following the end of the state of emergency.

Part F also allows a municipality, without conducting a hearing, to grant a request for a renewal of a license to sell alcohol. This does not affect the ability of a municipality to deny a request for renewal for specified cause and is valid only during the state of emergency and the 30 days following the end of the state of emergency.

Part F also requires the Secretary of State, Bureau of Motor Vehicles and the Department of Inland Fisheries and Wildlife to allow a resident of this State to renew the registration of a motor vehicle, trailer, all-terrain vehicle or watercraft, regardless of whether the municipality in which that resident resides participates in the online registration service maintained by the bureau or department, for the duration of the state of emergency and 30 days following the end of the state of emergency.

Part G amends the Freedom of Access Act to allow entities subject to that Act, not including the Legislature, a legislative committee or the legislative body of a county, municipality or other public entity, to conduct a public proceeding through telephonic, video, electronic or other similar means of communication as long as certain specified conditions are met, including notice of the means of holding the meeting, ensuring that members of the body can speak and be heard by the other members of the body and requiring that all votes are taken by roll call. This authorization applies only during the state of emergency.

Part H provides the Governor additional powers under the Maine Emergency Management Act including:

1. To reasonably adjust time frames and deadlines imposed by law for state, county and municipal governments and other entities when such an adjustment is reasonably necessary to mitigate a substantial effect of the state of emergency;
2. In consultation with the Public Utilities Commission, to suspend the termination of residential electricity and water services during the period of the state of emergency and up to 60 days after the state of emergency is terminated; and
3. To modify or suspend the requirements for professional or occupational licensing or registration by any agency, board or commission if strict compliance with such requirements would in any way prevent, hinder or delay necessary action in dealing with the state of emergency.

These additional powers terminate 30 days after the termination of the state of emergency, except for the suspension of termination of electricity and water services.

Part I establishes the Loan Guarantee Program. The program, administered by the Finance Authority of Maine, provides easier access to no-interest loans for residents of this State, including self-employed residents, who experience a reduction in income due to the state of emergency arising from COVID-19. The program guarantees up to 10% of the loans eligible credit unions and financial institutions make to affected employees. Under the

## *Joint Standing Committee on State and Local Government*

program, affected employees are eligible for up to three loans, each equal to their monthly after-tax pay, up to \$5,000, less unemployment benefits. Repayment is due starting 90 days after the end of the state of emergency and during the subsequent six months; during that period, interest may not be charged or accrue on the loan. Following the end of the 270 days, a credit union or financial institution that made a loan under the program, after a good faith effort to collect the principal amount of the loan, may apply to the authority for repayment of the uncollected amount of the loan in default. The authority is required to make reasonable efforts to recoup the amount of any payments made to credit unions and financial institutions from the employee who defaulted on the loan. The authority may not make any loans after December 31, 2020, and the program ends once all obligations for payment, repayment or discharge of the loans are satisfied. The bill gives the Joint Standing Committee on Appropriations and Financial Affairs authority to report out legislation to address any funding needs of the program.

Part J delays from April 22, 2020, to January 15, 2021, the requirement that a retail establishment charge a fee of at least 5¢ per recycled paper or reusable plastic bag used at the point of sale.

Part J also moves up from April 22, 2020, to March 17, 2020, the date on which the State occupies the whole field of regulation of single-use carry-out bags at retail establishments, but delays until January 15, 2021, the voiding of any municipal ordinance in conflict with state law.

Part K authorizes the Department of Health and Human Services to require a designated health care facility to report specific information to the department, such as the health care facility's emergency management plan and, on a daily basis, the number of beds available within that facility.

Part L authorizes the Governor, only for the elections scheduled to be held on June 9, 2020, to take any reasonable administrative actions the Governor considers necessary to facilitate voting by all residents registered to vote in this State in a manner that preserves and protects public health in response to COVID-19, including, but not limited to, issuance and receipt of absentee ballots for the June 9, 2020 elections.

### **Enacted Law Summary**

Public Law 2019, chapter 617 provides the Governor, on a temporary basis, with additional powers for the duration of the state of emergency declared by the Governor in accordance with the Maine Revised Statutes, Title 37-B, section 742 due to the outbreak of COVID-19 to enable the Governor to reduce the impact of the pandemic.

Part A allows the Governor or the Governor's designee, in consultation with the Commissioner of Education, to:

1. Waive the compulsory school attendance requirements, including the minimum number of school days, or allow the compulsory attendance requirements to be met through nontraditional learning systems, including but not limited to remote access; and
2. Continue to provide nutrition services to students of schools that are closed due to COVID-19.

The authorization in Part A continues for the duration of the state of emergency and 30 days after the termination of the state of emergency.

Part B revises certain unemployment insurance eligibility and benefit charging provisions under the Employment Security Law to protect public health during the state of emergency by allowing an individual who takes a temporary leave of absence due to COVID-19 to qualify for unemployment benefits.

Part C allows for the Department of Public Safety, Maine Emergency Medical Services' Board to delegate functions and authority to Maine Emergency Medical Services staff without requiring rulemaking. This modification will allow for the board to respond quickly to emergencies by convening emergency board meetings and empowering the Director of Maine Emergency Medical Services to undertake specific activities that the board delegates.

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Part C also allows the Medical Direction and Practices Board to use videoconferencing and other technologies to conduct its meetings and, until December 31, 2020, to delegate its duties to the statewide emergency medical services medical director and the statewide associate emergency medical services medical director.

Part D affects municipal budgets and elections by:

1. Establishing the prior year's budget as the budget for the ensuing year if an annual municipal budget meeting is delayed beyond the date the annual budget is customarily submitted to the legislative body of that municipality for approval due to public health concerns arising from COVID-19 until a final budget is approved. If a final budget is not approved in a timely manner and the municipal officers determine that property taxes must be committed in a timely manner to the collector, the municipal assessor or assessors may commit property taxes on the basis of the budget deemed approved;
2. Allowing a municipal treasurer to disburse money on the authority of a warrant that is seen and signed by individual municipal officers outside of a public meeting;
3. Allowing the municipal officers to postpone the date of a scheduled municipal secret ballot election when nomination papers have already been issued or filed by posting notice in a conspicuous public location at least two days prior to the date of the election. The notice must be signed by a majority of the board and must contain specific information regarding the election; and
4. If ballots have been printed for the postponed election, allowing the municipality to use those ballots despite inclusion of the original election date. If absentee ballots have been issued and returned, the municipality is required to use the ballots printed for the originally scheduled election. The municipal clerk is required to safeguard and secure any absentee ballots already returned until the date of the rescheduled election and is required to process them as required by the Maine Revised Statutes, Title 21-A. During the interim period between the originally scheduled election and rescheduled election, the clerk may continue to issue and accept absentee ballots and applications and allow voting in the presence of the clerk pursuant to Title 21-A.

Part D applies retroactively to March 1, 2020, and is repealed January 15, 2021.

Part E authorizes a school board, if, due to the state of emergency declared by the Governor, the level of state subsidy for the 2020-2021 school year is not finalized in accordance with the Maine Revised Statutes, Title 20-A, chapter 606-B before June 1, 2020 or if school board meetings are delayed, to delay a school budget meeting otherwise required to be held before July 1, 2020 to a date on or after July 1, 2020. If a school board elects to delay a school budget meeting, the meeting must be held and the budget approved within 30 days of the date the Commissioner of Education notifies the school board of the amount allocated to the school administrative unit under the Maine Revised Statutes, Title 20-A, section 15689-B or following the end of the state of emergency.

Part E applies retroactively to March 1, 2020, and is repealed January 15, 2021.

Part F affects licenses and registrations, such as for motor vehicles, all-terrain vehicles, watercraft and dogs, issued by a municipality by extending until 30 days after the end of the state of emergency any registration or license issued by that municipality that expires during the state of emergency. The registration and licensing fees that would have been payable but for the extension are due within 30 days following the end of the state of emergency.

Part F also allows a municipality, without conducting a hearing, to grant a request for a renewal of a license to sell alcohol. This does not affect the ability of a municipality to deny a request for renewal for specified cause and is valid only during the state of emergency and 30 days following the end of the state of emergency.

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Part F also requires the Secretary of State, Bureau of Motor Vehicles and the Department of Inland Fisheries and Wildlife to allow a resident of this State to renew the registration of a motor vehicle, trailer, all-terrain vehicle or watercraft, regardless of whether the municipality in which that resident resides participates in the online registration service maintained by the bureau or department, for the duration of the state of emergency and 30 days following the end of the state of emergency.

Part G amends the Freedom of Access Act to allow entities subject to that Act, not including the Legislature, a legislative committee or the legislative body of a county, municipality or other public entity, to conduct a public proceeding through telephonic, video, electronic or other similar means of communication as long as certain specified conditions are met, including notice of the means of holding the meeting, ensuring that members of the body can speak and be heard by the other members of the body and requiring that all votes are taken by roll call. This authorization applies only during the state of emergency.

Part H provides the Governor additional powers under the Maine Emergency Management Act including:

1. To reasonably adjust time frames and deadlines imposed by law for state, county and municipal governments and other entities when such an adjustment is reasonably necessary to mitigate a substantial effect of the state of emergency;
2. In consultation with the Public Utilities Commission, to suspend the termination of residential electricity and water services during the period of the state of emergency and up to 60 days after the state of emergency is terminated; and
3. To modify or suspend the requirements for professional or occupational licensing or registration by any agency, board or commission if strict compliance with such requirements would in any way prevent, hinder or delay necessary action in dealing with the state of emergency.

These additional powers terminate 30 days after the termination of the state of emergency, except for the suspension of termination of electricity and water services.

Part I establishes the Loan Guarantee Program. The program, administered by the Finance Authority of Maine, provides easier access to no-interest loans for residents of this State, including self-employed residents, who experience a reduction in income due to the state of emergency arising from COVID-19. The program guarantees up to 10% of the loans eligible credit unions and financial institutions make to affected employees. Under the program, affected employees are eligible for up to three loans, each equal to their monthly after-tax pay, up to \$5,000, less unemployment benefits. Repayment is due starting 90 days after the end of the state of emergency and during the subsequent six months; during that period, interest may not be charged or accrue on the loan. Following the end of the 270 days, a credit union or financial institution that made a loan under the program, after a good faith effort to collect the principal amount of the loan, may apply to the authority for repayment of the uncollected amount of the loan in default. The authority is required to make reasonable efforts to recoup the amount of any payments made to credit unions and financial institutions from the employee who defaulted on the loan. The authority may not make any loans after December 31, 2020, and the program ends once all obligations for payment, repayment or discharge of the loans are satisfied. The bill gives the Joint Standing Committee on Appropriations and Financial Affairs authority to report out legislation to address any funding needs of the program.

Part J delays from April 22, 2020 to January 15, 2021, the requirement that a retail establishment charge a fee of at least 5¢ per recycled paper or reusable plastic bag used at the point of sale.

Part J also moves up from April 22, 2020 to March 17, 2020, the date on which the State occupies the whole field of regulation of single-use carry-out bags at retail establishments, but delays until January 15, 2021, the voiding of any municipal ordinance in conflict with state law.

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Part K authorizes the Department of Health and Human Services to require a designated health care facility to report specific information to the department, such as the health care facility's emergency management plan and, on a daily basis, the number of beds available within that facility.

Part L authorizes the Governor, only for the elections scheduled to be held on June 9, 2020, to take any reasonable administrative actions the Governor considers necessary to facilitate voting by all residents registered to vote in this State in a manner that preserves and protects public health in response to COVID-19, including, but not limited to, issuance and receipt of absentee ballots for the June 9, 2020 elections.

Public Law 2019, chapter 617 was enacted as an emergency measure effective March 18, 2020.

*Joint Standing Committee on State and Local Government*

**SUBJECT INDEX**

**Boards and Commissions**

**Enacted**

<b>LD 1979</b>	<b>An Act To Allow Public Members of the Maine-Canadian Legislative Advisory Commission to Receive Reimbursement for Travel Expenses</b>	<b>CARRIED OVER</b>
<b>LD 2101</b>	<b>An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Membership of the Archives Advisory Board</b>	<b>CARRIED OVER</b>

**County Government - General**

**Not Enacted**

<b>LD 1852</b>	<b>An Act To Amend the Law That Increases the Number of Franklin County Commissioners</b>	<b>EMERGENCY Enactment Failed</b>
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**Local Government - General**

**Enacted**

<b>LD 390</b>	<b>An Act To Amend the Laws Governing Dangerous Buildings</b>	<b>PUBLIC 557 EMERGENCY</b>
<b>LD 1054</b>	<b>An Act To Amend the Laws Regarding Ancient Burying Grounds</b>	<b>PUBLIC 561</b>

**Not Enacted**

<b>LD 1973</b>	<b>An Act To Amend the Laws Regarding Municipal Conservation Commissions</b>	<b>ONTP</b>
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**Local Government – Roads**

**Not Enacted**

<b>LD 1415</b>	<b>An Act To Improve the Laws Regarding Abandoned Roads</b>	<b>CARRIED OVER</b>
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**Miscellaneous**

**Enacted**

LD 1989	An Act To Amend the Laws Governing Recounts in Municipal Elections	PUBLIC 558 EMERGENCY
LD 2167	An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency	PUBLIC 617 EMERGENCY

**Not Enacted**

LD 1969	An Act To Protect State Workers from Exposure to Carcinogens	CARRIED OVER
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**Public Employment Compensation**

**Not Enacted**

LD 1065	An Act To Expand Health Insurance Coverage To Certain State Employees	CARRIED OVER
LD 2074	An Act To Update the Mileage Allowance Paid to State Employees Not Subject to a Collective Bargaining Agreement	CARRIED OVER
LD 2115	An Act To implement the Recommendations of the State Compensation Commission	CARRIED OVER

**Public Purchasing and Contracting**

**Not Enacted**

LD 1280	An Act To Establish the Maine Buy American and Build Maine Act	CARRIED OVER
LD 1458	An Act To Protect Taxpayers in the Privatization of State Services	CARRIED OVER
LD 2055	An Act To Require State Agencies To Use Renewable and Sustainable Energy and Reduce Greenhouse Gas Emissions	CARRIED OVER

**Rulemaking**

**Not Enacted**

LD 2132	Resolve, Regarding Legislative Review of Chapter 104: Certain Payments Not Immediate, a Late-filed Major Substantive Rule of the Office of the Treasurer of State	CARRIED OVER
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**State Government – Agencies**

**Not Enacted**

LD 1733	An Act To Create the Cabinet on Aging	CARRIED OVER
LD 2028	An Act Regarding the Sale of Information by the Secretary of State	CARRIED

**State Government – General**

**Not Enacted**

LD 592	Resolve, To Establish a Background Check Consolidation Commission	CARRIED OVER
LD 1812	An Act To Make Necessary Changes to State Law	CARRIED OVER

**State Government – Holidays and Designations**

**Enacted**

LD 1908	An Act To Establish First Responders Day on September 11th	PUBLIC 570
LD 2029	An Act To Make March Maine Childhood Cancer Awareness Month	PUBLIC 569 EMERGENCY

**Not Enacted**

LD 431	An Act To Make Election Day a State Holiday	CARRIED OVER
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**State Government – Legislature**

**Not Enacted**

LD 1814	An Act To Amend the Laws Regarding the Legislature	CARRIED OVER
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**State Government – Property**

**Enacted**

LD 1799	Resolve, Authorizing the Department of Agriculture, Conservation and Forestry To Convey Certain Land in the Little Moose Unit of Moosehead Junction Township	RESOLVE 126
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**LD 2018    An Act To Require That Parking Lots for State Agencies Meet the  
Standards Set Forth in the Federal Americans with Disabilities Act of  
1990**

**PUBLIC 573  
EMERGENCY**

**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON TAXATION**

November 2020

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*Joint Standing Committee on Taxation*

**LD 70      An Act To Support the Trades through a Tax Credit for Apprenticeship Programs      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E TIPPING R	OTP-AM	S-10

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill permits an employer who employs an apprentice participating in an approved apprenticeship program to receive an income tax credit and provides for a partial credit if the employer employs a participating apprentice for fewer than 2,000 hours during a calendar year.

**Committee Amendment "A" (S-10)**

This amendment adds appropriations for one-time funding for computer programming and for two positions in the Department of Labor to implement the tax credit for apprenticeship programs provided in the bill.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 71      An Act To Reinstate the Income Tax Deduction for Contributions to College Savings Accounts      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERINS	OTP-AM	S-5

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill reinstates the income tax deduction for certain contributions to qualified tuition programs under Section 529 of the Internal Revenue Code up to \$250 per designated beneficiary. This deduction was in effect from 2006 to 2015.

**Committee Amendment "A" (S-5)**

This amendment increases from \$250 to \$1,000 the maximum allowable contribution that may be deducted when calculating income tax. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 72      An Act To Provide an Income Tax Exemption for Military Pay without Regard to Where the Military Service Was Performed      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J TIPPING R	OTP-AM	S-31

## *Joint Standing Committee on Taxation*

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides an income tax exemption for military compensation for active duty service by members of the Armed Forces of the United States, including reserve components, when that service is performed within the State.

### **Committee Amendment "A" (S-31)**

This amendment incorporates a fiscal note.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 73      An Act To Provide an Income Tax Deduction for Certain Student Loan Payments Made Directly to a Lender on Behalf of a Taxpayer      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M TIPPING R	OTP-AM	S-219

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides an income tax credit for certain student loan repayments made by the Finance Authority of Maine or an entity managed or administered by the Finance Authority of Maine. The credit is equal to the amount an individual is required to include in federal adjusted gross income as the result of student loan payments made directly to the individual's student loan lender by the Finance Authority of Maine, or an entity managed or administered by the Finance Authority of Maine, for residents of the State employed by a business located in the State multiplied by the individual's highest federal marginal income tax rate.

### **Committee Amendment "A" (S-219)**

This amendment strikes the provisions of the bill and provides an income tax deduction for student loan payments made directly to a lender on behalf of a taxpayer by a student loan repayment program funded by a nonprofit foundation and administered by the Finance Authority of Maine for residents of the State employed by a business located in the State. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 85      An Act To Establish a Sales Tax Exemption for the Purchase of Firearm Safety Devices      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P DIAMONDB	OTP-AM	H-59

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides a sales tax exemption for the purchase of firearm safety devices and an income tax deduction of

## *Joint Standing Committee on Taxation*

up to \$250 for the purchase of a safe or lockbox for securing firearms.

### **Committee Amendment "A" (H-59)**

This amendment strikes the bill and instead establishes a sales tax exemption for a safe, lockbox, trigger lock or barrel lock that is specifically designed for securing firearms.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

<b>LD 104</b>	<b>An Act To Replace the Earned Income Tax Credit with the Maine Work Credit</b>	<b>CARRIED OVER</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLIE	OTP-AM	S-297
TEPLER D	OTP-AM	

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill expands the earned income tax credit by increasing the credit from 5% to 15% of the federal earned income tax credit and extending the credit to persons from 18 to 24 years of age who have no qualifying child. This bill also requires the Department of Labor, Bureau of Labor Standards to provide a poster or notice to employers that states that employees may be eligible for the earned income tax credit. This bill requires employers to post the poster or notice in a place that is accessible to the employers' employees.

### **Committee Amendment "A" (S-297)**

This amendment, which is the majority report of the committee, replaces the provisions of the bill amending the earned income tax credit with the Maine work credit. The Maine work credit is similar to the federal earned income tax credit but uses different factors for calculating the credit that are intended to produce a state credit for individuals with qualifying children that is approximately 23% of the federal credit and for individuals with no qualifying children that is approximately 70% of the federal credit. The amendment also provides eligibility for individuals who are at least 18 years of age but less than 25 years of age who have no qualifying children and creates a minimum credit for students and eligible caregivers. The amendment also adds an appropriations and allocations section.

### **Committee Amendment "B" (S-298)**

This amendment, which is the minority report of the committee, expands the earned income tax credit by increasing the credit from 5% of the federal earned income tax credit to 60% for individuals with no qualifying children and 15% of the federal earned income tax credit for all other eligible individuals for tax years beginning in 2020 and increasing each year until it reaches 23% for tax years beginning in 2023 and after. This amendment also adds an appropriations and allocations section. This amendment was not adopted.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 133      An Act To Fully Restore State-Municipal Revenue Sharing for Fiscal Year 2018-19**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill restores state-municipal revenue sharing to 5% from 2% for the entire fiscal year 2018-19.

See also LD 193.

Part H of the biennial budget, Public Law 2019, chapter 343, set state municipal revenue sharing at 3% of the revenue sharing base in fiscal year 2019-20 and 3.75% of the revenue sharing base in fiscal year 2020-21.

**LD 162      An Act To Provide Equity in the State Income Tax Deduction for Certain Public Employees Retirement System Pensions**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S DOORE D	OTP-AM	S-418

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Retirement benefits under state, local or federal government retirement plans that are based on employment compensation for which contributions are not made to the federal Social Security system result in reductions in the amount of Social Security benefits that a retiree is eligible to receive under the federal windfall elimination provision. This bill provides a state income tax exemption for those retirement benefits.

**Committee Amendment "A" (S-418)**

This amendment establishes an income tax exemption for civil service retirement plan benefits that do not participate in the federal Social Security program in recognition of the fact that the current law provides an income exemption for all Social Security benefits in addition to a \$10,000 pension exemption for retirement plan benefits. The amendment phases in greater parity in treatment of the two types of pension systems by increasing the civil service pension deduction amount by \$5,000 per year until 2024 when it reaches the maximum annual benefit that an individual retiring at retirement age would receive under the federal Social Security Act. This amendment also adds an appropriation for computer programming costs to add an additional line to the individual income tax form.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 163      An Act Regarding Property Tax Relief for Veterans**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B HANINGTONS	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature.

This bill provides enhanced property tax exemptions for certain veterans. A veteran regardless of age becomes eligible for a \$25,000 exemption if the veteran has served at least 90 days of active service and has served in a combat zone. A veteran with a service-connected disability becomes eligible for a \$50,000 exemption if the disability is rated 50% to 90% and a \$100,000 exemption if the disability is rated 100%. A surviving unremarried spouse, minor child or parent who is receiving a pension based on the service of a deceased veteran qualifies for the same exemption the veteran would have been eligible for. A municipality is reimbursed for the constitutionally mandated 50% of the property tax revenue loss as a result of the enhanced exemption.

See also LDs 1042 and 1194.

**LD 164      An Act To Reduce Property Taxes for Maine Residents**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M PIERCE T	OTP-AM	S-231

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill increases the total exemption under the Maine resident homestead property tax exemption program to \$50,000 for property tax years beginning on or after April 1, 2020. This bill also increases state reimbursement to municipalities for homestead property tax exemptions from 62.5% to 100% for property tax years beginning on or after April 1, 2020.

**Committee Amendment "A" (S-231)**

This amendment increases the homestead property tax exemption to \$30,000 instead of \$50,000 as in the bill and requires municipalities to include a statement on tax bills regarding the availability of the homestead tax exemption and providing information on how to apply. The amendment also adds an appropriations and allocations section.

Part H of the biennial budget, Public Law 2019, chapter 343, increased the homestead exemption from \$20,000 to \$25,000 and state reimbursement to municipalities from 62.5% to 70%.

See also LD 1234.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th

## *Joint Standing Committee on Taxation*

Legislature by joint order, S.P. 788.

### **LD 193      An Act To Fully Fund and Restore State-Municipal Revenue Sharing**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARNETT T	OTP-AM OTP-AM	H-260 S-174    CHIPMAN B

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill restores state-municipal revenue sharing to 5% from 2% on January 1, 2019.

#### **Committee Amendment "A" (H-260)**

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

#### **Committee Amendment "B" (H-261)**

This amendment, which is the minority report of the committee, provides that the state-municipal revenue sharing percentage is 2.5% for fiscal year 2019-20 and 3% for fiscal year 2020-21 and returns to 5% in fiscal year 2021-22. This amendment was not adopted.

#### **Senate Amendment "A" (S-174)**

This amendment removes the emergency preamble and emergency clause.

See also LD 133.

Part H of the biennial budget, Public Law 2019, chapter 343, set state municipal revenue sharing at 3% of the revenue sharing base in fiscal year 2019-20 and 3.75% of the revenue sharing base in fiscal year 2020-21.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 241      An Act To Adjust the Personal Property Tax Exemption for Farm Machinery**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL M CARPENTER M	OTP-AM	H-335

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill increases the amount of the exemption from personal property taxation for farm machinery from \$10,000 to \$45,000.

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

This amendment provides a time frame for implementation of the increase in the property tax exemption for farm

## *Joint Standing Committee on Taxation*

machinery, provides administrative provisions for the Bureau of Revenue Services to enforce the exemption and verify required state reimbursement amounts and requires the State to reimburse municipalities for 100% of property taxes lost as a result of the increase in the exemption. This amendment also includes an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 268      An Act To Create a Credit under the Commercial Forestry Excise Tax      Veto Sustained**  
**for Landowners Using Businesses Based in the United States**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T TIPPING R	OTP-AM	S-218 S-277 JACKSON T

This bill provides a credit against the commercial forestry excise tax for landowners who are based in the United States and who employ and retain businesses or contractors that are based in the United States, that employ at least 75% United States residents and that are current in the payment of all state and local taxes. The bill also requires recapture of the credit if a recipient is found to have been ineligible.

### **Committee Amendment "A" (S-218)**

This amendment requires a landowner seeking the credit against the commercial forestry excise tax to obtain affidavits indicating that businesses or contractors retained by the landowner are based in the United States, that at least 75% of their employees are United States residents and that they are current in the payment of all state and local taxes. It makes other technical changes to the bill.

### **Senate Amendment "A" To Committee Amendment "A" (S-277)**

This amendment changes the starting date for the credit to tax years based on the status of property on or after April 1, 2022, and changes the percentage of employees who must be residents of the United States from 75% to 90% for the first two years of the credit.

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature.

**LD 286      An Act To Provide a Sales Tax Exemption for Menstrual Products      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D BREEN C	OTP-AM	H-58

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides a sales tax exemption on the purchase of feminine hygiene products.

### **Committee Amendment "A" (H-58)**

This amendment changes the term used to describe the products subject to exemption and changes the definition to that in the federal Streamlined Sales and Use Tax Act to simplify multistate administration.

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This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 335      An Act To Require the State To Distribute 12 Percent of Adult Use Marijuana Retail Sales and Excise Tax Revenue to Generating Municipalities** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C DESCHAMBAULTS	OTP-AM ONTP	H-484 S-287    SANBORN H

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allocates 25% of the gross sales and excise tax revenue generated by adult use marijuana establishments in the State to the municipalities where the revenue was generated and makes a reduction to the amount deposited in the Adult Use Marijuana Public Health and Safety Fund.

### **Committee Amendment "A" (H-484)**

This amendment, which is the majority report of the committee, changes from 25% to 12% the amount of sales tax and excise tax revenue generated by adult use marijuana establishments required to be transferred to the municipalities where the revenue was generated after the transfer to the Adult Use Marijuana Public Health and Safety Fund and the deduction of state administrative costs. The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-287)**

This amendment makes technical changes to the bill, as amended by Committee Amendment "A," that are necessitated by recent changes to the laws governing adult use marijuana that were enacted in Public Law 2019, chapter 231.

This bill again was carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 403      An Act To Prevent Tax Haven Abuse** **CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires corporations that file unitary income tax returns in Maine to include income from certain jurisdictions outside the United States in net income when apportioning income among tax jurisdictions. The State Tax Assessor is required to adopt major substantive rules to determine the income or loss attributable to such corporations and to prevent double taxation or deduction of income. The assessor is required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over taxation matters regarding whether

***Joint Standing Committee on Taxation***

jurisdictions should be added to or deleted from the list of tax havens based on specified criteria.

This bill, which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 420      An Act To Amend the Maine Exclusion Amount in the Estate Tax      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. This bill was recommitted to the Taxation Committee at the end of the First Regular Session.

This bill returns the exclusion amount, below which the Maine estate tax does not apply, to \$2,000,000 from \$5,600,000 for estates of decedents dying on or after January 1, 2020 and removes the annual adjustment for inflation of that exclusion amount.

**Committee Amendment "A" (H-610)**

This amendment, which was the majority report of the committee, makes a technical correction to the language that ends the annual adjustment for inflation of the exclusion amount for tax years after 2019 and includes appropriations to cover the cost of administering the change in the exclusion amount.

This amendment was reported out of committee during the First Regular Session but removed when the bill was recommitted to committee at the end of the First Regular Session.

This bill, which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 424      An Act To Provide a Sales Tax Exemption for Baling Twine, Net and Wrapping for Hay      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL M BLACK R	OTP-AM	H-57

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides a sales tax exemption for baling twine, net and wrapping for hay.

**Committee Amendment "A" (H-57)**

This amendment incorporates a fiscal note.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 451      An Act To Repeal the Recently Enacted Changes to the Law Governing      ONTP**  
**Tax Lien Foreclosure**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M TUELL W	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill repeals or removes the changes to the foreclosure law that were made by Public Law 2017, chapter 478. Under that law, a municipality is restricted in how it may sell a foreclosed property that was owned by a person who is at least 65 years of age, occupied the property as a homestead and meets specified income and asset requirements.

Public Law 2017, chapter 478 also placed specific notice requirements regarding the foreclosure process on the State Tax Assessor and municipalities and provided for continuous eligibility under the Maine resident homestead property tax exemption for a person who loses ownership of a homestead to tax lien foreclosure and subsequently regains ownership of the homestead; these provisions are also removed by this bill.

**LD 560      An Act To Improve Access to Property Tax Exemptions for New      CARRIED OVER**  
**Homeowners**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHOSKI N	OTP-AM ONTP	H-194 GROHOSKIN H-77

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides that a permanent resident of the State who owns a homestead in the State does not need to own the homestead for the preceding 12 months in order to qualify for the Maine resident homestead property tax exemption.

**Committee Amendment "A" (H-77)**

This amendment, which was the majority report of the committee, provides that the bill's expansion of the homestead property tax exemption to include persons who have not owned a homestead for the preceding 12 months first applies for property tax years beginning on or after April 1, 2020. The amendment also adds an appropriations and allocations section.

**House Amendment "A" To Committee Amendment "A" (H-194)**

This amendment increases the state reimbursement rate of property taxes lost due to such participation to 100% for the first year; thereafter, the rate of state reimbursement returns to the current rate of 62.5%.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 564      An Act To Encourage the Installation of Solar Panels on Residential Property      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L BREEN C	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides a property tax exemption for solar panels and associated equipment installed on residential property that qualifies for a homestead exemption.

**LD 607      An Act To Provide Equitable Taxation for the Food and Beverage Industry      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERINS	OTP-AM ONTP	S-280

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows a deduction from Maine individual and corporate taxable income for the federal tax credit equal to the reduction in salaries and wages expense for federal income tax purposes associated with the taxpayer's federal credit for employer social security tax on employee cashed tips. Under current Maine law, when an employer takes the credit available under the federal Internal Revenue Code, the employer receives neither a Maine credit nor a return of the federal disallowed deduction for Maine taxable income purposes; such a deduction is allowed from Maine taxable income for the work opportunity credit and empowerment zone employment credit. This bill makes Maine's treatment consistent across the three federal credits.

**Committee Amendment "A" (S-280)**

This amendment, which is the majority report of the committee, provides the correct references to the provision of federal law that causes the need for the deductions authorized by the bill and specifies that the deductions apply beginning with the 2019 tax year.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 609      An Act To Provide Municipalities Additional Sales Tax Revenue from Lodging Sales      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

## *Joint Standing Committee on Taxation*

This bill provides an incremental sales tax of 1% for those sales currently subject to the 9% sales tax on lodging. The incremental revenue, after reduction for administrative costs, is returned to the municipality or unorganized territory to which the revenue is attributable. The amount received may not be used to reduce any other state aid or revenue sharing to municipalities or the unorganized territory.

This bill, which had been voted (OTP-A/ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 625      An Act To Phase Out the Insurance Premium Tax on Annuities**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S DOW D	OTP-AM	H-32

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill phases out the insurance premium tax on annuity considerations over four years beginning in 2020. During the phase-out period, the prescribed rate applies only if the insurer credits the savings from the rate reductions to annuity holders. The bill also specifies that certain deductions related to annuities may be deducted from annuity considerations for tax periods beginning on or after January 1, 2020.

#### **Committee Amendment "A" (H-32)**

This amendment changes the phase-out of the insurance premium tax on annuity considerations from four years to nine years and provides that during the phase-out period the retaliatory tax on non-Maine insurance companies does not apply. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 660      An Act To Exempt Sales to Parent-Teacher Organizations from the Sales Tax**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A	OTP-AM	H-183

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides a sales tax exemption to a parent-teacher organization organized as a public benefit corporation.

#### **Committee Amendment "A" (H-183)**

The amendment adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

***Joint Standing Committee on Taxation***

**LD 682      An Act To Provide Seniors and Certain Persons with Disabilities  
Assistance with Property Taxes through the Deferral of Those Taxes**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM	H-443

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill reinstates the State's property tax deferral program, which was in effect for applications filed before April 1, 1991. The bill modifies the program to include households with at least one individual who is 65 years of age or older or who is unable to continue employment due to disability and to surviving spouses who are at least 60 years of age or who are unable to continue employment due to disability and provides that income must be less than \$40,000. This income limit is indexed for inflation in 2021 and annually thereafter. The bill also changes the rate of accrual of interest on deferred property taxes from 6% to the prime rate published in the Wall Street Journal rounded up to the next whole percent minus one percentage point. The bill adds a maximum liquid asset standard for eligibility of property owners and provides that property may not be subject to deferral under both the state deferral program and a municipal deferral program.

**Committee Amendment "A" (H-443)**

This amendment makes changes to clarify provisions of the State's property tax deferral program and to facilitate the administration of the deferral of property taxes for seniors and certain persons with disabilities, including expanding the authority of guardians to include an agent under a power of attorney or pursuant to a protective arrangement or any other lawful order. The amendment adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 709      An Act To Exempt Certain Meals Provided to Food Service Employees  
from the Sales and Use Tax**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S VITELLIE	OTP-AM	H-328

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill exempts from sales and use tax meals, up to a maximum cost to the employer of \$6 per day, provided to an employee of an eating establishment while that employee is working. It provides that, beginning in 2020, the amount of the exemption must be adjusted for inflation.

**Committee Amendment "A" (H-328)**

This amendment provides that the tax exemption applies to meals that are provided at no cost to an employee who is actually working as a food service employee and that the exempted meals do not include alcoholic beverages. The amendment also removes the maximum meal cost limitation and inflation indexing provisions and allocates the exemption to a more appropriate subsection.

## *Joint Standing Committee on Taxation*

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 726      An Act To Make Sales to Area Agencies on Aging Tax-exempt**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREAD JACKSONT	OTP-AM	H-56

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides an exemption from the sales and use tax to area agencies on aging, as designated by the Department of Health and Human Services, and public and private nonprofit agencies that are operating under grants provided by the department, that provide social services in order to secure and maintain maximum independence and dignity in a home environment for older people capable of self-care with appropriate supportive services.

**Committee Amendment "A" (H-56)**

This amendment adds an exemption from the service provider tax for sales of taxable services to agencies that the bill makes eligible for a sales tax exemption.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 731      An Act To Amend the Maine Tax Laws**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill proposes to amend the Maine tax laws.

**LD 732      An Act To Provide a Sales Tax Exemption for Nonprofit Career and Technical Student Organizations**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R LUCHINIL	OTP-AM	H-391

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

## *Joint Standing Committee on Taxation*

This bill provides a sales tax exemption to nonprofit career and technical education student organizations recognized by the Department of Education.

### **Committee Amendment "A" (H-391)**

This amendment adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 863      An Act To Exempt Diapering Products from Sales Tax**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D VITELLIE	OTP-AM ONTP	H-212

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides a sales tax exemption for disposable and reusable diapers for children, including diaper covers, wraps and diaper pins that are used with reusable diapers.

### **Committee Amendment "A" (H-212)**

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

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 903      An Act To Improve Corporate Tax Fairness by Amending the Rates Imposed on Corporate Income**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes two new tax brackets and three new rates for corporate income tax purposes for tax years beginning on or after January 1, 2020. Under the bill, corporate income between \$2,000,000 and \$3,000,000 is taxed at the rate of 8.5% and corporate income between \$3,000,000 and \$3,500,000 is taxed at the rate of 8.75%; such income is taxed under current law at the rate of 8.33%. The top tax rate, which is imposed on corporate income over \$3,500,000, is increased from 8.93% to 9%.

***Joint Standing Committee on Taxation***

**LD 977      An Act To Restore the Super Credit for Substantially Increased  
Research and Development**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEPLER A BELLOWS S	OTP-AM	H-621

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Under a tax credit that expired January 1, 2014, a taxpayer that qualified for a research expense tax credit was allowed a so-called super credit for qualified research expenses for research conducted in this State. A taxpayer who had unused credits may carry over any unused credit for the next succeeding 10 years, except that the credit is limited to no more than 25% of the taxpayer's tax due after the allowance of other tax credits.

This bill restores the availability of the super credit, retroactive to January 1, 2014, and resets the base amount to the average annual amount spent by the taxpayer on qualified research expenses during the three years before the credit is taken or during the three years before the effective date of this legislation, whichever is greater.

**Committee Amendment "A" (H-621)**

This amendment restores the super credit for substantially increased research and development for tax years beginning on or after January 1, 2019. The amendment also provides reporting and evaluation requirements to permit evaluation of the credit in meeting its intended purposes.

This bill was again carried over, still on the special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 989      An Act To Improve Maine's Tax Laws by Providing a Property Tax  
Exemption for Central Labor Councils**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B	OTP-AM ONTP	S-416

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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

This bill proposes to enact changes to the tax laws to improve the application and efficacy of the tax laws.

**Committee Amendment "A" (S-416)**

This amendment, which is the majority report to the committee, replaces the bill which is a concept draft. The amendment provides a property tax exemption for real estate and personal property owned and occupied or used solely for their own purposes by central labor councils.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1019 An Act To Increase the Maximum Pension Deduction for State Income Tax**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L	OTP-AM	S-230

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill eliminates double taxation of certain employee contributions to retirement benefit plans made in other states by exempting from Maine income tax the portion of retirement benefits attributable to the taxpayer's contribution to an employee retirement plan or an individual retirement account that was taxed by another jurisdiction if those benefits are included in federal adjusted gross income.

**Committee Amendment "A" (S-230)**

This amendment increases the maximum annual income tax pension deduction amount for nonmilitary retirement pensions from \$10,000 to \$35,000 over a five-year period beginning with the 2019 tax year. The \$35,000 pension deduction amount that applies after the 2023 tax year is subject to an annual inflation adjustment.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1042 An Act To Exempt Disabled Veterans from Property Taxes in Accordance with Their Disability Ratings**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROBERTS T	OTP-AM	H-748

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill permits a veteran with a service-connected disability rated by the United States Department of Veterans Affairs at 30% or greater to choose to receive a homestead exemption equal to 50% of the just value of the homestead multiplied by the veteran's percentage disability rating instead of the current homestead exemption and exemptions for veterans and legally blind persons. The bill requires the State to reimburse municipalities for 75% of the revenue loss attributable to the new exemption.

**Committee Amendment "A" (H-748)**

This amendment changes the property tax exemption proposed in the bill from a homestead exemption to an exemption for the estates of veterans for property tax years beginning on or after April 1, 2021. Like current exemptions for the estates of veterans, the exemption is also made available to an eligible survivor, who may be a widow or widower, a minor child or a parent of an eligible disabled veteran, following the death of the eligible disabled veteran. The calculation of the exemption is changed to provide a flat exemption amount that increases from \$1,500 to \$6,000 based on the percentage of the veteran's service-connected disability. The amendment also requires state reimbursement to municipalities and the Unorganized Territory Education and Services Fund for 100% of the property tax revenue lost as a result of the exemptions.



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This bill establishes the Savings Account Program for Small Businesses in the Finance Authority of Maine to certify corporations eligible to claim a tax credit for contributions made to qualifying savings accounts. The bill creates the tax credit and establishes that withdrawals from the savings accounts are taxable income.

### **LD 1158    An Act To Provide Property Tax Relief**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R SANBORN H	OTP-AM	H-382

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill amends the property tax fairness credit under the income tax laws for tax years beginning on or after January 1, 2020, by changing the formula for calculation of benefits to reflect the calculation that applied under the Maine Residents Property Tax Program, referred to as "the circuitbreaker program," which was in effect prior to enactment of the property tax fairness credit.

#### **Committee Amendment "A" (H-382)**

This amendment changes "calendar year" to "tax year" in the definition of "household income" and clarifies that the income factor for the calculation proposed in the bill of the property tax fairness credit is household income. This amendment also adds an appropriations and allocations section.

Part H of the biennial budget bill, Public Law 2019, chapter 343, changes the formula for calculation of the property tax fairness credit to residents whose property taxes or rent constituting property taxes on homestead property exceeds 5%, rather than 6% in current law of the resident's income tax for tax years beginning on or after January 1, 2020.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1163    An Act Regarding Energy, Utilities and Technology**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws regarding energy, utilities and technology. This bill was referred to the Taxation Committee by the Joint Standing Committee on Energy, Utilities and Technology during the First Regular Session with a recommended draft of an income tax credit for investments in qualified high-speed internet projects.

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**LD 1164     An Act To Improve the Educational Opportunity Tax Credit**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M TIPPING R	OTP-AM	S-229

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill makes the current income tax credit for educational opportunity inapplicable to tax years beginning on or after January 1, 2020, and creates a new simplified tax credit for student loan repayment applicable to tax years beginning on or after January 1, 2020. The new credit contains the following provisions.

1. A qualified individual must be a full-year Maine resident who has obtained an associate, bachelor's or graduate degree from an accredited Maine or non-Maine community college, college or university after 2007 and who works at least part time in Maine or on a vessel at sea or is deployed for military service in the United States Armed Forces during the taxable year.
2. Loans obtained from related persons, such as family members and certain businesses, trusts and exempt organizations, do not qualify for the credit.
3. The credit may not reduce the tax due to less than zero.
4. The credit for qualified individuals is the lesser of the amount paid on eligible education loans during the taxable year and 15% of the outstanding eligible education loan debt on the date the first education loan payment is made after a degree is earned.
5. The credit for employers is the lesser of the amount paid by an employer on behalf of a qualified employee during the taxable year during the term of employment and 20% of the outstanding eligible education loan debt on the date the first education loan payment is made after December 31, 2019.
6. The credit is available to the spouse of an individual eligible for a credit even if the spouse is not employed.
7. Income tax deductions are provided for student loan payments made directly to a lender by an employer on behalf of a qualified employee and payments made directly to a lender on behalf of a taxpayer by a student loan repayment program funded by a nonprofit foundation and administered by the Finance Authority of Maine for residents of the State employed by a business located in the State.
8. The annual credit may include loan amounts paid in excess of the amount due during a taxable year. The amendment also provides that credits in excess of those that may be used during a taxable year may be carried over for the next succeeding five years.

### **Committee Amendment "A" (S-229)**

This amendment removes the requirement that a taxpayer's degree was received after 2007 to receive a credit for student loan repayment and provides that taxpayers who were eligible for a refundable credit under the credit for educational opportunity may continue to receive a refundable credit for tax years beginning before January 1, 2022. The amendment also increases from \$50,000 per year to \$75,000 per year the funds provided to market the Job Creation Through Educational Opportunity Program.

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This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1194     An Act To Increase Property Tax Relief for Veterans**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T NADEAUC	OTP-AM	S-136

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill increases the property tax exemption beginning on or after April 1, 2020, from \$6,000 to \$10,000 of the just value of a home of a veteran who served in the Armed Forces of the United States during specified periods or who is receiving compensation from the United States Government for total, service-connected disability.

#### **Committee Amendment "A" (S-136)**

This amendment increases to \$10,000 the property tax exemption for all categories of eligible veterans other than those receiving a \$50,000 exemption for specially adapted housing units and who are paraplegic veterans. It also expands the dates of federally recognized war periods to include February 1, 1955 to February 27, 1961. State reimbursement is provided for 100% of the property tax revenue loss to municipalities as a result of the increase and expansion of exemptions. The amendment also adds an appropriations and allocations section.

See also LD 163 and 1024.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1200     An Act To Amend the Maine Seed Capital Tax Credit Program**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M GIDEON S	OTP-AM	S-169

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill amends the Maine Seed Capital Tax Credit Program by:

1. Reducing from 50% to 40% the maximum credit available to individual investors and private venture capital funds for investments made after April 1, 2019;
2. Requiring that eligible exporting businesses retain in Maine a majority of their employees;
3. Reducing from \$5,000,000 to \$3,500,000 the total aggregate investment eligible for tax credits for any one business;
4. Limiting to \$2,000,000 the total aggregate investment eligible for any one business in any calendar year; and

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5. Increasing from \$5,000,000 to \$15,000,000 the overall annual limit on total authorized credits.

### **Committee Amendment "A" (S-169)**

This amendment restricts the increase in the overall annual limit on total authorized credits to calendar years 2019 to 2025, removes the requirement that a majority of an eligible business's employment associated with the creation and sale of a product or a provision of services be within the State and provides a structure for the required reporting of data to facilitate an evaluation of the effectiveness of the credit by the Office of Program Evaluation and Government Accountability.

The contents of this bill, as amended by Committee Amendment "A" were enacted in the supplemental budget, Public Law 2019, chapter 616, Part LL. See summary of LD 2126 summarized by the Joint Standing Committee on Appropriations and Financial Affairs.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1234    An Act To Expand the Value of the Homestead Exemption to \$25,000 and State Reimbursement to 70 Percent of Lost Property Tax Revenue**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AUSTIN B	OTP-AM	H-482
LIBBY N	OTP-AM	

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill increases for property tax years beginning April 1, 2020, the value of the homestead exemption benefit under the Maine resident homestead property tax exemption from \$20,000 to \$25,000 and increases the state reimbursement for the lost property tax revenue from 62.5% to 100%. The bill also provides that the property tax assessed on a homestead eligible for the homestead exemption may not be less than \$100.

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

This amendment, which is the majority report of the committee, changes to 70% the percentage of state reimbursement of lost property tax revenue due to the increase in the homestead exemption in the bill. It also removes from the bill the provision that the tax assessed on a homestead eligible for the homestead exemption may not be less than \$100. The amendment also adds an appropriations and allocations section.

### **Committee Amendment "B" (H-483)**

This amendment, which is the minority report of the committee, removes from the bill the increase in the value of the homestead exemption and the provision that the tax assessed on a homestead eligible for the homestead exemption may not be less than \$100. The amendment also adds an appropriations and allocations section. This amendment was not adopted.

See also LD 164.

Part H of the biennial budget, Public Law 2019, chapter 343, increased the homestead exemption from \$20,000 to \$25,000 and state reimbursement to municipalities from 62.5% to 70%.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th

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Legislature by joint order, S.P. 788.

### **LD 1238     An Act To Exempt Certain Print Publications from Sales Tax**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEPLER A GRATWICK G	OTP-AM ONTP	H-330

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill expands the sales tax exemption for free publications to also apply to printed publications, including daily newspapers, that are issued at least once every seven days, on average.

#### **Committee Amendment "A" (H-330)**

This amendment, which is the majority report of the committee, removes language from the bill that changes the definition of "publication" to retain the minimum average publication interval of three months, as found in the current law, required for a publication to qualify for the exemption.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1254     An Act To Authorize a Local Option Sales Tax on Meals and Lodging and Provide Funding To Treat Opioid Use Disorder**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M CHIPMAN B	OTP-AM ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. This bill was recommitted to the Taxation Committee at the end of the First Regular Session.

This bill allows a municipality to impose a local option sales tax, which may be seasonal, on prepared food, not including marijuana or marijuana products, and short-term lodging of no more than 1% if approved by referendum of the voters in that municipality. Revenue from the local option sales tax is distributed 85% to the municipality and 15% to all other municipalities. The 15% distributed to a municipality must be used by that municipality for the purposes of preventing and treating opioid use disorder in that municipality. Revenue received by a municipality may not be used to reduce or eliminate funding otherwise due the municipality under other provisions of law.

#### **Committee Amendment "A" (H-536)**

This amendment, which was a committee report during the First Regular Session, provides that a municipality adopting a local option sales tax on meals and lodging is limited to a tax rate of 1% and provides that the tax must be assessed year-round. The amendment changes the distribution of local sales tax net revenue to 75% for the municipality imposing the tax and 25% to be distributed to the Maine Rural Development Authority. A local option sales tax may not take effect before July 1, 2021.

This amendment was reported out of committee but removed when the bill was recommitted at the end of the First Regular Session.

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### **House Amendment "A" To Committee Amendment "A" (H-593)**

This amendment, which was adopted by the House during the First Regular Session, limits the local option sales tax to lodging. This amendment was removed when the bill was recommitted at the end of the First Regular Session.

### **Committee Amendment "B" (H-747)**

This amendment, which was the majority report of the committee during the Second Regular Session, changes the local option sales tax proposed in the bill by limiting it to lodging; limiting it to 1%; and requiring it to be imposed year-round. The amendment changes the distribution of local sales tax net revenue to 75% for the municipality imposing the tax and 25% to be distributed to the Maine Rural Development Authority. The amendment also provides that a local option sales tax may not take effect before July 1, 2021.

This bill was carried over in the House, pending acceptance of either report, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1256 An Act To Provide a Health Care Preceptor Tax Credit**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MOORE M	OTP-AM	H-331

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes a refundable tax credit in the amount of \$500 per student, up to a maximum of \$1,500 per year, for a health care preceptor who provides, without compensation, instruction to and supervision of advanced practice registered nursing students in an approved course of study. A health care preceptor may be a licensed physician, physician's assistant or advanced practice registered nurse.

### **Committee Amendment "A" (H-331)**

This amendment requires a health care preceptor to submit documentation of the activities necessary for the preceptor to qualify for an income tax credit and removes the provision making the credit refundable.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1322 An Act To Provide Equitable Tax Treatment to State-licensed Marijuana Businesses**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E CHIPMAN B	OTP-AM	H-334

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill expands the list of licensed marijuana businesses that are eligible to take tax deductions otherwise allowed under the state income tax laws to include adult use marijuana establishments and testing facilities and medical

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marijuana manufacturing facilities. This bill also corrects two lettering conflicts created when two separate public laws enacted new paragraphs with the same letter designations by reallocating the later enacted versions.

### **Committee Amendment "A" (H-334)**

This amendment provides a General Fund appropriation for administrative costs.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1362    An Act To Fund Opioid Treatment by Establishing an Excise Tax on Manufacturers of Opioids**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL M CHIPMAN B	OTP-AM OTP-AM	H-608 H-650    O'NEIL M

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes the Opioid Stewardship Fund within the Fund for a Healthy Maine for the purpose of supporting opioid use disorder prevention, treatment and recovery funded by an excise tax of 0.1¢ per morphine milligram equivalent assessed against opioid drug manufacturers for opioid drugs purchased by consumers in the State.

### **Committee Amendment "A" (H-608)**

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. It provides that the excise tax is a tax on manufacturers of opioids if more than 100,000 morphine milligram equivalents of the manufacturer's prescription opioid products are dispensed in the State in the tax year.
2. It changes the rate of the tax from 0.1¢ per morphine milligram equivalent to \$0.01 per morphine milligram equivalent for a brand-name opioid distributed in the State or \$0.0025 per morphine milligram equivalent for a generic substitute.
3. It removes the prohibition on passing the tax on to consumers.
4. It provides that revenue collected from the tax also may be used to fund the costs of administering the tax and provides necessary administrative details.
5. It provides that the tax is in effect until December 31, 2023, and requires the joint standing committee of the Legislature having jurisdiction over taxation matters to review the tax. It authorizes the committee to submit a bill to extend, amend or repeal the tax to the 131st Legislature based on the review.
6. It adds an appropriations and allocations section.

### **Committee Amendment "B" (H-609)**

This amendment, which is the minority report of the committee, changes the bill to a resolve and directs the Commissioner of Health and Human Services, in consultation with the director of opioid response in the Executive Department and the Department of Administrative and Financial Services, Maine Revenue Services, to convene a study group to examine the need for funding for opioid use disorder education, prevention, treatment and recovery

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services and to identify sustainable sources of funding. The commissioner is directed to present a report of the study group's findings and recommendations to the Joint Standing Committee on Taxation and the Joint Standing Committee on Appropriations and Financial Affairs by January 10, 2020. Each committee may submit legislation to the Second Regular Session of the 129th Legislature regarding the results of the report. This amendment was not adopted.

### **House Amendment "B" To Committee Amendment "A" (H-650)**

This amendment to the committee amendment strikes the list of information that must be reported annually by a manufacturer of opioids to the Department of Health and Human Services and substitutes a requirement that the department adopt major substantive rules establishing the information that must be reported. The amendment also provides a different method of determining the products subject to the two levels of tax specified in the committee amendment and changes elements of the calculation of the rates.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1424    An Act To Create an Access to Justice Income Tax Credit**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM	H-332

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides an income tax credit for five years for attorneys who practice law in the State and agree to practice for at least five years in an underserved area of the State as determined by the Supreme Judicial Court. Eligibility for the credit is open from 2020 through 2025. The court may certify up to five eligible attorneys each year. The joint standing committee of the Legislature having jurisdiction over taxation matters is directed to review the effectiveness of the credit and may submit legislation to extend or revise it.

### **Committee Amendment "A" (H-332)**

This amendment changes the entity reporting information to the Legislature regarding the access to justice credit from the State Tax Assessor to the Supreme Judicial Court and clarifies that the authorized disclosure by the assessor of tax information related to the credit is to the Supreme Judicial Court for purposes of making the report to the Legislature.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1520    An Act To Create and Sustain Jobs and Encourage Affordable Housing through Development of Cooperatives and Employee-owned Businesses**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N DAUGHTRY M	OTP-AM	S-260

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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This bill supports employee-owned businesses and cooperatives in the following ways.

1. It excludes from Maine income tax the amount of gain, up to a maximum of \$750,000 recognized by a business owner in transferring the business to an employee stock ownership plan, eligible worker-owned cooperative, consumer cooperative or affordable housing cooperative.
2. It excludes from Maine income tax interest from loans that finance transfers of ownership from a business to an employee stock ownership plan, eligible worker-owned cooperative, consumer cooperative or affordable housing cooperative.
3. It requires the Department of Economic and Community Development, Office of Business Development to encourage and assist employee-owned businesses by requiring the office to: develop educational programs, including convening an annual conference on employee ownership issues; provide information about employee ownership and technical assistance to retiring business owners, employees of plants threatened with closure and entrepreneurs interested in creating businesses with broadly shared ownership; link Maine businesses interested in implementing employee ownership to available financial, technical and legal resources; and help businesses interested in implementing some form of employee ownership to obtain financing, as well as undertake other duties.
4. It requires the Commissioner of Economic and Community Development to give priority to employee-owned businesses, either established or in the process of becoming employee-owned, when providing loans or grants from funds or programs maintained by the department.
5. It requires the Maine Public Employees Retirement System to conduct a study to determine how funds held by the system may be invested responsibly in employee-owned businesses in this State and to report its findings to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business, which is authorized to report out a bill to the Second Regular Session of the 129th Legislature based on the study and recommendations of the system.

### **Committee Amendment "A" (S-260)**

This amendment requires the Department of Economic and Community Development, Office of Business Development to contract with a nonprofit development organization with relevant expertise to develop and manage the Maine Employee Ownership Center to provide information and programs to assist businesses in the transition to employee or cooperative ownership, rather than requiring the office to provide those services.

The amendment removes requirements that the Department of Administrative and Financial Services, Maine Revenue Services collect specified data and report annually to the Office of Program Evaluation and Government Accountability and that the Maine Public Employees Retirement System study investment of funds in employee-owned businesses.

The amendment also makes changes to facilitate the administration and evaluation of the deductions provided in the bill.

The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1597 An Act To Provide a Sales Tax Exemption for Purchases Made by Nonprofit Youth Camps**

**PUBLIC 550**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSONH	OTP-AM ONTP	H-381

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without her signature at the beginning of the Second Regular Session.

This bill provides an exemption from the sales and use tax for purchases made by nonprofit organizations that operate seasonal campgrounds in Maine.

**Committee Amendment "A" (H-381)**

This amendment, which is the majority report of the committee, provides that the sales tax exemption applies to nonprofit youth camps that are licensed by the Department of Health and Human Services and entitled to a property tax exemption. The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2019, chapter 550 provides an exemption from the sales and use tax for purchases made by nonprofit youth camps that are licensed by the Department of Health and Human Services and are entitled to a property tax exemption.

**LD 1608 An Act To Exempt Trailers Sold to Out-of-state Entities from Sales and Use Tax**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANTD NADEAU C	OTP-AM	S-168

This bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides an exemption from the sales and use tax for trailers that are purchased in the State but then driven or transported outside the State immediately upon delivery.

**Committee Amendment "A" (S-168)**

This amendment incorporates a fiscal note.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1645    An Act To Create Affordable Workforce and Senior Housing and  
Preserve Affordable Rural Housing**

**PUBLIC 555**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAUR POULIOTM	OTP-AM	S-374    BREEN C

This bill as carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates a refundable income tax credit allocated by the Maine State Housing Authority for affordable housing projects. The credit is equal to 100% of the federal credit for a qualified Maine project or 50% of \$100,000 or more of qualified basis of an affordable housing project for which a federal credit is not claimed up to \$500,000. The Maine State Housing Authority may allocate up to \$20,000,000 in credits each year 2021 to 2024. Ten percent of the credit must be set aside for the preservation of affordable housing units that are constructed with financial assistance from the United States Department of Agriculture, Office of Rural Development, Rural Housing Service and at risk of losing their affordable status. In addition, 30% of the credit allocated to new housing units is targeted for seniors and 20% is targeted for rural areas. The credit is subject to reporting requirements and a process for tax expenditure review by the Office of Program Evaluation and Government Accountability.

**Committee Amendment "A" (H-481)**

This amendment, which was adopted during the First Regular Session, makes several changes to the procedure for administration of the credit for affordable housing to appropriately reflect the most effective responsibilities of the Maine State Housing Authority and the Department of Administrative and Financial Services, Maine Revenue Services and requires the authority to adopt routine technical rules necessary for administration of the credit. The amendment also removes the date for a report by the Office of Program Evaluation and Government Accountability.

**Senate Amendment "A" (S-374)**

This amendment was adopted during the Second Regular Session to replace Committee Amendment "A" which was indefinitely postponed. This amendment incorporates the substance of the bill, as amended by Committee Amendment "A", and makes the following changes:

1. It extends the length of time the credit is available by four years until December 31, 2028;
2. It reduces the total allocation from \$20,000,000 to \$10,000,000;
3. It reduces the amount of the total allocation, including amounts carried forward from prior calendar years, from \$25,000,000 to \$15,000,000;
4. It requires that, in allocating the credit for the construction or adaptive reuse of buildings for new rental units, the Maine State Housing Authority require or provide incentives to encourage that occupancy preference, for a defined number of units, be given to persons who qualify for supportive housing; and
5. It updates the statutory sections to reflect changes in the law that were enacted in the First Regular Session of the 129th Legislature.

**Enacted Law Summary**

Public Law 2019, chapter 555 creates a refundable income tax credit allocated by the Maine State Housing Authority for affordable housing projects. The credit is equal to 100% of the federal credit for a qualified Maine

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project or 50% of \$100,000 or more of qualified basis of an affordable housing project for which a federal credit is not claimed up to \$500,000. The Maine State Housing Authority may allocate up to \$10,000,000 in credits each year 2021 to 2028. Ten percent of the credit must be set aside for the preservation of affordable housing units that are constructed with financial assistance from the United States Department of Agriculture, Office of Rural Development, Rural Housing Service and at risk of losing their affordable status. In allocating the credit for the construction or adaptive reuse of buildings for new rental units, the Maine State Housing Authority must require or provide incentives to encourage that occupancy preference, for a defined number of units, be given to persons who qualify for supportive housing. In addition, 30% of the credit allocated to new housing units is targeted for seniors and 20% is targeted for rural areas. The credit is subject to reporting requirements and a process for tax expenditure review by the Office of Program Evaluation and Government Accountability.

### LD 1647 An Act To Provide Tax Fairness to Maine's Middle Class and Working Families

ONTP

Sponsor(s)

BERRY S  
CHIPMAN B

Committee Report

ONTP

Amendments Adopted

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill, for tax years beginning on or after January 1, 2020, requires payment of a tax equalization assessment if a tax family has an expanded income of at least \$250,000 for a tax family filing as a single individual, \$325,000 for a tax family filing as a head of a household or \$400,000 for a tax family filing a married joint return or filing a joint return as a surviving spouse, and an effective tax rate that is less than the average effective tax rate on state and local taxes paid by the bottom 99% of tax families. The tax equalization assessment is an amount equal to the difference in the average effective tax rate on state and local taxes paid, calculated by decile, and a tax family's individual effective tax rate on state and local taxes paid, the sum of which is multiplied by a tax family's expanded income.

This bill also provides the following tax benefits.

1. For property tax years beginning on or after April 1, 2020, the bill increases the total amount of the Maine resident homestead property tax exemption by \$5,000 to \$25,000 of the just value of the homestead.
2. For income tax years beginning on or after January 1, 2020, this bill increases the earned income tax credit from 5% of the federal earned income tax credit to 10% of the federal earned income tax credit.
3. For income tax years beginning on or after January 1, 2019, this bill expands benefits under the property tax fairness credit by reducing from 6% to 5% the eligibility threshold percentage of property taxes, or rent constituting property taxes, compared to household income.

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**LD 1698    An Act To Create Jobs and Slow Climate Change by Promoting the  
Production of Natural Resources Bioproducts**

**PUBLIC 628**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R	OTP-AM	H-552
JACKSON T	OTP-AM	H-731    FECTEAU R

This bill, as amended by Committee Amendment "A," was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session. During the Second Regular Session this bill was recalled from the Governor's desk and, as described in this summary, was acted upon without reference to committee.

This bill provides an income tax credit for the production of renewable chemicals by the conversion of renewable biomass from the forest, farms, the sea or solid waste. The credit is equal to 7¢ per pound of renewable chemical produced in the State, 9¢ per pound of renewable chemical produced in the State if the taxpayer demonstrates to the satisfaction of the Department of Economic and Community Development that the contractors hired or retained by a landowner to harvest renewable biomass used in production of the renewable chemicals are third-party certified by the Northeast Master Logger program or successor program and at least 50% of the contractors' employees are residents of the United States or 12¢ per pound of renewable chemical produced in the State if the taxpayer demonstrates to the satisfaction of the Department of Economic and Community Development that the contractors hired or retained by a landowner to harvest renewable biomass used in such production are third-party certified by the Northeast Master Logger program and at least 75% of the contractors' employees are residents of the United States. Renewable chemicals are defined to include chemicals, polymers, plastics and formulated products, and to exclude substances used for food, feed or fuel, with limited exceptions. The bill also reinstates the tax credit for commercial production and use of biofuels.

**Committee Amendment "A" (H-552)**

This amendment, which was the majority report of the committee during the First Regular Session, includes a provision permitting the Department of Administrative and Financial Services, Maine Revenue Services to provide to the Department of Economic and Community Development information necessary for administration of the renewable chemicals tax credit and strikes language that would create an overlap of the renewable chemicals tax credit and the credit for the commercial production and use of biofuels.

**Committee Amendment "B" (H-553)**

This amendment, which was the minority report of the committee during the First Regular Session, includes a provision permitting the Department of Administrative and Financial Services, Maine Revenue Services to provide to the Department of Economic and Community Development information necessary for administration of the renewable chemicals tax credit and strikes language that would create an overlap of the renewable chemicals tax credit and the credit for the commercial production and use of biofuels. The amendment also removes provisions establishing different tiers of credit calculation if a taxpayer uses contractors that are third-party certified by a northeast master logger program and has employees at least 50% of whom or 75% of whom are residents of the United States. This amendment was not adopted.

**House Amendment "A" To Committee Amendment "A" (H-731)**

This amendment, adopted during the Second Regular Session, changes the credit allowed under the bill to remove the variable credit of between 7¢ and 12¢ per pound of renewable chemical, which is based on the certification level of the contractors hired or retained to harvest the renewable biomass and the residency of those contractors' employees, to a flat credit of 8¢ per pound of renewable chemical as long as the taxpayer demonstrates to the Department of Economic and Community Development that at least 75% of the employees of the contractors hired or retained to harvest renewable biomass used in the production of the renewable chemicals meet the eligibility

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conditions specified in the Employment Security Law, in the Maine Revised Statutes, Title 26, chapter 13. This amendment also delays by one year the application date of the tax credit.

This amendment also corrects numbering conflicts in the bill and Committee Amendment "A" created when a different chaptered law enacted provisions with the same paragraph letter or section number.

### Enacted Law Summary

Public Law 2019, chapter 628 provides an income tax credit for the production of renewable chemicals by the conversion of renewable biomass from the forest, farms, the sea or solid waste. The credit is equal to 8¢ per pound of renewable chemical produced in the State if the taxpayer demonstrates to the satisfaction of the Department of Economic and Community Development that at least 75% of the employees of the contractors hired or retained to harvest renewable biomass used in the production of the renewable chemicals meet the eligibility conditions specified in the Employment Security Law, in the Maine Revised Statutes, Title 26, chapter 13. Renewable chemicals are defined to include chemicals, polymers, plastics and formulated products, and to exclude substances used for food, feed or fuel, with limited exceptions. The law also reinstates the tax credit for commercial production and use of biofuels.

### LD 1718 An Act To Exempt Purchases by Pet Food Pantries from Sales Tax

PUBLIC 551

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E BICKFORD B	OTP-AM	S-241

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without her signature at the beginning of the Second Regular Session.

The bill provides an exemption from the sales and use tax for purchases made by nonprofit organizations that provide pet food and supplies for little or no charge to low-income owners of pets.

### Committee Amendment "A" (S-241)

This amendment provides that, in order to be eligible for a sales tax exemption, an incorporated nonprofit organization must be organized for the purpose of providing food or other supplies intended for pets at no charge to owners of those pets. The amendment also adds an appropriations and allocations section.

### Enacted Law Summary

Public Law 2019, chapter 551 provides an exemption from the sales and use tax for purchases made by nonprofit organizations that are organized for the purpose of providing food or other supplies intended for pets at no charge to owners of those pets.

### LD 1808 An Act To Provide a Sales Tax Exemption for Certain Nonprofit Charitable Organizations

PUBLIC 552

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART T JACKSON T	OTP-AM	H-599

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular

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Session. It became law without her signature at the beginning of the Second Regular Session.

The bill provides an exemption from the sales and use tax for sales made to a nonprofit community-based worldwide charitable organization that provides, using private funding, financial support to other nonprofit charitable organizations at the community level.

### **Committee Amendment "A" (H-599)**

This amendment adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2019, chapter 552 provides an exemption from the sales and use tax for sales made to a nonprofit community-based worldwide charitable organization that provides, using private funding, financial support to other nonprofit charitable organizations at the community level.

### **LD 1898     An Act Regarding Property Taxes on Certain Energy Generation Projects     ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H DOUDERA V	ONTP	

This bill provides that, for property tax purposes, the State Tax Assessor determines the valuation of the property of an energy generation project that is located partially in the unorganized territory and partially in organized areas and apportions to the organized areas the portion of the project valuation located in each organized area. The valuation of an energy generation asset determined by the State Tax Assessor may not be considered captured assessed value for tax increment financing purposes, and an appeal of a valuation may be made to the State Board of Property Tax Review.

### **LD 1914     An Act To Provide a Sales Tax Exemption for Textbooks     CARRIED OVER**

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

This bill exempts from the sales and use tax textbooks purchased for use by a student.

This bill, which had been voted by the committee but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1919     An Act To Provide a Tax Credit for Family Caregivers     CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUTIER K POULIOT M		

This bill provides, beginning in 2021, a refundable income tax credit of up to \$2,000 to a taxpayer who personally provides at least 150 hours per year of personal care assistance services for the care and support of an eligible

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family member 18 years of age or older. The 150-hour annual threshold may be met by providing care to one or more eligible family members or, if the taxpayer is married filing a joint return, by combining the hours of both taxpayers providing care to one or more eligible family members. The credit is subject to reduction based on the income and length of Maine residency of the individual. An eligible family member must require assistance with at least one activity of daily living, as certified by a qualified licensed health care practitioner, and qualify as a dependent of, spouse of, registered domestic partner of, parent of or other relative by blood or marriage of the eligible family caregiver or a registered domestic partner of the eligible family caregiver.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1929      Resolve, Establishing the Commission To Study Fair, Equitable and Competitive Tax Policy for Maine's Working Families and Small Businesses** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAUR JACKSONT	OTP-AM ONTP	H-696

This resolve establishes the Commission To Study Fair, Equitable and Competitive Tax Policy for Maine's Working Families and Small Businesses and directs the commission, no later than November 4, 2020, to submit a report, including suggested legislation, for presentation to the First Regular Session of the 130th Legislature. The commission is directed to study issues related to taxation of working families and small businesses and recommend legislation to ensure that tax policy is fair, equitable and competitive and adequately funds important government services. The commission is also directed to evaluate the direct impact of its proposed tax changes on after-tax income by income decile. Maine Revenue Services is directed to provide requested nonconfidential data.

### **Committee Amendment "A" (H-696)**

This amendment adds three additional members to the commission, one representing a statewide organization that represents the interests of municipalities, one representing a statewide organization of farming interests and one tax policy expert. The amendment also adds additional language specifying the duties of the commission.

This resolve, as amended by Committee Amendment "A," was carried over on the Special Study Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1958      An Act To Expand Tax Increment Financing To Include Adult Care Facilities and Services and Certain Child Care Facilities** **PUBLIC 604**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MEYER M CLAXTONN	OTP-AM	H-695

This bill expands the permitted use of tax increment financing to include costs associated with certain adult care facilities and child care facilities and clarifies that allowable costs include promotion of workforce development and retention.

### **Committee Amendment "A" (H-695)**

This amendment clarifies the definitions of "adult care facilities" and "child care facilities" as they pertain to project costs for purposes of tax increment financing.

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### Enacted Law Summary

Public Law 2019, chapter 604 expands the permitted use of tax increment financing to include costs associated with certain adult care facilities and child care facilities and clarifies that allowable costs include promotion of workforce development and retention.

**LD 1980      An Act To Create Incentives for Employers To Allow Employees to Work Remotely in Rural Maine      CARRIED OVER**

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

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

This bill proposes to create a tax credit for businesses that create positions that allow their employees to work remotely from their homes or somewhere else outside of their office or place of employment. The credit is directly connected to the number of remote positions created and filled. If a business eliminates a remote position, it would lose the tax credit corresponding to that position.

This bill, which had been voted (ONTP) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1993      An Act To Clarify the Law Relating to Corporate Income Tax Nexus and the Shipment of Spirits into the State      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H CROCKETTE	OTP-AM	S-437

This bill exempts from the corporate income tax a manufacturer of alcoholic spirits located outside of this State whose only nexus with the State is the storage of that manufacturer's spirits in a warehouse operated or approved for operation by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations.

**Committee Amendment "A" (S-437)**

This amendment incorporates a fiscal note.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2008      An Act Making Technical Changes to the Maine Tax Laws      PUBLIC 607**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R	OTP-AM	H-693

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This bill is submitted by the Department of Administrative and Financial Services, Maine Revenue Services to make technical changes to Maine tax laws. The bill makes the following changes.

Part A makes changes related to property tax. Part A:

1. Clarifies the time period when excess tax increment revenues can be transferred by a municipality to the municipality's general fund.
2. Removes the requirement that a notice of a tax lien pursuant to the Maine Revised Statutes, Title 36, Part 2 contain the signature of a notary public, when filed by the State Tax Assessor.
3. Resolves a conflict created when two public laws amended the same section of law in different ways and updates the notice of proposed state valuation provision by requiring the notice to be made to the municipal officers of the municipality instead of the chair of the board of assessors or the chair of the board of selectmen.
4. Changes the term "manufactured home" to "manufactured housing" to match the defined term in the Maine Revised Statutes, Title 10.
5. Conforms a cross-reference to legislative drafting manual standards.
6. Removes the signature requirements under the real estate transfer tax laws with respect to assignation of rights in relation to foreclosed real property.
7. Clarifies that the municipal property tax assistance program benefits cap is an annual cap.

Part B makes changes related to sale and service provider taxes. Part B:

1. Clarifies in the exclusion to the definition of "retail sale" for sales and use tax purposes that the sale of positive airway pressure equipment for rental for personal use to a person engaged in the business of renting positive airway pressure equipment also includes oxygen delivery equipment. The clarification applies retroactively to sales occurring on or after January 1, 2012.
2. Removes the requirement under the health care provider tax provision that a return be submitted with the monthly estimated payment.
3. Corrects a cross-reference to the marijuana excise tax.

Part C makes changes related to income tax. Part C:

1. Clarifies that information regarding the tax credit for major food processing and manufacturing facility expansion provided to the Office of Program Evaluation and Government Accountability is exempt from the confidentiality statute and corrects cross-references related to the disclosure of that information.
2. Removes the requirement that a tax table be used to calculate use tax reportable on individual income tax returns. The change applies to individual income tax years beginning on or after January 1, 2020.
3. Strikes references to losses in the Maine income tax law regarding the installment sale of Maine real or tangible property. Because a taxpayer must already report the entire loss in the year of the sale for both federal and Maine income tax purposes, what is purported to be an option to accelerate the claim of the loss under Maine income tax law has no purpose or practical effect. Removing the references to such losses clarifies the law and is intended to mitigate taxpayer confusion.

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4. Clarifies that the net operating loss credit under the financial institutions franchise tax is computed by multiplying Maine net income by the applicable franchise tax rate.
5. Delays the State Tax Assessor's yearly reporting requirement for the tax credit for Maine shipbuilding facility investment until December 31st, clarifies that the report is for the tax year ending during the immediately preceding calendar year and defines the term "revenue loss" for the purposes of the State Tax Assessor's annual reporting requirement. These changes effect consistency with the reporting requirements for the credit for major business headquarters expansion, as amended by Public Law 2017, chapter 375, and the credit for major food processing and manufacturing facility expansion.
6. Delays the State Tax Assessor's yearly reporting requirement for the tax credit for major food processing and manufacturing facility expansion until December 31st of each year, clarifies that the report is for the tax year ending during the immediately preceding calendar year and defines the term "revenue loss" for the purposes of the State Tax Assessor's annual reporting requirement. These changes effect consistency with the reporting requirements for the credit for major business headquarters expansion, as amended by Public Law 2017, chapter 375, and the credit for Maine shipbuilding facility investment.
7. Repeals the provision of law that requires the calculation of income tax using blended tax rates for fiscal year filers when there is a change in tax rate that does not refer to the first day of the taxable year.

Part D makes changes related to administration of the tax laws. Part D:

1. Clarifies that one or more responsible individuals may be designated to collect trust fund taxes under the Maine Revised Statutes, Title 36, section 177.
2. Clarifies that the definition of "identified contract" applies to all of the Maine Revised Statutes, Title 36, section 194-D concerning Maine Revenue Services background investigations.
3. Clarifies that an additional background investigation is not required when a person who is currently employed by Maine Revenue Services applies for another position within Maine Revenue Services.
4. Codifies the practice of rounding the Maine estate tax exclusion amount cost-of-living adjustment to the nearest multiple of \$10,000.

### **Committee Amendment "A" (H-693)**

This amendment clarifies the existing law that provides that the 10% sales tax rate applies to three categories of motor vehicles rented for less than one year: automobiles; pickup trucks or vans weighing less than 26,000 pounds that are rented from a person primarily engaged in the business of renting automobiles; and certain loaner vehicles.

### **Enacted Law Summary**

Public Law 2019, chapter 607 makes technical changes to the tax laws.

Part A makes the following changes to property tax laws:

1. Clarifies the time period when excess tax increment revenues can be transferred by a municipality to the municipality's general fund.
2. Removes the requirement that a notice of a tax lien pursuant to the Maine Revised Statutes, Title 36, Part 2 contain the signature of a notary public, when filed by the State Tax Assessor.

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3. Resolves a conflict created when two public laws amended the same section of law in different ways and updates the notice of proposed state valuation provision by requiring the notice to be made to the municipal officers of the municipality instead of the chair of the board of assessors or the chair of the board of selectmen.
4. Changes the term "manufactured home" to "manufactured housing" to match the defined term in the Maine Revised Statutes, Title 10.
5. Conforms a cross-reference to legislative drafting manual standards.
6. Removes the signature requirements under the real estate transfer tax laws with respect to assignation of rights in relation to foreclosed real property.
7. Clarifies that the municipal property tax assistance program benefits cap is an annual cap.

Part B makes the following changes to sales tax laws:

1. Clarifies in the exclusion to the definition of "retail sale" for sales and use tax purposes that the sale of positive airway pressure equipment for rental for personal use to a person engaged in the business of renting positive airway pressure equipment also includes oxygen delivery equipment. The clarification applies retroactively to sales occurring on or after January 1, 2012.
2. Clarifies existing law that provides that the 10% sales tax rate applies to three categories of motor vehicles rented for less than one year: automobiles; pickup trucks or vans weighing less than 26,000 pounds that are rented from a person primarily engaged in the business of renting automobiles; and certain loaner vehicles
3. Removes the requirement under the health care provider tax provision that a return be submitted with the monthly estimated payment.
4. Corrects a cross-reference to the marijuana excise tax.

Part C makes the following changes to income tax laws:

1. Clarifies that information regarding the tax credit for major food processing and manufacturing facility expansion provided to the Office of Program Evaluation and Government Accountability is exempt from the confidentiality statute and corrects cross-references related to the disclosure of that information.
2. Removes the requirement that a tax table be used to calculate use tax reportable on individual income tax returns. The change applies to individual income tax years beginning on or after January 1, 2020.
3. Strikes references to losses in the Maine income tax law regarding the installment sale of Maine real or tangible property. Because a taxpayer must already report the entire loss in the year of the sale for both federal and Maine income tax purposes, what is purported to be an option to accelerate the claim of the loss under Maine income tax law has no purpose or practical effect. Removing the references to such losses clarifies the law and is intended to mitigate taxpayer confusion.
4. Clarifies that the net operating loss credit under the financial institutions franchise tax is computed by multiplying Maine net income by the applicable franchise tax rate.
5. Delays the State Tax Assessor's yearly reporting requirement for the tax credit for Maine shipbuilding facility investment until December 31st, clarifies that the report is for the tax year ending during the immediately preceding calendar year and defines the term "revenue loss" for the purposes of the State Tax Assessor's annual reporting

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requirement. These changes effect consistency with the reporting requirements for the credit for major business headquarters expansion, as amended by Public Law 2017, chapter 375, and the credit for major food processing and manufacturing facility expansion.

6. Delays the State Tax Assessor's yearly reporting requirement for the tax credit for major food processing and manufacturing facility expansion until December 31st of each year, clarifies that the report is for the tax year ending during the immediately preceding calendar year and defines the term "revenue loss" for the purposes of the State Tax Assessor's annual reporting requirement. These changes effect consistency with the reporting requirements for the credit for major business headquarters expansion, as amended by Public Law 2017, chapter 375, and the credit for Maine shipbuilding facility investment.

7. Repeals the provision of law that requires the calculation of income tax using blended tax rates for fiscal year filers when there is a change in tax rate that does not refer to the first day of the taxable year.

Part D makes the following administrative changes to tax laws:

1. Clarifies that one or more responsible individuals may be designated to collect trust fund taxes under the Maine Revised Statutes, Title 36, section 177.
2. Clarifies that the definition of "identified contract" applies to all of the Maine Revised Statutes, Title 36, section 194-D concerning Maine Revenue Services background investigations.
3. Clarifies that an additional background investigation is not required when a person who is currently employed by Maine Revenue Services applies for another position within Maine Revenue Services.
4. Codifies the practice of rounding the Maine estate tax exclusion amount cost-of-living adjustment to the nearest multiple of \$10,000.

### **LD 2010     An Act To Update References Contained in the Maine Revised Statutes to the United States Internal Revenue Code of 1986**

**CARRIED OVER**

Sponsor(s)

TIPPING R

Committee Report

OTP-AM

Amendments Adopted

H-718

This bill is submitted by the Department of Administrative and Financial Services, Maine Revenue Services. This bill updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986, as amended through December 31, 2019, for tax years beginning on or after January 1, 2019, and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. This bill primarily affects the State's income tax laws.

#### **Committee Amendment "A" (H-718)**

This amendment provides that, for tax years beginning on or after January 1, 2020, the Maine standard deduction under the Maine income tax is equal to the federal standard deduction and is not limited by the federal Internal Revenue Code of 1986, Section 63.

The contents of this bill, as amended by Committee Amendment "A" were enacted in the supplemental budget bill, Public Law 2019, chapter 616, Part X. See summary of LD 2126 summarized by the Joint Standing Committee on Appropriations and Financial Affairs.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by

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joint order, S.P. 788.

**LD 2011     An Act To Update Certain Provisions in the Income Tax and Service  
                 Provider Tax Laws**

**CARRIED OVER**

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

This bill is submitted by the Department of Administrative and Financial Services, Maine Revenue Services. This bill makes the following changes to the income tax and service provider tax laws.

Part A updates, clarifies and simplifies the service provider tax law regarding consumer purchases of digital media by equalizing the tax treatment between the various modes of purchase for sales occurring on or after October 1, 2020.

Part B clarifies and simplifies the corporate income tax law by establishing clearly defined, objective nexus thresholds as a practical structure for the current general "economic nexus" standard. These so-called factor presence thresholds clarify the minimum thresholds that, when exceeded by a corporation, subject that corporation to the Maine corporate income tax. In addition, the new thresholds create a safe harbor for corporations with little activity within the State that nonetheless have nexus under current law due to a small, but greater than de minimis, physical presence in the State. The new thresholds are \$250,000 of property, \$250,000 in payroll or \$500,000 in sales in Maine, or 25% of total property, payroll or sales in Maine, as determined under the Maine Revised Statutes, Title 36, chapter 821. The thresholds apply to tax years beginning on or after January 1, 2021.

Part C updates the individual income tax law by extending and aligning inflation indexing provisions in two respects. First, the bill indexes the recently enacted dependent exemption tax credit for inflation. Second, the bill aligns inflation indexing for the lowest income tax brackets and the highest income tax brackets by allowing an additional one-year inflation adjustment for the highest income tax bracket, indexing the dollar amounts to the same inflation benchmark, the Chained Consumer Price Index for the 12-month period ending June 30, 2015. These changes apply to tax years beginning on or after January 1, 2021.

Part D updates and simplifies Maine income tax law by conforming the Maine income tax with the federal net operating loss limitation. This Part applies retroactively to tax years beginning on or after January 1, 2018.

**Committee Amendment "A" (H-767)**

This amendment is the majority report of the committee. This amendment amends provisions of the bill relating to the taxation of digital audio-visual and digital audio services. The amendment clarifies the corporate income tax nexus provisions of the bill by referring to "nexus" instead of "substantial nexus." The amendment also exempts from the sales and use tax and from the service provider tax sales to a nonprofit organization that has been determined by the United States Internal Revenue Service to be exempt from income taxation under Section 501(c)(3) of the federal Internal Revenue Code of 1986 if the property or services sold are to be used primarily for the purposes for which the nonprofit organization was organized. The amendment requires the Department of Administrative and Financial Services, Bureau of Revenue Services, Office of Tax Policy to review sales tax and service provider tax exemptions to identify provisions that should be repealed or amended because they are duplicative or otherwise unnecessary and to submit legislation repealing or modifying those exemptions. The amendment also adds an appropriations and allocations section.

**Committee Amendment "B" (H-768)**

This amendment is the minority report of the committee. This amendment strikes provisions of the bill relating to

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the taxation of digital audio-visual and digital audio services. The amendment clarifies the corporate income tax nexus provisions of the bill by referring to "nexus" instead of "substantial nexus." The amendment also exempts from the sales and use tax and from the service provider tax sales to a nonprofit organization that has been determined by the United States Internal Revenue Service to be exempt from income taxation under Section 501(c)(3) of the federal Internal Revenue Code of 1986 if the property or services sold are to be used primarily for the purposes for which the nonprofit organization was organized. The amendment requires the Department of Administrative and Financial Services, Bureau of Revenue Services, Office of Tax Policy to review sales tax and service provider tax exemptions to identify provisions that should be repealed or amended because they are duplicative or otherwise unnecessary and to submit legislation repealing or modifying those exemptions. The amendment also adds an appropriations and allocations section.

This bill was carried over in the House pending acceptance of either committee report to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2012      *Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory*      RESOLVE 119**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R	OTP-AM	H-694

This resolve is submitted by the Department of Administrative and Financial Services, Maine Revenue Services. This resolve authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory that were acquired by the State through foreclosure for nonpayment of property taxes.

### **Committee Amendment "A" (H-694)**

This amendment changes the list of matured tax liens to correct the tax liability amounts of one property, to remove two properties and add one property.

### **Enacted Law Summary**

Resolve 2019, chapter 119 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory that were acquired by the State through foreclosure for nonpayment of property taxes.

**LD 2045      *An Act Relating to the Valuation of Certain Retail Property*      CARRIED OVER**

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

This bill provides that, for property tax purposes, retail sales facilities in excess of 20,000 square feet must be valued based on their current use compared to similar properties in their retail market segment or, if vacant, according to their highest and best use.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 2047     An Act To Amend the State Tax Laws**

**PUBLIC 659**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R	OTP-AM	H-766

This bill is submitted by the Department of Administrative and Financial Services, Maine Revenue Services. This bill does the following.

Part A authorizes the Department of Administrative and Financial Services, Maine Revenue Services to disclose certain confidential tax information to the Department of Professional and Financial Regulation, Bureau of Insurance as necessary to administer Maine's insurance taxes and the credit for disability income protection plans in the workplace.

Part B clarifies that "eligible business equipment" under the business equipment tax exemption program does not include property to the extent it is eligible for exemption from property tax under any other provision of law and "qualified property" does not include any vehicle on which a tax assessed pursuant to the Maine Revised Statutes, Title 36, chapter 111 has been paid.

Part C allows a married taxpayer to claim a personal exemption deduction for that taxpayer's spouse when not filing a joint return, as long as the spouse has no gross income during the taxable year and, notwithstanding the temporary suspension of the federal personal exemption deduction through 2025, a personal exemption deduction may otherwise be claimed for the spouse for federal income tax purposes. This change applies to tax years beginning on or after January 1, 2020. It also amends the real estate withholding law, excepting buyers of real estate from the withholding requirement if the consideration paid for the property is less than \$100,000. This increased threshold is effective for sales occurring on or after January 1, 2021.

Part D allows Maine Revenue Services to set off any refund under Title 36 to cover a liquidated debt owed to another agency of the State. Under current law, only income tax refunds may be set off. Part D also corrects cross-references.

Part E changes the date by which the Department of Economic and Community Development must provide information under the Brunswick Naval Air Station job increment financing program to the State Tax Assessor from June 30th of each year to June 1st of each year. It requires the department to provide information to the assessor necessary to determine the job tax increment under the program. It also establishes a requirement that businesses located in the base area report to the department by April 15th of each year the number of employees employed at the base area during the immediately preceding calendar year, the state income taxes withheld for each of those employees and any other information as may be reasonably required by the department for purposes of administering the program. It repeals the requirement that the State Tax Assessor issue a Pine Tree Development Zone benefits report annually on October 1st.

Part E also changes the date by which businesses under the Maine Employment Tax Increment Financing Program must report required information to the Department of Economic and Community Development from April 15th of each year to March 15th of each year. Part E also establishes May 15th of each year as the date by which the department must provide information to the State Tax Assessor necessary for making determinations of eligibility for reimbursement under the program.

Part F reduces from 60 days to 15 days the time that a taxpayer with a final tax liability exceeding \$1,000 has to cooperate with Maine Revenue Services in a plan for liquidating the tax liability before the State Tax Assessor may

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notify certain licensing authorities of the taxpayer's lack of cooperation, thereby beginning the license revocation process.

Part G specifies that the filing due date is the original due date, without regard to any extension, for purposes of calculating the statute of limitations for assessments and income tax refunds. This Part applies retroactively to tax years beginning on or after January 1, 2017.

Part H makes changes to the real estate transfer tax imposed by the Maine Revised Statutes, Title 36, chapter 711-A, in order to require the filing of real estate transfer tax returns with the State Tax Assessor and the payment of the tax to the State Tax Assessor instead of to the register of deeds for the county in which the real estate being transferred is located. It requires the register of deeds to verify with the State Tax Assessor that the tax liability imposed on the transfer of real property is satisfied before recording the deed transferring the real estate. It directs the State Tax Assessor to prescribe real estate transfer tax returns, removes the statutory requirements to include signatures and taxpayer identification numbers on those forms and clarifies that the value of the real estate transferred must be on the declaration of value.

Part H also provides that the State Tax Assessor is required to develop the computer systems infrastructure necessary to implement the changes made by this Part within four years; the changes made by this Part do not take effect until 90 days after the assessor certifies that the computer systems have been developed.

Part I makes the following changes to the credit for major food processing and manufacturing facility expansion.

1. It clarifies the definition of "qualified investment."
2. It clarifies the effect of a certificate revocation.
3. It changes the cumulative credit limit for a single certificate.
4. It clarifies a certified applicant's reporting requirements.

### **Committee Amendment "A" (H-766)**

This amendment does the following.

1. It excludes amounts due pursuant to the Maine Revised Statutes, Title 36, Part 2 from the refund offset expansion in the bill and clarifies a taxpayer's appeal rights during the process.
2. It clarifies the effect of a federal income tax extension on the state income tax filing dates.
3. It strikes Part H of the bill, which makes changes to the real estate transfer tax.
4. It makes the following changes to the credit for major food processing and manufacturing facility expansion.
  - A. It clarifies that the requirement for a facility to process, produce and manufacture food from agricultural products primarily grown and harvested in the State is an ongoing requirement.
  - B. It clarifies that the expenditures of a qualified applicant and other entities, whether or not incorporated, that are part of a single business enterprise must be aggregated to determine whether a qualified investment has been made.
  - C. It clarifies that jobs that must be added in order to qualify for the credit must be added after the first day of the year in which the certificate of approval was issued.

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D. It clarifies that the headquarters and facility of a certified applicant or of a parent or subsidiary of the certified applicant, must be located in the State and that the annual income of at least 75% of the certified applicant's employees must exceed the most recent annual per capita personal income in the county in which the facility is located in order for the applicant to qualify for a certificate of completion or the credit.

5. It clarifies that property placed in service during tax years beginning on or after January 1, 2015, but before January 1, 2020, for which a bonus depreciation addition modification was required and for which the Maine capital investment credit was not claimed is eligible for a depreciation subtraction modification in tax years beginning after 2019 to allow the taxpayer to fully claim depreciation on that property over the class life of the property for Maine income tax purposes.

6. It extends the credit for rehabilitation of historic properties from allowing a credit for qualified rehabilitation expenditures made prior to December 31, 2023, to allowing a credit for qualified rehabilitation expenditures made by certified project if the Maine Historic Preservation Commission or the United States Department of the Interior, National Park Service, as required, issues a determination on or before December 31, 2025, that the proposed rehabilitation of that structure meets the Secretary of the Interior's standards for rehabilitation.

### **Enacted Law Summary**

Public Law 2019, chapter 659 makes the following changes to the state tax laws.

Part A authorizes the Department of Administrative and Financial Services, Maine Revenue Services to disclose certain confidential tax information to the Department of Professional and Financial Regulation, Bureau of Insurance as necessary to administer Maine's insurance taxes and the credit for disability income protection plans in the workplace.

Part B clarifies that "eligible business equipment" under the business equipment tax exemption program does not include property to the extent it is eligible for exemption from property tax under any other provision of law and "qualified property" does not include any vehicle on which a tax assessed pursuant to the Maine Revised Statutes, Title 36, chapter 111 has been paid.

Part C allows a married taxpayer to claim a personal exemption deduction for that taxpayer's spouse when not filing a joint return, as long as the spouse has no gross income during the taxable year and, notwithstanding the temporary suspension of the federal personal exemption deduction through 2025, a personal exemption deduction may otherwise be claimed for the spouse for federal income tax purposes. This change applies to tax years beginning on or after January 1, 2020. It also amends the real estate withholding law, excepting buyers of real estate from the withholding requirement if the consideration paid for the property is less than \$100,000. This increased threshold is effective for sales occurring on or after January 1, 2021.

Part D allows Maine Revenue Services to set off any refund under Title 36 to cover a liquidated debt owed to another agency of the State. Under current law, only income tax refunds may be set off. Part D also corrects cross-references.

Part E changes the date by which the Department of Economic and Community Development must provide information under the Brunswick Naval Air Station job increment financing program to the State Tax Assessor from June 30th of each year to June 1st of each year. It requires the department to provide information to the assessor necessary to determine the job tax increment under the program. It also establishes a requirement that businesses located in the base area report to the department by April 15th of each year the number of employees employed at the base area during the immediately preceding calendar year, the state income taxes withheld for each of those employees and any other information as may be reasonably required by the department for purposes of administering the program. It repeals the requirement that the State Tax Assessor issue a Pine Tree Development

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Zone benefits report annually on October 1st.

Part E also changes the date by which businesses under the Maine Employment Tax Increment Financing Program must report required information to the Department of Economic and Community Development from April 15th of each year to March 15th of each year. Part E also establishes May 15th of each year as the date by which the department must provide information to the State Tax Assessor necessary for making determinations of eligibility for reimbursement under the program.

Part F reduces from 60 days to 15 days the time that a taxpayer with a final tax liability exceeding \$1,000 has to cooperate with Maine Revenue Services in a plan for liquidating the tax liability before the State Tax Assessor may notify certain licensing authorities of the taxpayer's lack of cooperation, thereby beginning the license revocation process.

Part G specifies that the filing due date is the original due date, without regard to any extension, for purposes of calculating the statute of limitations for assessments and income tax refunds. This Part applies retroactively to tax years beginning on or after January 1, 2017.

Part H makes the following changes to the credit for major food processing and manufacturing facility expansion.

1. It clarifies that the requirement for a facility to process, produce and manufacture food from agricultural products primarily grown and harvested in the State is an ongoing requirement.
2. It clarifies that the expenditures of a qualified applicant and other entities, whether or not incorporated, that are part of a single business enterprise must be aggregated to determine whether a qualified investment has been made.
3. It clarifies that jobs that must be added in order to qualify for the credit must be added after the first day of the year in which the certificate of approval was issued.
4. It clarifies that the headquarters and facility of a certified applicant or of a parent or subsidiary of the certified applicant, must be located in the State and that the annual income of at least 75% of the certified applicant's employees must exceed the most recent annual per capita personal income in the county in which the facility is located in order for the applicant to qualify for a certificate of completion or the credit.

Part I clarifies that property placed in service during tax years beginning on or after January 1, 2015, but before January 1, 2020, for which a bonus depreciation addition modification was required and for which the Maine capital investment credit was not claimed is eligible for a depreciation subtraction modification in tax years beginning after 2019 to allow the taxpayer to fully claim depreciation on that property over the class life of the property for Maine income tax purposes.

Part J extends the credit for rehabilitation of historic properties from allowing a credit for qualified rehabilitation expenditures made prior to December 31, 2023, to allowing a credit for qualified rehabilitation expenditures made by certified project if the Maine Historic Preservation Commission or the United States Department of the Interior, National Park Service, as required, issues a determination on or before December 31, 2025, that the proposed rehabilitation of that structure meets the Secretary of the Interior's standards for rehabilitation.

**LD 2061    An Act Regarding the Transportation of Products in the Forest Products Industry**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

JACKSON T  
MCCREAD

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This bill provides that land of a landowner that owns 50,000 or more acres of forest land in the State and allows transportation of forest products harvested on the landowner's land from a location in the State to another location in the State in violation of federal law or regulation or an international trade agreement is ineligible for classification under the Maine Tree Growth Tax Law and the landowner may not receive certain tax incentives or state grants or other state funding.

This bill, which had been voted (ONTP/OTP-A) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2123     An Act To Create Fairness in the Revitalization of Maine's Paper Industry** **CARRIED OVER**

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

This bill creates a refundable income tax credit for a paper manufacturer that:

1. Makes qualifying investments before January 1, 2024, of at least \$15,000,000 to acquire, modernize or improve the machinery used for the production of paper products at paper manufacturing facilities in this State;
2. Employs at least 400 employees at a paper manufacturing facility in this State, at least 75% of whom earn at least 115% of the most recent annual per capita personal income in the county in which the qualified employee is employed;
3. Is located in an area of the State with high unemployment that is not a low-income community that qualifies under the federal new markets tax credit program;
4. Does not receive a Maine new markets capital investment credit for the same investment; and
5. Is headquartered or will be headquartered in this State.

The refundable credit is equal to 4% of the qualified investment per year for 10 years, subject to certain limitations, such as a cap of \$40,000,000 on the total investment eligible for the credit for all taxpayers, for a maximum of aggregate credit claimed of \$1,600,000 per year.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 778.

**LD 2127     An Act To Support Farmland Preservation By Allowing the Siting of Solar Energy Installations on Land Enrolled in the Farm and Open Space Tax Law Program** **CARRIED OVER**

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

This bill allows the siting of solar energy installations on land classified as farmland under the farm and open space tax law as on April 1, 2020, without requiring the portion of the parcel on which the solar energy installation is

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located to be withdrawn from the farm and open space tax law program.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2161    An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2020-21**

**PUBLIC 675  
EMERGENCY**

Sponsor(s)

TIPPING R

Committee Report

Amendments Adopted

This bill was not referred to a committee.

This bill establishes municipal cost components for state and county services provided to the unorganized territory that would normally be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

**Enacted Law Summary**

Public Law 2019, chapter 675 establishes municipal cost components for state and county services provided to the unorganized territory that would normally be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

Public Law 2019, chapter 675 was enacted as an emergency measure effective March 18, 2020.



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**SUBJECT INDEX**

**Administration of Tax Laws**

**Enacted**

**LD 2008      An Act Making Technical Changes to the Maine Tax Laws      PUBLIC 607**

**Income Tax - General**

**Not Enacted**

**LD 403      An Act To Prevent Tax Haven Abuse      CARRIED OVER**

**LD 903      An Act To Improve Corporate Tax Fairness by Amending the Rates  
Imposed on Corporate Income      ONTP**

**LD 1993      An Act To Clarify the Law Relating to Corporate Income Tax Nexus and  
the Shipment of Spirits into the State      CARRIED OVER**

**LD 2010      An Act To Update References Contained in the Maine Revised Statutes to  
the United States Internal Revenue Code of 1986      CARRIED OVER**

**Income Tax Credits, Exemptions, Deductions and Incentives**

**Enacted**

**LD 1645      An Act To Create Affordable Workforce and Senior Housing and  
Preserve Affordable Rural Housing      PUBLIC 555**

**LD 1698      An Act To Create Jobs and Slow Climate Change by Promoting the  
Production of Natural Resources Bioproducts      PUBLIC 628**

**Not Enacted**

**LD 70      An Act To Support the Trades through a Tax Credit for Apprenticeship  
Programs      CARRIED OVER**

**LD 71      An Act To Reinstate the Income Tax Deduction for Contributions to  
College Savings Accounts      CARRIED OVER**

<b>LD 72</b>	<b>An Act To Provide an Income Tax Exemption for Military Pay without Regard to Where the Military Service Was Performed</b>	<b>CARRIED OVER</b>
<b>LD 73</b>	<b>An Act To Provide an Income Tax Credit for Certain Student Loan Repayments Made Directly to a Lender on Behalf of a Taxpayer</b>	<b>CARRIED OVER</b>
<b>LD 104</b>	<b>An Act To Replace the Earned Income Tax Credit in Maine with the Maine Work Credit</b>	<b>CARRIED OVER</b>
<b>LD 162</b>	<b>An Act To Provide Equity in the State Income Tax Deduction for Certain Public Employees Retirement System Pensions</b>	<b>CARRIED OVER</b>
<b>LD 607</b>	<b>An Act To Provide Equitable Taxation for the Food and Beverage Industry</b>	<b>CARRIED OVER</b>
<b>LD 977</b>	<b>An Act To Restore the Super Credit for Substantially Increased Research and Development</b>	<b>CARRIED OVER</b>
<b>LD 1019</b>	<b>An Act To Increase the Maximum Pension Deduction for State Income Tax</b>	<b>CARRIED OVER</b>
<b>LD 1156</b>	<b>An Act To Create the Savings Account Program for Small Businesses</b>	<b>ONTP</b>
<b>LD 1158</b>	<b>An Act To Provide Property Tax Relief</b>	<b>CARRIED OVER</b>
<b>LD 1163</b>	<b>An Act Regarding Energy, Utilities and Technology</b>	<b>ONTP</b>
<b>LD 1164</b>	<b>An Act To Improve the Educational Opportunity Tax Credit</b>	<b>CARRIED OVER</b>
<b>LD 1200</b>	<b>An Act To Amend the Maine Seed Capital Tax Credit Program</b>	<b>CARRIED OVER</b>
<b>LD 1256</b>	<b>An Act To Provide a Health Care Preceptor Tax Credit</b>	<b>CARRIED OVER</b>
<b>LD 1424</b>	<b>An Act To Create an Access to Justice Income Tax Credit</b>	<b>CARRIED OVER</b>
<b>LD 1520</b>	<b>An Act To Create and Sustain Jobs and Encourage Affordable Housing through Development of Cooperatives and Employee-owned Businesses</b>	<b>CARRIED OVER</b>
<b>LD 1647</b>	<b>An Act To Provide Tax Fairness to Maine's Middle Class and Working Families</b>	<b>ONTP</b>
<b>LD 1919</b>	<b>An Act To Provide a Tax Credit for Family Caregivers</b>	<b>CARRIED OVER</b>
<b>LD 1980</b>	<b>An Act To Create Incentives for Employers To Allow Employees To Work Remotely in Rural Maine</b>	<b>CARRIED OVER</b>

LD 2123 An Act To Create Fairness in the Revitalization of Maine's Paper Industry CARRIED OVER

### Multiple Taxes

#### Enacted

LD 2047 An Act To Amend the State Tax Laws PUBLIC 659

#### Not Enacted

LD 731 An Act To Amend the Maine Tax Laws ONTP

LD 2011 An Act To Update Certain Provisions in the Income Tax and Service Provider Tax Laws CARRIED OVER

### Municipal Revenue Sharing

#### Not Enacted

LD 133 An Act To Fully Restore State-Municipal Revenue Sharing for Fiscal Year 2018-19 ONTP

LD 193 An Act To Fully Fund and Restore State-Municipal Revenue Sharing CARRIED OVER

### Other Taxes

#### Not Enacted

LD 268 An Act To Create a Credit under the Commercial Forestry Excise Tax for Landowners Using Businesses Based in the United States Veto Sustained

LD 335 An Act To Require the State To Distribute 12 Percent of Adult Use Marijuana Retail Sales and Excise Tax Revenue to Generating Municipalities CARRIED OVER

LD 420 An Act To Amend the Maine Exclusion Amount in the Estate Tax CARRIED OVER

LD 625 An Act To Phase Out the Insurance Premium Tax on Annuities CARRIED OVER

LD 1076 An Act To Account for Market Change in the Adult Use Marijuana Excise Tax ONTP

LD 1322 An Act To Provide Equitable Tax Treatment to State-licensed Marijuana Businesses CARRIED OVER

LD 1362	An Act To Fund Opioid Treatment by Establishing an Excise Tax on Manufacturers of Opioids	CARRIED OVER
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**Property Tax – Current Use**

**Not Enacted**

LD 1150	An Act To Amend the Maine Tree Growth Tax Law To Encourage Public Access	CARRIED OVER
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LD 2061	An Act Regarding the Transportation of Products in the Forest Products Industry	CARRIED OVER
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LD 2127	An Act To Support Farmland Preservation by Allowing the Siting of Solar Energy Installations on Land Enrolled in the Farm and Open Space Tax Law Program	CARRIED OVER
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**Property Tax - Exemptions**

**Not Enacted**

LD 163	An Act Regarding Property Tax Relief for Veterans	ONTP
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LD 164	An Act To Reduce Property Taxes for Maine Residents	CARRIED OVER
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LD 241	An Act To Adjust the Personal Property Tax Exemption for Farm Machinery	CARRIED OVER
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LD 560	An Act To Improve Access to Property Tax Exemptions for New Homeowners	CARRIED OVER
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LD 564	An Act To Encourage the Installation of Solar Panels on Residential Property	ONTP
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LD 989	An Act To Improve Maine’s Tax Laws by Providing a Property Tax Exemption for Central Labor Councils	CARRIED OVER
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LD 1042	An Act To Exempt Disabled Veterans from Property Taxes in Accordance with Their Disability Ratings	CARRIED OVER
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LD 1194	An Act To Increase Property Tax Relief for Veterans	CARRIED OVER
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LD 1234	An Act To Expand the Value of the Homestead Exemption to \$25,000 and State Reimbursement to 70 Percent of Lost Property Tax Revenue	CARRIED OVER
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**Property Tax - General**

**Not Enacted**

LD 451	An Act To Repeal the Recently Enacted Changes to the Law Governing Tax Lien Foreclosure	ONTP
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**Property Tax - Valuation**

**Not Enacted**

LD 1898	An Act Regarding Property Taxes on Certain Energy Generation Projects	ONTP
LD 2045	An Act Relating to the Valuation of Certain Retail Property	CARRIED OVER

**Property Tax Relief Programs**

**Not Enacted**

LD 682	An Act To Provide Seniors and Certain Persons with Disabilities Assistance with Property Taxes through the Deferral of Those Taxes	CARRIED OVER
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**Sales and Use Tax**

**Not Enacted**

LD 609	An Act To Provide Municipalities Additional Sales Tax Revenue from Lodging Sales	CARRIED OVER
LD 709	An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax	CARRIED OVER
LD 1254	An Act To Authorize a Local Option Sales Tax on Meals and Lodging and Provide Funding To Treat Opioid Use Disorder	CARRIED OVER

**Sales Tax Exemptions, Exclusions or Refunds**

**Enacted**

LD 1597	An Act To Provide a Sales Tax Exemption for Purchases Made by Nonprofit Youth Camps	PUBLIC 550
LD 1718	An Act To Exempt Purchases by Pet Food Pantries from Sales Tax	PUBLIC 551

LD 1808 An Act To Provide a Sales Tax Exemption for Certain Nonprofit Charitable Organizations PUBLIC 552

**Not Enacted**

LD 85 An Act To Establish a Sales Tax Exemption for the Purchase of Firearm Safety Devices CARRIED OVER

LD 286 An Act To Provide a Sales Tax Exemption for Menstrual Products CARRIED OVER

LD 424 An Act To Provide a Sales Tax Exemption for Baling Twine, Net and Wrapping for Hay CARRIED OVER

LD 660 An Act To Exempt Sales to Parent-Teacher Organizations from the Sales Tax CARRIED OVER

LD 726 An Act To Make Sales to Area Agencies on Aging Tax-exempt CARRIED OVER

LD 732 An Act To Provide a Sales Tax Exemption for Nonprofit Career and Technical Student Organizations CARRIED OVER

LD 863 An Act To Exempt Diapering Products from Sales Tax CARRIED OVER

LD 1238 An Act To Exempt Certain Print Publications from Sales Tax CARRIED OVER

LD 1608 An Act To Exempt Trailers Sold to Out-of-state Entities from Sales and Use Tax CARRIED OVER

LD 1914 An Act To Provide a Sales Tax Exemption for Textbooks CARRIED OVER

**Tax Increment Financing**

**Enacted**

LD 1958 An Act To Expand Tax Increment Financing To Include Adult Care Facilities and Services and Certain Child Care Facilities PUBLIC 604

**Tax Reform - Restructuring**

**Not Enacted**

LD 1929 Resolve, Establishing the Commission To Study Fair, Equitable and Competitive Tax Policy for Maine's Working Families and Small Businesses CARRIED OVER

**Unorganized Territory**

**Enacted**

<b>LD 2012</b>	<b>Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory</b>	<b>RESOLVE 119</b>
<b>LD 2161</b>	<b>An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2020-21</b>	<b>PUBLIC 675 EMERGENCY</b>

**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

November 2020

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REP. DUSTIN MICHAEL WHITE  
REP. THOMAS H. MARTIN, JR.





*Joint Standing Committee on Transportation*

**LD 83      An Act To Amend the Law Regarding Resale by a Motor Vehicle Dealer      ONTP**  
**To Permit the Dealer To Use a Copy of a Certificate of Title**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows a dealer selling a motor vehicle to use a copy of the valid certificate of title instead of the original valid certificate of title.

**LD 380      An Act To Revise the Calculation of Tolls Established for the Maine      Leave to Withdraw**  
**State Ferry Service      Pursuant to Joint**  
**Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUDERA V HERBIG E		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires the Department of Transportation, by rule, to establish ferry tolls for each route of travel that are based upon the cost of service for vehicles, freight and passengers, and allows the department to provide discounted tolls for frequent usage of the Maine State Ferry Service. This bill also requires that the Marine Highway account must fund 100% of the capital costs and no more than 75% of the operating costs of the Maine State Ferry Service.

**LD 571      Resolve, Directing the Department of Transportation To Conduct an      RESOLVE 138**  
**Economic Feasibility Study for Commuter and Passenger Train Service**  
**between Portland and the Lewiston and Auburn Area**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B CLAXTON N	OTP-AM	H-736

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve directs the Department of Transportation to initiate a service development plan for commuter and passenger train service between Portland and the Lewiston and Auburn area. The plan must indicate the locations of railway stations in towns along the corridor route and include an environmental impact statement for each station site. It directs the department to submit a progress report to the Joint Standing Committee on Transportation by January 15, 2020.

## *Joint Standing Committee on Transportation*

### **Committee Amendment "A" (H-736)**

This amendment replaces the resolve and does the following.

1. It directs the Department of Transportation to conduct an economic feasibility study for commuter and passenger train service between Portland and the Lewiston and Auburn area.
2. It requires the department to submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters by February 1, 2021.
3. It allows the joint standing committee of the Legislature having jurisdiction over transportation matters to submit a bill to the First Regular Session of the 130th Legislature based on the findings provided in the department's report.
4. It requires that 1/3 of the costs of the study must come from the Multimodal Transportation Fund under the Maine Revised Statutes, Title 23, section 4210-B and 2/3 of the costs must be provided by municipalities that would be directly impacted by the commuter and passenger train service and private entities interested in the commuter and passenger train service.
5. It provides that no funds may be transferred to the department for the purpose of conducting the study unless the department receives commitments from the municipalities and private entities sufficient to fund 2/3 of the costs of the study.
6. It provides that if municipalities and private entities have not committed to providing the required funding for the study by August 1, 2020, the department is not authorized to accept any funds or conduct the study.

### **Enacted Law Summary**

Resolve 2019, chapter 138 does the following.

1. It directs the Department of Transportation to conduct an economic feasibility study for commuter and passenger train service between Portland and the Lewiston and Auburn area.
2. It requires the department to submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters by February 1, 2021.
3. It allows the joint standing committee of the Legislature having jurisdiction over transportation matters to submit a bill to the First Regular Session of the 130th Legislature based on the findings provided in the department's report.
4. It requires that 1/3 of the costs of the study must come from the Multimodal Transportation Fund under the Maine Revised Statutes, Title 23, section 4210-B and 2/3 of the costs must be provided by municipalities that would be directly impacted by the commuter and passenger train service and private entities interested in the commuter and passenger train service.
5. It provides that no funds may be transferred to the department for the purpose of conducting the study unless the department receives commitments from the municipalities and private entities sufficient to fund 2/3 of the costs of the study.
6. It provides that if municipalities and private entities have not committed to providing the required funding for the study by August 1, 2020, the department is not authorized to accept any funds or conduct the study.

*Joint Standing Committee on Transportation*

**LD 599      An Act To Ensure Fair Access and Pricing for Residents Who Use the  
Maine State Ferry Service**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E DOUDERA V		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires that state support to the Marine Highway account must fund 100% of the capital and operating costs of the Maine State Ferry Service. It also requires the Department of Transportation to establish, by rule, ferry tolls separately for each route of travel and to adopt no later than November 1, 2019, the toll rates that were in effect on May 20, 2018.

**LD 689      An Act Regarding Temporary Signs That Are Placed in the Public  
Right-of-way**

**PUBLIC 594**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B	OTP-AM	S-393

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill limits the placement of temporary signs related to an event in the public right-of-way by prohibiting their placement more than six weeks before the event.

**Committee Amendment "A" (S-393)**

This amendment prohibits a temporary sign from being placed within the public right-of-way for more than six weeks from January 1st to June 30th or for more than six weeks from July 1st to December 31st.

**Enacted Law Summary**

Public Law 2019, chapter 594 prohibits a temporary sign from being placed within the public right-of-way for more than six weeks from January 1st to June 30th or for more than six weeks from July 1st to December 31st.

**LD 778      An Act To Create the Fund for Municipalities To Improve Pedestrian  
Safety**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N BRYANT M	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

**Joint Standing Committee on Transportation**

This bill establishes the Fund for Municipalities To Improve Pedestrian Safety as a program account in the Highway Fund within the Department of Transportation. The bill provides that the fund must be used for pedestrian safety improvements, such as lights, paint, signs, speed bumps and reconstruction of intersections. The bill also provides that a municipality or a group of municipalities may apply for funding from the fund. Up to 80% of project costs for pedestrian safety improvements may be financed from the fund with the remainder of the costs provided by the municipality or group of municipalities, except that up to 100% of proposed project costs for pedestrian safety improvements may be financed from the fund if the project is located within an area identified by the Department of Transportation as a dangerous intersection based on pedestrian crash data. The bill also requires the department to notify municipalities of the required biennial report and pedestrian crash data. Finally, the bill provides that the Fund for Municipalities To Improve Pedestrian Safety receives revenue from uncommitted balances in the Multimodal Transportation Fund and other funds from any public or private source.

**LD 992      Resolve, To Extend the Down East Sunrise Trail from Ayers Junction to Calais      CARRIED OVER**

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

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to develop a fully off-road trail corridor linking the East Coast Greenway's northern terminus at the Ferry Point International Bridge in Calais with the Down East Sunrise Trail's eastern terminus at Ayers Junction.

This bill, which had been reported out of committee but not yet taken up by the House or the Senate, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1034      An Act To Provide Revenue To Fix and Rebuild Maine's Transportation Infrastructure      ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill does the following for the purpose of increasing revenue to the Highway Fund and for other transportation purposes.

1. It increases certain fees charged by the Secretary of State for driver's license examinations, temporary license plates, duplicate registrations, titles, driver's licenses, nondriver identification cards and transfers of registrations.
2. It increases the sales tax on the short-term rental of automobiles and certain pickup trucks and vans from 10% to 12%.
3. It requires 5% of the sales tax imposed on transportation-related items, such as motor vehicles and products for

**Joint Standing Committee on Transportation**

the repair and maintenance of motor vehicles, such as motor oil, batteries and tires, to be transferred to the Highway Fund on a monthly basis.

4. Beginning October 1, 2019, it increases the tax imposed on gasoline to 36.5¢ per gallon and the tax imposed on special fuel to 37.7¢ per gallon.

**LD 1084     An Act Regarding the Operation of Pedal-powered Tour Vehicles**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H SYLVESTER M	ONTP OTP-AM	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill defines "pedal-powered tour vehicle" and permits such vehicles to be used on public ways. The bill provides that a municipality may restrict the operation of a pedal-powered tour vehicle on a public way within the municipality only by requiring evidence of liability insurance and compliance with equipment standards and traffic restrictions established by the municipality.

**Committee Amendment "A" (S-383)**

This amendment is the minority report of the committee. This amendment replaces the bill. The amendment restricts a person from operating a pedal-powered tour vehicle on any portion of a public way that is not within a municipality, defines "pedal-powered tour vehicle" and exempts pedal-powered tour vehicles from the definition of "motor vehicle." It subjects the operator of a pedal-powered tour vehicle to the open container laws and allows a municipality to establish additional restrictions related to open alcoholic beverage containers and the consumption of alcohol by passengers on a pedal-powered tour vehicle. The amendment also creates equipment requirements for the operation of pedal-powered tour vehicles and creates licensing requirements, which include proof of insurance, for any municipality that allows the operation of pedal-powered tour vehicles.

This amendment requires that, if a municipality allows the operation of a pedal-powered tour vehicle on a public way, the municipality must create designated zones of operation for pedal-powered tour vehicles and such zones may not include public ways with a speed limit that exceeds 15 miles per hour. The amendment also creates requirements for the operators of pedal-powered tour vehicles and allows municipalities to establish other inspection, equipment and safety standards.

This amendment was not adopted.

**LD 1141     Resolve, Directing the Department of Transportation To Construct the  
Merrymeeting Trail from Topsham to Gardiner**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C VITELLIE	ONTP	

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.



*Joint Standing Committee on Transportation*

2. Increasing the rate of pay for certain positions in the Department of Transportation by \$2 per hour.

**LD 1390 An Act To Fund Saco Area Traffic Improvements**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill, based on the recommendations of the study conducted jointly by the Department of Transportation, the Maine Turnpike Authority and the City of Saco, provides 40% of the estimated cost of the construction of a new exit and spur from the Maine Turnpike to serve communities near Exit 36 of the Maine Turnpike, such as Saco, Old Orchard Beach and Hollis. The recommendation of the study was for the cost to be split as follows: 40% to be provided by the Department of Transportation; 40% to be provided by the Maine Turnpike Authority; and 20% to be provided by the City of Saco.

**LD 1498 An Act To Provide Equity for Commercial Vehicles on Roads and Bridges in Maine**

**PUBLIC 624**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MCLEANA	OTP-AM	S-428

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Current law allows certain commercial vehicles at Canadian weight limits that are higher than those in this State to travel from the United States-Canada border to certain points in this State. This bill repeals that law and allows certain commercial vehicles to be operated in this State at those higher weight limits. A combination vehicle consisting of a three-axle truck tractor with a tri-axle semitrailer may be operated with a maximum gross vehicle weight of 108,900 pounds. A combination vehicle consisting of a three-axle truck tractor with a semitrailer-semitrailer combination configured as a B-train double with eight axles total may be operated with a gross vehicle weight of 137,700 pounds.

**Committee Amendment "A" (S-428)**

This amendment does the following.

1. It states that after December 31, 2025, the Department of Transportation may not authorize certain routes from the United States-Canada border to certain points in this State for commercial vehicles transporting wood at Canadian gross vehicle weight limits; and
2. It requires the department to submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 1, 2024, regarding the effects on road conditions and recommendations for continuance, discontinuance or modification of allowing certain commercial vehicles to travel at Canadian gross vehicle weight limits. It allows the joint standing committee to submit legislation based on the findings and recommendations in the report to the Second Regular Session of the 131st Legislature.

*Joint Standing Committee on Transportation*

**Enacted Law Summary**

Public Law 2019, chapter 624 does the following:

1. It states that after December 31, 2025, the Department of Transportation may not authorize certain routes from the United States-Canada border to certain points in this State for commercial vehicles transporting wood at Canadian gross vehicle weight limits; and
2. It requires the department to submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 1, 2024, regarding the effects on road conditions and recommendations for continuance, discontinuance or modification of allowing certain commercial vehicles to travel at Canadian gross vehicle weight limits. It allows the joint standing committee to submit legislation based on the findings and recommendations in the report to the Second Regular Session of the 131st Legislature.

**LD 1533 An Act To Eliminate Registration Plate Decals**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill eliminates the requirement that the Secretary of State must issue annual registration plates or decals. It repeals language setting the price for replacement decals for plates at 50¢ each. It repeals a provision that makes it a Class E crime to attach or display on a vehicle registration plate a decal issued for another vehicle.

**LD 1714 Resolve, Directing the Secretary of State To Enter into a Reciprocal Agreement between the State and Taiwan Regarding Driver's Licenses**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART T KEIM L	ONTP	

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve directs the Secretary of State to begin negotiations toward the development of a reciprocal agreement between the Department of the Secretary of State, Bureau of Motor Vehicles and Taiwan for reciprocity, beginning January 1, 2021, in issuing driver's licenses to residents of this State who reside in Taiwan and to Taiwanese citizens who reside in this State.

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**LD 1861 An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2021 and To Increase the Maine Turnpike Authority Revenue Bond Limit**

**P & S 16**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-673

This bill makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2021, in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

**Committee Amendment "A" (H-673)**

This amendment increases the Maine Turnpike Authority revenue bond limit from \$486,000,000 to \$600,000,000.

**Enacted Law Summary**

Private and Special Law 2019, chapter 16 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2021, in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6. It also increases the Maine Turnpike Authority revenue bond limit from \$486,000,000 to \$600,000,000.

**LD 1870 An Act To Create the Maine Lighthouse Trust Registration Plate**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANTD KESCHL D	OTP-AM	S-394

This bill creates the Maine Lighthouse Trust special registration plate to support lighthouse restoration and preservation efforts.

**Committee Amendment "A" (S-394)**

This amendment provides funding for the design and manufacture of the new Maine Lighthouse Trust license plate.

This bill was carried over on the Special Highway Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1875 An Act Regarding the Naming of Bridges and Designating Bridge 5818 as the Specialist Wade A. Slack Memorial Bridge**

**PUBLIC 565**

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

This bill requires the Department of Transportation to designate Bridge 5818 on Interstate 95, which crosses Main Street in the City of Waterville, the Specialist Wade A. Slack Memorial Bridge. The bill also requires the department, when designating a bridge in this State with a specific name, to deem separate bridges that run parallel

## *Joint Standing Committee on Transportation*

to one another on the same highway as one bridge for the purposes of that designation.

### **Enacted Law Summary**

Public Law 2019, chapter 565 requires the Department of Transportation to designate Bridge 5818 on Interstate 95, which crosses Main Street in the City of Waterville, the Specialist Wade A. Slack Memorial Bridge. The bill also requires the department, when designating a bridge in this State with a specific name, to deem separate bridges that run parallel to one another on the same highway as one bridge for the purposes of that designation.

**LD 1876      Resolve, To Name Bridge 3880 in the Town of Dresden the Veterans Memorial Bridge**

**RESOLVE 118**

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

This resolve requires the Department of Transportation to name Bridge 3880 in the Town of Dresden the Veterans Memorial Bridge.

### **Enacted Law Summary**

Resolve 2019, chapter 118 requires the Department of Transportation to name Bridge 3880 in the Town of Dresden the Veterans Memorial Bridge.

**LD 1886      Resolve, To Rename the Sibley Pond Bridge the William Harris Memorial Bridge**

**RESOLVE 127  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOORE D FARRIN B	OTP	

This resolve requires the Department of Transportation to rename the Sibley Pond Bridge in the Town of Canaan and the Town of Pittsfield the William Harris Memorial Bridge.

### **Enacted Law Summary**

Resolve 2019, chapter 127 requires the Department of Transportation to rename the Sibley Pond Bridge in the Town of Canaan and the Town of Pittsfield the William Harris Memorial Bridge.

Resolve 2019, chapter 127 was finally passed as an emergency measure effective March 18, 2020.

**LD 1887      Resolve, To Reduce the Operational Costs of Ferries in the State**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONALD G VITELLI E	ONTP	

This resolve directs the Department of Transportation, Maine State Ferry Service to seek alternative fuel sources for its ferry vessels, including electricity from renewable sources, in order to help reduce or control ongoing operational costs as well as to help the State meet its climate goals. It directs the Maine State Ferry Service to develop an evaluation process to compare the cost of fuel over the anticipated service life of a vessel powered by electricity and

*Joint Standing Committee on Transportation*

a vessel powered by fossil fuel to use as part of the new vessel procurement process. The department is directed to perform a feasibility assessment to determine the costs and barriers associated with the use by the Maine State Ferry Service of ferry vessels powered by electricity instead of fossil fuel and to submit a report on its findings and the vessel evaluation process developed by the Maine State Ferry Service to the Joint Standing Committee on Transportation by July 31, 2020.

**LD 1899 An Act To Amend Certain Motor Vehicle Laws**

**PUBLIC 634**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B BRYANT M	OTP-AM	S-419

This bill makes the following changes to the motor vehicle laws.

1. It clarifies the law with respect to weight requirements for heavy duty recovery vehicles.
2. It allows the Secretary of State to assist law enforcement entities by providing driver's license biometric technology records. The bill prohibits the Secretary of State from allowing an outside entity to use biometric technology to search driver's license records.
3. It repeals the law establishing the Motor Carrier Review Board in order to remove conflicts with the motor carrier review process conducted by the Department of the Secretary of State, Bureau of Motor Vehicles.

**Committee Amendment "A" (S-419)**

This amendment allows the Secretary of State to provide information, including digital images, produced by searching its records using facial recognition technology to law enforcement agencies only in emergency circumstances involving an immediate threat to the life of a person or pursuant to major substantive rules adopted by the Secretary of State.

**Enacted Law Summary**

Public Law 2019, chapter 634 makes the following changes to the motor vehicle laws.

1. It clarifies the law with respect to weight requirements for heavy duty recovery vehicles.
2. It allows the Secretary of State to provide information, including digital images, produced by searching its records using facial recognition technology to law enforcement agencies only in emergency circumstances involving an immediate threat to the life of a person or pursuant to major substantive rules adopted by the Secretary of State.
3. It repeals the law establishing the Motor Carrier Review Board in order to remove conflicts with the motor carrier review process conducted by the Department of the Secretary of State, Bureau of Motor Vehicles.

**LD 1900 An Act To Amend the Laws Governing Motor Vehicle Child Restraint Systems To Allow Certain Exceptions**

**PUBLIC 577**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S O'NEIL M	OTP-AM	S-382

## Joint Standing Committee on Transportation

This bill amends the laws governing motor vehicle child restraint systems to provide exceptions for children who exceed a manufacturer's recommended height limit and for children who have a medical condition that necessitates a different child restraint system.

### Committee Amendment "A" (S-382)

This amendment does the following.

1. It requires that a child restraint system for children two years of age or older and weighing less than 55 pounds must have an internal harness.
2. It clarifies that children less than eight years of age who weigh less than 80 pounds and are less than 57 inches in height must be properly secured in a belt positioning seat or other child restraint system.
3. It clarifies that a child with a medical condition that, in the written opinion of a physician, nurse practitioner, physician assistant or child passenger safety technician with special needs training, necessitates that a different child restraint system be used is required to be secured in a child restraint system recommended in the opinion.

### Enacted Law Summary

Public Law 2019, chapter 577 does the following.

1. It requires that a child restraint system for children two years of age or older and weighing less than 55 pounds must have an internal harness.
2. It clarifies that children less than eight years of age who weigh less than 80 pounds and are less than 57 inches in height must be properly secured in a belt positioning seat or other child restraint system.
3. It clarifies that a child with a medical condition that, in the written opinion of a physician, nurse practitioner, physician assistant or child passenger safety technician with special needs training, necessitates that a different child restraint system be used is required to be secured in a child restraint system recommended in the opinion.

### LD 1901     **An Act To Amend the Laws Prohibiting the Use of Handheld Phones and Devices While Driving**

**PUBLIC 579  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B	OTP-AM	S-386

This bill simplifies the definition of "handheld electronic device" in recently enacted law prohibiting the use of handheld electronic devices while driving. It adds parking areas to the places where the use of mobile telephones and handheld electronic devices while driving is prohibited. It changes the penalty provisions to provide a fine of \$50 for the first offense and \$250 for a second or subsequent offense.

### Committee Amendment "A" (S-386)

This amendment removes parking areas from the places where using a handheld electronic device while operating a motor vehicle is prohibited and restores the exemption for devices utilizing "push to talk" features from the prohibition on the use of handheld electronic devices.

### Enacted Law Summary

Public Law 2019, chapter 579 simplifies the definition of "handheld electronic device" in recently enacted law

*Joint Standing Committee on Transportation*

prohibiting the use of handheld electronic devices while driving, and it changes the penalty provisions to provide a fine of \$50 for the first offense and \$250 for a second or subsequent offense.

Public Law 2019, chapter 579 was enacted as an emergency measure effective March 6, 2020.

**LD 1927      Resolve, Directing the Department of Transportation To Erect and Maintain Markers To Commemorate and Recognize the Lafayette Trail      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S	OTP-AM ONTP	S-427

This resolve directs the Department of Transportation to erect and maintain suitable signs and other markers at or near each portion of the route followed by the Marquis de Lafayette while he was in Maine, to be designated the Lafayette Trail.

**Committee Amendment "A" (S-427)**

This amendment is the majority report of the committee. This amendment, which replaces the resolve, specifically designates each portion of the Lafayette Trail for the purposes of the placement of suitable signs and markers by the Department of Transportation.

This resolve was carried over on the Special Highway Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1966      An Act To Amend the Laws Regarding Parking for Vehicles with Disability Placards and Plates      PUBLIC 648**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M	OTP-AM	H-735

Current law authorizes a vehicle with a disability placard or registration plate to park at a parking meter with no charge. This bill extends this authorization to public ways and other parking areas administered by municipalities.

**Committee Amendment "A" (H-735)**

This amendment allows a vehicle that exhibits a permanent placard, a temporary placard or a disability registration plate to park at a parking area that is not a parking facility free of charge and for twice the time limit otherwise allowed.

**Enacted Law Summary**

Public Law 2019, chapter 648 allows a vehicle that exhibits a permanent placard, a temporary placard or a disability registration plate to park at a parking area that is not a parking facility free of charge and for twice the time limit otherwise allowed.

*Joint Standing Committee on Transportation*

**LD 1981    An Act Regarding the Regulation of Tiny Homes**

**PUBLIC 650  
EMERGENCY**

<u>Sponsor(s)</u> CARPENTER M	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-429
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This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to define what a tiny house is and to allow for the titling of a tiny house as a camp trailer or a trailer.

**Committee Amendment "A" (S-429)**

This amendment replaces the bill, which is a concept draft, and changes the title. The amendment also does the following.

1. It defines "tiny home."
2. It amends the use of temporary registration permit provisions to allow transportation of a vehicle after sale, transportation necessary for service or repairs of a vehicle, occasional seasonal relocation of a vehicle or transportation necessary for the relocation of a tiny home.
3. It provides that a temporary registration permit may not be issued for a vehicle that is otherwise subject to registration.
4. It establishes a \$100 fee for the certificate of title of a tiny home or manufactured housing.
5. It provides a process to apply for, issue and cancel certificates of title for tiny homes.
6. It requires that tiny homes be equipped with safe tires and meet the equipment requirements applicable to trailers.
7. It adds an emergency preamble and clause.

**Enacted Law Summary**

Public Law 2019, chapter 650 does the following.

1. It defines "tiny home."
2. It amends current law on the use of temporary registration permits provisions to allow transportation of a vehicle after sale, transportation necessary for service or repairs of a vehicle, occasional seasonal relocation of a vehicle or transportation necessary for the relocation of a tiny home.
3. It provides that a temporary registration permit may not be issued for a vehicle that is otherwise subject to registration.
4. It establishes a \$100 fee for the certificate of title of a tiny home or manufactured housing.
5. It provides a process to apply for, issue and cancel certificates of title for tiny homes.
6. It requires that tiny homes be equipped with safe tires and meet the equipment requirements applicable to trailers.



*Joint Standing Committee on Transportation*

Portland Area Comprehensive Transportation System.

**Enacted Law Summary**

Public Law 2019, chapter 554 authorizes the board of directors of the Greater Portland Transit District to accept applications for membership from municipalities that are contiguous to, as well as those located wholly or partially within, the Portland Area Comprehensive Transportation System.  
Public Law 2019, chapter 554 was enacted as an emergency measure effective February 4, 2020.

**LD 2030      An Act To Provide an Appeals Process for Administrative Suspensions of Provisional Driver's Licenses      ONTP**

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

This bill provides the Secretary of State discretion as to whether to suspend the driver's license of a driver under 18 years of age who has violated restrictions that apply only to drivers under 18 years of age. It also provides such a driver whose license has been suspended the opportunity to request a hearing.

**LD 2036      Resolve, To Establish the Blue Ribbon Commission To Continue Studying and Recommend Funding Solutions for the State's Transportation Systems      RESOLVE 112 EMERGENCY**

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

This resolve was reported by the Joint Standing Committee on Transportation pursuant to Resolve 2019, chapter 97, section 7 to implement the recommendation of the Blue Ribbon Commission To Study and Recommend Funding Solutions for the State's Transportation Systems.

This resolve establishes the Blue Ribbon Commission To Continue Studying and Recommend Funding Solutions for the State's Transportation Systems to continue the work of studying funding solutions for the State's transportation systems as recommended by the report of the previous commission created by Resolve 2019, chapter 97.

**Enacted Law Summary**

Resolve 2019, chapter 112 establishes the Blue Ribbon Commission To Continue Studying and Recommend Funding Solutions for the State's Transportation Systems to continue the work of studying funding solutions for the State's transportation systems as recommended by the report of the previous commission created by Resolve 2019, chapter 97.  
Resolve 2019, chapter 112 was finally passed as an emergency measure effective January 21, 2020.

**LD 2064      An Act To Amend the Laws Governing Local Bridges      CARRIED OVER**

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

## Joint Standing Committee on Transportation

This bill requires the Department of Transportation to notify a municipality when a bridge for which a municipality has maintenance responsibility requires a posting or closure and requires the municipality to carry out the posting or closure. Current law provides a municipality sole responsibility to determine whether such a bridge must be posted or closed. The bill provides that the department's responsibility to pay a portion of the cost of a capital improvement for a low use or redundant bridge on a town way is subject to available funds. It provides that in order for the department to accept certain responsibilities for an improved bridge or for a new bridge, the department must approve the design of the improvements or construction before the improvements are made or the bridge is constructed. The design of the improvements or construction must meet standards set by the department and be sealed by a professional engineer. The department must inspect the bridge after it is improved or constructed. The bill also changes how often the department must prepare a list of bridges that are eligible for capital improvement from biennially to annually and removes the requirement that this list be arranged in priority order using accepted bridge management principles.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2066     An Act To Authorize the Maine Pilotage Commission To Establish  
Alternative Initial License Criteria for Existing Pilots Seeking  
Endorsements for Low Traffic Volume Routes**

**PUBLIC 663**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEANA	OTP-AM	H-734

This bill allows the Maine Pilotage Commission to establish alternative initial license criteria for existing pilots who are seeking low-volume route endorsements and requires the commission to adopt routine technical rules to implement any criteria that are established.

**Committee Amendment "A" (H-734)**

This amendment clarifies the language in the bill allowing the Maine Pilotage Commission to establish alternative initial license criteria for pilots who are seeking low traffic volume route endorsements and requiring the commission to adopt routine technical rules to implement any criteria that are established.

The amendment makes minor technical changes, including:

1. Removing a reference to "existing" pilots;
2. Clarifying how the alternative criteria relate to the current training trip requirements; and
3. Moving the new provisions to their own paragraph.

**Enacted Law Summary**

Public Law 2019, chapter 663 allows the Maine Pilotage Commission to establish alternative initial license criteria for existing pilots who are seeking low-volume route endorsements and requires the commission to adopt routine technical rules to implement any criteria that are established.

*Joint Standing Committee on Transportation*

**LD 2100      An Act To Require Third-party Certification for Persons Undertaking Corrosion Prevention and Mitigation Projects for Public Water Supply and Wastewater Infrastructure and Bridges      ONTP**

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

This bill requires the adoption of rules by the Department of Health and Human Services and the Department of Transportation governing corrosion prevention and mitigation for bridges, public water supply infrastructure and public wastewater infrastructure. Rules adopted pursuant to this legislation must include establishing a process for ensuring that corrosion prevention and mitigation activities are performed in accordance with established corrosion prevention and mitigation standards, requiring the use of personnel who are industry-trained and industry-certified in corrosion prevention and mitigation methods and requiring plans to prevent environmental degradation that might result from corrosion prevention and mitigation activities.

**LD 2122      Resolve, Designating Portions of Route 139 and Route 201A in Somerset County the Corporal Eugene Cole Way      RESOLVE 137**

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

This resolve directs the Department of Transportation to designate portions of Route 139 and Route 201A in Somerset County the Corporal Eugene Cole Way.

**Enacted Law Summary**

Resolve 2019, chapter 137 directs the Department of Transportation to designate portions of Route 139 and Route 201A in Somerset County the Corporal Eugene Cole Way.

**LD 2124      An Act To Create the Rail Corridor Use Advisory Council Process      CARRIED OVER**

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

This bill authorizes the Commissioner of Transportation to convene a rail corridor use advisory council to advise and make recommendations each time one or more governmental entities that represent communities along a state-owned rail corridor request the Department of Transportation to review a nonrail use of that rail corridor, as long as any nonrail use is considered to be interim in nature and that all such rail corridors are preserved for future rail use. Upon receiving a report from a rail corridor use advisory council that recommends track removal or another change to nonrail use of the rail corridor, the commissioner is required, if the commissioner concurs with the recommendation, to seek legislative approval of the recommendation by submitting legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters prior to removal or another change to a nonrail use.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 778.

*Joint Standing Committee on Transportation*

**LD 2140 An Act Making Supplemental Appropriations and Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2020 and June 30, 2021**

**CARRIED OVER**

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

This bill makes supplemental appropriations and allocations from the Highway Fund and other funds for the expenditures of state government and changes certain provisions of law as follows.

Part A makes appropriations and allocations.

Part B amends a provision in Public Law 2019, chapter 415, Part C to require the State Controller, at the end of fiscal years 2018-19 and 2019-20, to carry forward any unexpended balances in the Personal Services and All Other line categories in the Department of Secretary of State, Administration - Motor Vehicles program, after all financial commitments for salary, benefits and other obligations and budgetary adjustments have been made, to the All Other line category in the Department of Secretary of State, Administration - Motor Vehicles program to be used for the procurement and implementation of hardware and software for computer modernization projects. Public Law 2019, chapter 415, Part C authorized the balances to be used for the procurement and implementation of an automated driver's license testing system.

Part C amends a provision in Public Law 2019, chapter 415, Part G to authorize the Commissioner of Transportation, for fiscal years ending June 30, 2020, and June 30, 2021, to transfer Highway Fund Personal Services, All Other or Capital savings in any program in the Department of Transportation to the Department of Transportation, Highway and Bridge Capital, Highway Light Capital and Maintenance and Operations programs for capital or all other needs.

This bill, which had not yet been voted by the committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 778.

*Joint Standing Committee on Transportation*

**SUBJECT INDEX**

**Bridges**

**Enacted**

<b>LD 1875</b>	<b>An Act Regarding the Naming of Bridges and Designating Bridge 5818 as the Specialist Wade A. Slack Memorial Bridge</b>	<b>PUBLIC 565</b>
<b>LD 1876</b>	<b>Resolve, To Name Bridge 3880 in the Town of Dresden the Veterans Memorial Bridge</b>	<b>RESOLVE 118</b>
<b>LD 1886</b>	<b>Resolve, To Rename the Sibley Pond Bridge the William Harris Memorial Bridge</b>	<b>RESOLVE 127 EMERGENCY</b>

**Not Enacted**

<b>LD 2064</b>	<b>An Act To Amend the Laws Governing Local Bridges</b>	<b>CARRIED OVER</b>
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**Marine Transportation**

**Enacted**

<b>LD 2066</b>	<b>An Act To Authorize the Maine Pilotage Commission To Establish Alternative Initial License Criteria for Existing Pilots Seeking Endorsements for Low Traffic Volume Routes</b>	<b>PUBLIC 663</b>
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**Not Enacted**

<b>LD 380</b>	<b>An Act To Revise the Calculation of Tolls Established for the Maine State Ferry Service</b>	<b>Leave to Withdraw Pursuant to Joint Rule 310</b>
<b>LD 599</b>	<b>An Act To Ensure Fair Access and Pricing for Residents Who Use the Maine State Ferry Service</b>	<b>Leave to Withdraw Pursuant to Joint Rule 310</b>
<b>LD 1887</b>	<b>Resolve, To Reduce the Operational Costs of Ferries in the State</b>	<b>ONTP</b>

**Miscellaneous - Transportation**

**Enacted**

LD 1966      An Act To Amend the Laws Regarding Parking for Vehicles with Disability Placards and Plates      PUBLIC 648

**Not Enacted**

LD 1084      An Act Regarding the Operation of Pedal-powered Tour Vehicles      Majority (ONTP) Report

**Motor Carriers**

**Enacted**

LD 2005      An Act To Amend the Law Governing Maximum Length Limits for Truck Tractor Semitrailers      PUBLIC 606

**Not Enacted**

LD 1987      Resolve, To Exempt Truck Drivers Transporting Live Lobsters from Certain Hours-of-service Restrictions      ONTP

**Motor Vehicles**

**Enacted**

LD 1899      An Act To Amend Certain Motor Vehicle Laws      PUBLIC 634

LD 1900      An Act To Amend the Laws Governing Motor Vehicle Child Restraint Systems To Allow Certain Exceptions      PUBLIC 577

**Operator's License**

**Not Enacted**

LD 2030      An Act To Provide an Appeals Process for Administrative Suspensions of Provisional Driver's Licenses      ONTP

**Public Transportation**

**Enacted**

LD 2009      An Act To Permit the Expansion of Municipal Membership of the Greater Portland Transit District      PUBLIC 554  
EMERGENCY

## *Railroads*

### Enacted

LD 571	Resolve, Directing the Department of Transportation To Conduct an Economic Feasibility Study for Commuter and Passenger Train Service between Portland and the Lewiston and Auburn Area	RESOLVE 138
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## *Registration Plates*

### Not Enacted

LD 1533	An Act To Eliminate Registration Plate Decals	ONTP
LD 1870	An Act To Create the Maine Lighthouse Trust Registration Plate	CARRIED OVER
LD 1992	An Act To Broaden Eligibility for Disabled Veterans License Plates	ONTP

## *Secretary of State*

### Enacted

LD 1981	An Act Regarding the Regulation of Tiny Homes	PUBLIC 650 EMERGENCY
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### Not Enacted

LD 83	An Act To Amend the Law Regarding Resale by a Motor Vehicle Dealer To Permit the Dealer To Use a Copy of a Certificate of Title	ONTP
LD 1714	Resolve, Directing the Secretary of State To Enter into a Reciprocal Agreement between the State and Taiwan Regarding Driver's Licenses	ONTP

## *Signs*

### Enacted

LD 689	An Act Regarding Temporary Signs That Are Placed in the Public Right-of-way	PUBLIC 594
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**Traffic Regulations**

**Enacted**

<b>LD 1901</b>	<b>An Act To Amend the Laws Prohibiting the Use of Handheld Phones and Devices While Driving</b>	<b>PUBLIC 579 EMERGENCY</b>
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**Trails**

**Not Enacted**

<b>LD 992</b>	<b>Resolve, To Extend the Down East Sunrise Trail from Ayers Junction to Calais</b>	<b>CARRIED OVER</b>
<b>LD 1141</b>	<b>Resolve, Directing the Department of Transportation To Construct the Merrymeeting Trail from Topsham to Gardiner</b>	<b>CARRIED OVER</b>
<b>LD 1927</b>	<b>Resolve, Directing the Department of Transportation To Erect and Maintain Markers To Commemorate and Recognize the Lafayette Trail</b>	<b>CARRIED OVER</b>
<b>LD 2124</b>	<b>An Act To Create the Rail Corridor Use Advisory Council Process</b>	<b>CARRIED OVER</b>

**Transportation Department**

**Enacted**

<b>LD 1498</b>	<b>An Act To Provide Equity for Commercial Vehicles on Roads and Bridges in Maine</b>	<b>PUBLIC 624</b>
<b>LD 2122</b>	<b>Resolve, Designating Portions of Route 139 and Route 201A in Somerset County the Corporal Eugene Cole Way</b>	<b>RESOLVE 137</b>

**Not Enacted**

<b>LD 1310</b>	<b>An Act To Address the Shortage of Department of Transportation Snowplow Drivers and Other Transportation Workers</b>	<b>ONTP</b>
<b>LD 2100</b>	<b>An Act To Require Third-party Certification for Persons Undertaking Corrosion Prevention and Mitigation Projects for Public Water Supply and Wastewater Infrastructure and Bridges</b>	<b>ONTP</b>

**Transportation Funding**

**Enacted**

<b>LD 1861</b>	<b>An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2021 and To Increase the Maine Turnpike Authority Revenue Bond Limit</b>	<b>P &amp; S 16</b>
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<b>LD 2036</b>	<b>Resolve, To Establish the Blue Ribbon Commission To Continue Studying and Recommend Funding Solutions for the State's Transportation Systems</b>	<b>RESOLVE 112 EMERGENCY</b>
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**Not Enacted**

<b>LD 778</b>	<b>An Act To Create the Fund for Municipalities To Improve Pedestrian Safety</b>	<b>ONTP</b>
<b>LD 1034</b>	<b>An Act To Provide Revenue To Fix and Rebuild Maine's Transportation Infrastructure</b>	<b>ONTP</b>
<b>LD 1258</b>	<b>An Act To Increase Access to Transportation for Workforce and Other Essential Transportation Needs</b>	<b>CARRIED OVER</b>
<b>LD 1390</b>	<b>An Act To Fund Saco Area Traffic Improvements</b>	<b>ONTP</b>
<b>LD 2140</b>	<b>An Act Making Supplemental Appropriations and Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2020 and June 30, 2021</b>	<b>CARRIED OVER</b>

STATE OF MAINE  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON  
VETERANS AND LEGAL AFFAIRS**

November 2020

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REP. JOHN ANDREWS  
REP. JOSANNE C. DOLLOFF  
REP. KENT ACKLEY

\*Committee member for a portion of the session



*Joint Standing Committee on Veterans and Legal Affairs*

**LD 54      An Act To Limit the Influence of Lobbyists by Expanding the  
Prohibition on Accepting Political Contributions**

**PUBLIC 534**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J COLLINGS B	OTP-AM ONTP	S-132

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session. The bill became law without signature at the beginning of the Second Regular Session.

Current law prohibits the Governor, members of the Legislature, constitutional officers and the staff or agents of these officials from soliciting or accepting contributions from a lobbyist, lobbyist associate or employer while the Legislature is convened in session. This bill extends application of that prohibition year-round, regardless of whether the Legislature is in session.

**Committee Amendment "A" (S-132)**

This amendment, which is the majority report of the committee, strikes and replaces the bill. The amendment reorganizes the structure of the current law prohibiting the Governor, members of the Legislature, constitutional officers and the staff or agents of these officials from soliciting or accepting contributions from a lobbyist, lobbyist associate, employer of a lobbyist or a lobbying firm while the Legislature is convened in session. The amendment clarifies that this prohibition does not apply to a contribution unless the contribution is the property of the lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm.

The amendment also newly prohibits the Governor, a member of the Legislature or the staff or agent of these officials from soliciting or accepting contributions from a lobbyist or lobbyist associate when the Legislature is not in session, unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the Governor or member of the Legislature will appear on the ballot. Similarly, the amendment prohibits a gubernatorial or legislative candidate and the staff or agent of these persons from soliciting or accepting contributions from a lobbyist or lobbyist associate at any time unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the gubernatorial or legislative candidate will appear on the ballot.

The amendment further clarifies the authority of the Commission on Governmental Ethics and Election Practices to undertake investigations to determine whether any person has improperly solicited, accepted, given or promised a contribution. A contribution made in violation of the law must be returned to the contributor.

The amendment also makes a technical change to remove an obsolete cross-reference to a portion of law repealed in 2008.

**Senate Amendment "A" To Committee Amendment "A" (S-150)**

This amendment applies the prohibitions on campaign contributions and solicitations when the Legislature is not in legislative session to contributions directly and indirectly solicited or accepted by or given, offered and promised to a political action committee, ballot question committee or party committee of which the Governor, a member of the Legislature or the staff or agent of these officials is a treasurer, officer or primary fund-raiser or decision maker. The amendment also applies the prohibitions on campaign contributions and solicitations at all times, regardless of whether the Legislature is in legislative session, to contributions directly and indirectly solicited or accepted by or given, offered and promised to a political action committee, ballot question committee or party committee of which a gubernatorial or legislative candidate who is not the Governor or a member of the Legislature, or the staff or agent of these persons, is a treasurer, officer or primary fund-raiser or decision maker.

*Joint Standing Committee on Veterans and Legal Affairs*

In the First Regular Session, this amendment was adopted in the Senate but later removed from the bill after the amendment failed adoption in the House.

**Enacted Law Summary**

Public Law 2019, chapter 534 reorganizes the structure of the current law prohibiting the Governor, members of the Legislature, constitutional officers and the staff or agents of these officials from soliciting or accepting contributions from a lobbyist, lobbyist associate, employer of a lobbyist or a lobbying firm while the Legislature is in session and clarifies that this prohibition does not apply to a contribution unless the contribution is the property of the lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm.

Public Law 2019, chapter 534 also newly prohibits the Governor, a member of the Legislature or the staff or agent of these officials from soliciting or accepting contributions from a lobbyist or lobbyist associate when the Legislature is not in session, unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the Governor or member of the Legislature will appear on the ballot.

Public Law 2019, chapter 534 similarly prohibits a gubernatorial or legislative candidate and the staff or agent of these persons from soliciting or accepting contributions from a lobbyist or lobbyist associate at any time unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the gubernatorial or legislative candidate will appear on the ballot.

Public Law 2019, chapter 534 further clarifies the authority of the Commission on Governmental Ethics and Election Practices to undertake investigations to determine whether any person has improperly solicited, accepted, given or promised a contribution. A contribution made in violation of law must be returned to the contributor and a person who violates the law is subject to a civil penalty of up to \$1,000.

**LD 171      Resolve, To Establish a Pilot Project To Evaluate and Address the  
Transportation Needs of Maine's Veterans**

**CARRIED OVER**

Sponsor(s)  
SHEATS B  
CARSON B

Committee Report  
OTP-AM

Amendments Adopted  
H-116

This resolve was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolve establishes a 30-month pilot project in Oxford, Franklin and Androscoggin counties to provide transportation to veterans and their caregivers or dependents to and from employment or employment-related services, medical appointments, mental health services, social services and community activities.

**Committee Amendment "A" (H-116)**

This amendment adds an appropriations and allocations section.

This resolve was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 510      An Act To Authorize Funding for Transitional Housing for Women Veterans and Their Families**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B HERBIG E	OTP-AM	H-118

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides a one-time General Fund appropriation in fiscal year 2019-20 to the Department of Defense, Veterans and Emergency Management for the Betsy Ann Ross House of Hope to provide suitable housing for women veterans in transition and their families.

**Committee Amendment "A" (H-118)**

This amendment adds an emergency preamble and emergency clause to the bill and moves the appropriation to fiscal year 2018-19.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 517      An Act To Facilitate Fair Ballot Representation for All Candidates**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAULKINGHAMB MOORE M	OTP-AM ONTP	H-164

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session. The Governor's veto was sustained during the Second Regular Session.

This bill permits a candidate to request that the candidate's nickname appear on the ballot for an election in the State. The candidate's nickname, if any, must be set off by quotation marks and be placed on the ballot immediately after the candidate's legal first name or initial and before the candidate's legal middle name or middle initial, if any.

**Committee Amendment "A" (H-164)**

This amendment is the majority report of the committee and specifies that if a candidate requests that the candidate's nickname appear on the ballot for an election in the State, the candidate must include the nickname on the candidate's declaration of consent or written acceptance filed with the Secretary of State and must declare that the nickname is actually the name by which the candidate is known to others. The amendment also specifies that if a candidate requests that the candidate's nickname appear on the ballot for an election in the State, the Secretary of State must set off the candidate's nickname by quotation marks and it must be placed on the ballot following the candidate's legal last name, first initial and middle initial, if any.

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**LD 553      An Act To Ensure Proper Oversight of Sports Betting in the State**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINIL	OTP-AM OTP-AM ONTP	S-318

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session. The Governor's veto was sustained during the Second Regular Session.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to ensure proper oversight of sports betting.

**Committee Amendment "A" (S-318)**

This amendment, which is the majority report of the committee, strikes and replaces the bill, which is a concept draft. Portions of the amendment incorporate provisions from the various legislative proposals to regulate sports betting introduced in the First Regular Session of the 129th Legislature: LDs 1348, 1515, 1571, 1642, 1656 and 1657.

The amendment authorizes the Department of Public Safety, Gambling Control Unit to regulate sports wagering in the State. Licensed commercial tracks, licensed off-track betting facilities, licensed casinos and federally recognized Indian tribes are eligible to apply for facility sports wagering licenses to conduct in-person sports wagering in the State. These entities are also eligible to apply for mobile sports wagering licenses to conduct sports wagering through mobile applications or digital platforms, as are qualified gaming entities that offer sports wagering through mobile applications or digital platforms in any jurisdiction in the United States pursuant to a state regulatory structure. Facility sports wagering licensees and mobile sports wagering licensees, referred to in the amendment as "operators," may purchase or lease equipment, systems or services for sports wagering from entities with a supplier license, whose equipment, systems or services must meet standards established by rule. Operators may also enter into written contracts, approved by the director of the Gambling Control Unit, with management services licensees that have sufficient knowledge and experience in the business of operating sports wagering to effectively conduct sports wagering on behalf of operators. A person employed by a facility sports wagering licensee to be engaged directly in sports wagering-related activities must be licensed by the Gambling Control Unit.

Operators may accept wagers on professional, collegiate and amateur sports events, including international events, as well as on the individual performances of athletes, on motor vehicle races and on electronic sports. Sports wagers are prohibited on high school events, other events where a majority of participants are less than 18 years of age and events involving Maine-based colleges and universities. Operators may not accept sports wagers from individuals under 21 years of age; participants in the sports event, including athletes and officials; persons with an interest in the outcome of the sports event identified by the director by rule; the operator's own directors or employees or persons living in their households; persons voluntarily or involuntarily placed on a list maintained by the Gambling Control Unit of persons not authorized to make sports wagers; third persons making wagers on behalf of another person; and Gambling Control Unit employees. Mobile sports wagering licensees are also prohibited from accepting sports wagers from persons who are not physically located within the State.

A facility sports wagering licensee must remit 10% of the licensee's adjusted gross sports wagering receipts to the State and a mobile sports wagering licensee must remit 16% of the licensee's adjusted gross sports wagering receipts to the State. One percent of adjusted gross sports wagering receipts must be deposited in the General Fund for the administrative expenses of the Gambling Control Unit and 1% of the adjusted gross sports wagering receipts must be deposited in the Gambling Addiction Prevention and Treatment Fund established by the Maine Revised Statutes, Title 5, section 20006-B. The remaining adjusted gross sports wagering receipts remitted to the State must be

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deposited in the General Fund.

The amendment also allows a licensed fantasy contest operator to offer a fantasy contest based on the performances of participants in collegiate athletic events and adds an appropriations and allocations section.

**Committee Amendment "B" (S-319)**

This amendment, which is one of two minority reports of the committee, strikes and replaces the bill, which is a concept draft. This amendment authorizes the Department of Public Safety, Gambling Control Unit to regulate sports wagering in the State through a regulatory framework identical to the framework set forth in the majority report, except that only licensed commercial tracks, licensed off-track betting facilities, licensed casinos and federally recognized Indian tribes are eligible to obtain mobile sports wagering licenses, not qualified gaming entities that offer sports wagering through mobile applications or digital platforms in any jurisdiction in the United States pursuant to a state regulatory structure.

This amendment was not adopted.

**LD 619      RESOLUTION, Proposing an Amendment to the Constitution of Maine      CARRIED OVER  
Regarding Early Voting**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNECK J LUCHINIL	OTP-AM ONTP	H-42

This resolution was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This resolution proposes to amend the Constitution of Maine to allow the Legislature to authorize a process by which municipalities may conduct early voting by allowing voters to vote in the same manner as on election day during a period immediately preceding an election and to allow absentee voting for any sufficient reason. Compare LD 293 from the First Regular Session.

**Committee Amendment "A" (H-42)**

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

This resolution was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 661      An Act To Increase Gaming Opportunities for Charitable Veterans'      CARRIED OVER  
Organizations**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A HERBIG E	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill permits the Department of Public Safety, Gambling Control Board, beginning January 1, 2020, to issue a license to a charitable nonprofit organization that is a veterans' organization that is tax-exempt under the United States Internal Revenue Code of 1986 to operate up to three slot machines on premises that have been owned, rented

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or leased by the organization for at least two consecutive years, that serve as its primary administrative operations headquarters and that are located in a municipality that has, by referendum of the voters, approved the operation of slot machines in that municipality. The charitable nonprofit veterans' organization must be able to demonstrate that it has a cash reserve of \$1,000 for each machine the organization intends to operate.

A charitable nonprofit veterans' organization that wishes to apply prior to January 1, 2020 may file a declaration of intent to apply with the Gambling Control Board. An application must include a refundable \$2,500 deposit. The initial application fee for a slot machine operator license is \$500, and the annual renewal fee is \$175.

A slot machine operated by a charitable nonprofit veterans' organization is subject to the same central site monitoring that applies to casinos and slot machine facilities at harness racing tracks. The total number of slot machines allowed to be operated by charitable nonprofit veterans' organizations statewide between January 1, 2020 and December 31, 2020 is 80; beginning January 1, 2021 the number increases to 150.

The bill provides that 10% of the net slot machine income from a charitable nonprofit veterans' organization is required to be deposited directly with the Gambling Control Board for administrative expenses; 8% is distributed directly to the General Fund; 10% is distributed to the host municipality; and 2% is dedicated to gambling addiction prevention and treatment. A charitable nonprofit veterans' organization that is licensed to operate slot machines is required to establish a separate account, from which the board may withdraw funds to distribute the net revenue percentages. The remaining revenue generated from the slot machines must be used to support the charitable purposes of the veterans' organization.

This bill, which had been reported out of committee but not yet taken up by the House or the Senate before adjournment of the Second Regular Session, was carried over a second time to any special session of the Legislature by Joint Order, S.P. 788.

**LD 720 An Act Regarding Maine's Adult Use Marijuana Law**

**Leave to Withdraw Pursuant to Joint Rule**

Sponsor(s)  
PIERCE T

Committee Report

Amendments Adopted

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to amend the laws governing adult use marijuana in the State.

**LD 835 An Act To Increase Funding for Case Managers for Veterans**

**CARRIED OVER**

Sponsor(s)  
ROBERTS T

Committee Report

Amendments Adopted

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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This bill is a concept draft pursuant to Joint Rule 208 that proposes to provide funding for additional case managers in the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to provide information and assistance to veterans regarding the availability of benefits and services for veterans such as health care, home financing, property tax exemptions and income tax credits.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 999      An Act To Allow Medical and Adult Use Marijuana Stores To Share a Common Space      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows the use of a shared facility for retail sale of adult use marijuana and adult use marijuana products and sale of marijuana and marijuana products for medical use, as long as the adult use marijuana and adult use marijuana products are sold using a different cash register than that used for sales of marijuana and marijuana products for medical use.

This bill, which had been voted by the committee but not yet reported out, was carried over in committee for the second time to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1081      An Act Regarding Smoking in Vehicles When a Minor Is Present      PUBLIC 623**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S COSTAIN D	OTP-AM	S-425

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill expands the restrictions on where marijuana may be smoked to include:

1. Areas in which tobacco smoking is prohibited;
2. In a private residence or on private property when a person under 18 years of age is present; and
3. In a vehicle in which a person under 18 years of age is present.

**Committee Amendment "A" (S-425)**

This amendment changes the title of and replaces the bill. Under the motor vehicle laws, smoking in a motor vehicle by the operator or a passenger is prohibited when a person who has not attained 16 years of age is present in the motor vehicle. The amendment amends that prohibition to provide that smoking in a motor vehicle by the operator or a passenger is prohibited when a minor is present in the motor vehicle. Under the motor vehicle laws, "minor" is defined as a person who has not attained 18 years of age.

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### Enacted Law Summary

Public Law 2019, chapter 623 amends motor vehicle laws that prohibit smoking in a motor vehicle by the operator or a passenger is prohibited when a person who has not attained 16 years of age is present in the motor vehicle. Public Law 2019, chapter 623 amends that prohibition to provide that smoking in a motor vehicle by the operator or a passenger is prohibited when a minor is present in the motor vehicle. Under the motor vehicle laws, "minor" is defined as a person who has not attained 18 years of age.

### LD 1083 An Act To Implement Ranked-choice Voting for Presidential Primary and General Elections in Maine

PUBLIC 539

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T WARREN C	OTP-AM ONTP OTP-AM	S-313

This bill was carried over in the Senate from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

In the First Regular Session of the 129th Legislature, this bill was reported out of committee, passed to be enacted as amended by Committee Amendment "A" (S-313) in the House, tabled in the Senate, and ultimately carried over. The bill was subsequently passed to be enacted as amended by Committee Amendment "A" (S-313) in the Senate during the First Special Session. The bill was then held by the Governor and became law without signature at the beginning of the Second Regular Session.

This bill provides that, whenever the state committee of a qualified political party certifies that there is a contest among candidates for nomination as the presidential candidate of the party and that the committee has voted to conduct a presidential primary election, the State shall hold a presidential primary election on a date in March of the presidential election year chosen by the Secretary of State in consultation with the parties. Only voters who are enrolled in the party may vote in that party's presidential primary election. The votes cast in the presidential primary for each party must be tabulated according to the ranked-choice method of tabulating votes. The selection of delegates to the national presidential nominating convention for each party and allocation of those delegates among primary candidates must be in accordance with any reasonable procedures established at the state party convention.

This bill also requires the ballots cast for presidential electors during the general election to be tabulated according to the ranked-choice method of tabulating votes.

#### Committee Amendment "A" (S-313)

This amendment, which is the majority report of the committee, strikes and replaces the bill. Under the amendment, general elections for presidential electors must be determined by ranked-choice voting. The amendment further provides that, if a law establishing a presidential primary election is enacted in the State, primary elections for the office of President of the United States must be determined by ranked-choice voting.

#### Committee Amendment "B" (S-314)

This amendment, which is one of two minority reports of the committee, strikes and replaces the bill. Under the amendment, general elections for presidential electors must be determined by ranked-choice voting if that method of conducting general elections for presidential electors is approved by the voters of the State at referendum.

This amendment was not adopted.

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## Enacted Law Summary

Public Law 2019, chapter 539 provides that general elections for presidential electors must be determined by ranked-choice voting.

Public Law 2019, chapter 539 also provides that the votes cast at primary elections for the office of President of the United States must be tabulated by ranked-choice voting, although the selection and allocation of delegates to a party's national presidential nominating convention must be in accordance with any reasonable procedures established at the state party convention. The presidential primary provisions of Public Law 2019, chapter 539 were made contingent on enactment of a law adopting a presidential primary in the State, a contingency that was met through the enactment of Public Law 2019, chapter 445 (LD 1626) in the First Regular Session.

### LD 1144 An Act To Authorize Tribal Gaming

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B CARPENTER M		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill increases by 1,500 the number of slot machines that may be registered in the State and authorizes the Department of Public Safety, Gambling Control Board to accept an application for a casino operator license from a joint tribal entity authorizing the joint tribal entity to operate table games and slot machines at one casino owned by the joint tribal entity. "Joint tribal entity" is defined as a legal entity formed for the purpose of operating slot machines and table games at one casino, the entire ownership of which is held equally, either jointly or in common, by the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians.

The bill provides the following in regard to the casino.

1. It specifies that, as a condition of a joint tribal entity's receiving a license, a casino must be located:
  - A. On land that on January 1, 2019 was owned by the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs or the Houlton Band of Maliseet Indians or land held in trust by the United States or by any other person or entity for the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs or the Houlton Band of Maliseet Indians;
  - B. On land located in the unorganized territory; or
  - C. On land in a municipality and that municipality approves of the operation of the casino in that municipality, either by vote of its legislative body or in a referendum of the voters of the municipality.
2. It exempts a casino licensed to a joint tribal entity from the provision in current law that prohibits a new casino or slot machine facility from being located within 100 miles of an existing casino or slot machine facility. It provides that a casino licensed to a joint tribal entity may not be located within 50 miles of an existing facility.
3. It provides that a change in the composition of a joint tribal entity does not invalidate a casino license issued to the entity as long as the change occurs no sooner than six months after the license is issued and the entity still consists of at least two federally recognized Indian tribes in the State who own equal shares of the entity in its

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entirety.

4. It changes the provision in current law that states that distributions of net slot machine revenue from the casino located in Oxford County to the Penobscot Nation and the Passamaquoddy Tribe revert to the operator if one or both tribes operate or receive distributions from a newly licensed casino. It provides that the distribution of that slot machine revenue would instead be deposited into the General Fund if either the Penobscot Nation or the Passamaquoddy Tribe operated or received distributions from a newly licensed casino.

5. It establishes a distribution rate of 25% of net slot machine income and 16% of net table game income for a casino operator that is a joint tribal entity. The slot machine income is used to fund education for kindergarten to grade 12 and the table game income is deposited to the General Fund.

This bill, which had not yet been voted by the committee was carried over in committee for the second time to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1187 An Act To Apply the Same Auditing Standards to All Legislative Candidates**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RISEMAN W CHENETTE J	OTP-AM ONTP	H-313

This bill was reported out of committee and then carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill directs the Commission on Governmental Ethics and Election Practices to conduct random audits of political action committees that are required to file campaign finance reports with the commission and candidates for state office, including candidates for Governor, State Senator, State Representative and presidential elector. The bill directs the commission to adopt rules to implement this requirement. The rules must direct the commission to audit an equal percentage of candidates for state office who are certified as Maine Clean Election Act candidates, candidates for state office who are not certified as Maine Clean Election Act candidates and political action committees. The rules must also establish standard auditing requirements to be applied to each candidate and political action committee.

**Committee Amendment "A" (H-313)**

This amendment, which is the majority report of the committee, strikes and replaces the bill and its title. Under current practice, the Commission on Governmental Ethics and Election Practices uses funding from the Maine Clean Election Fund established in the Maine Revised Statutes, Title 21-A, section 1124 to contract with independent auditors to conduct random post-election audits of 20% of the legislative candidates who are certified as Maine Clean Election Act candidates. The amendment provides an ongoing General Fund appropriation to the Commission on Governmental Ethics and Election Practices to contract with independent auditors to conduct random post-election audits of 20% of legislative candidates who are not certified as Maine Clean Election Act candidates.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1244    An Act To Authorize the Gambling Control Board To Accept an Application from the Passamaquoddy Tribe To Operate 50 Slot Machines in the Tribe's High-stakes Beano Facility**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B MOORE M		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill authorizes the Department of Public Safety, Gambling Control Board to accept an application from the Passamaquoddy Tribe to operate 50 slot machines at a gambling facility in Washington County at which high-stakes beano is conducted by the Passamaquoddy Tribe. The bill raises the limit on the number of slot machines allowed in the State by 50 to accommodate the slot machines that may be operated by the Passamaquoddy Tribe. The bill requires deposit of 25% of net slot machine income in the General Fund and sets the initial application fee to operate the 50 slot machines at \$10,000 and the renewal fee at \$5,000. The Passamaquoddy Tribe is exempted from paying a \$250,000 nonrefundable privilege fee and a \$5,000,000 license fee applicable to other slot machine facility and casino operator licenses under current law. Under the bill, slot machines operated by the Passamaquoddy Tribe are subject to the oversight of the Gambling Control Board and subject to the same laws and rules as other slot machines operated in this State.

This bill, which had not yet been voted by the committee was carried over in committee for the second time to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1432    An Act To Improve the Adult Use Marijuana Laws**

**ONTP**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill amends the adult use marijuana law in several ways. First, it repeals all residency requirements regarding licensure and operations as of June 1, 2021. Second, the bill clarifies that, during the first two years after the first active cultivation facility license is issued, a dispensary or caregiver may transfer both harvested marijuana and marijuana products to an adult use marijuana establishment controlled by that dispensary or caregiver during the first year of that marijuana establishment's operation. Third, this bill allows a marijuana store licensee that is also a registered caregiver or a registered dispensary to sell or offer for sale both adult use marijuana and adult use marijuana products within the same facility or building in which the licensee also sells or offers for sale marijuana or marijuana products to qualifying patients.



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This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill amends the provisions regarding the testing of adult use marijuana and adult use marijuana products by:

1. Requiring that any testing conform to any applicable state or federal process, protocol or standard for the testing of tobacco; and
2. Providing that if a testing facility does not test adult use marijuana or an adult use marijuana product within five days of receiving the marijuana or marijuana product from a licensee, the licensee may sell or distribute the marijuana or marijuana product if the marijuana or marijuana product is labeled "Untested." If upon testing a testing facility determines that the marijuana or marijuana product exceeds the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required, the testing facility is required to immediately notify the Department of Administrative and Financial Services and the licensee. The licensee is required to recover, document, quarantine and hold the marijuana or marijuana product for either remediation and retesting or destruction by the department.

**Committee Amendment "A" (S-440)**

This amendment, which is the majority report of the committee, changes the title of and replaces the bill and adds an emergency preamble and emergency clause. It authorizes the licensure and operation of sample collectors to collect samples of marijuana and marijuana products for testing by marijuana testing facilities. It also authorizes a cultivation facility licensee, products manufacturing facility licensee or marijuana store licensee, or an employee of a licensee, to collect samples of the licensee's adult use marijuana or adult use marijuana products for mandatory testing and to deliver those samples to a marijuana testing facility for testing; this authorization is repealed October 1, 2021.

**Enacted Law Summary**

Public Law 2019, chapter 676 amends the State's adult use marijuana laws to authorize the licensure and operation of sample collectors to collect samples of marijuana and marijuana products for testing by marijuana testing facilities. It also authorizes a cultivation facility licensee, products manufacturing facility licensee or marijuana store licensee, or an employee of a licensee, to collect samples of the licensee's adult use marijuana or adult use marijuana products for mandatory testing and to deliver those samples to a marijuana testing facility for testing; this authorization is repealed October 1, 2021.

Public Law 2019, chapter 676 was enacted as an emergency measure effective March 23, 2020.

**LD 1621      An Act To Allow Delivery of Adult Use Marijuana and Adult Use Marijuana Products by an Approved Marijuana Store      CARRIED OVER**

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill amends the Marijuana Legalization Act to allow delivery of adult use marijuana and adult use marijuana products by a marijuana store if the municipality or town, plantation or township in which the marijuana store is located authorizes the operation of delivery services and the marijuana store receives approval to operate the delivery service from the Department of Administrative and Financial Services. A marijuana store is allowed to

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maintain a separate storage facility approved by the department in which to store product or from which to conduct delivery service operations and which may be located in the same municipality as the retail facility of the marijuana store or another municipality subject to the approval of the other municipality. Delivery services are subject to the same testing, tracking, labelling and packaging requirements as retail sales of adult use marijuana and marijuana products, delivery service drivers are subject to the same requirements as the employees of a marijuana store, delivery recipients are subject to the same customer restrictions regarding age and state of intoxication as marijuana store customers and delivery service vehicles are subject to the same inspection requirements as the marijuana store's licensed premises and may not have an occupant under 21 years of age during the course of a delivery.

This bill, which had been voted but not yet reported out of committee, was carried over in committee for the second time to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1797 An Act To Amend the Advance Deposit Wagering Laws**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILLINGHAMK LUCHINI L	OTP-AM OTP-AM	H-635 S-361 LUCHINI L

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill allows commercial tracks, off-track betting facilities and multijurisdictional account wagering providers to be licensed to participate in advance deposit wagering. It repeals the provision that directs the Department of Public Safety, Gambling Control Board, through a competitive bidding process, to award one bidder the privilege to be licensed to conduct advance deposit wagering. It requires the board to establish by rule the net commission that must be collected by a licensee for distribution by the board.

**Committee Amendment "A" (H-635)**

This amendment is the majority report of the committee. Like the bill, the amendment allows a commercial track, an off-track betting facility and a multijurisdictional account wagering provider to obtain a license to conduct advance deposit wagering. Unlike the bill, which requires the Department of Public Safety, Gambling Control Board to set the tax rate on advance deposit wagering by rule, the amendment requires advance deposit wagering licensees to remit 4% of the licensees' gross advance deposit wagering income to the Department of Public Safety, Gambling Control Board for distribution by the board.

The amendment also requires licensure of employees of advance deposit wagering licensees, makes several technical changes to add clarity to the bill and adds an appropriations and allocations section.

**Committee Amendment "B" (H-636)**

This amendment, which is the minority report of the committee, is identical to the majority report except that it requires advance deposit wagering licensees to remit 0.5% of the licensees' gross advance deposit wagering income to the Department of Public Safety, Gambling Control Board for distribution by the board and it prohibits an entity that operates advance deposit wagering from receiving a distribution of gross advance deposit wagering income from the board.

This amendment was not adopted.

**Senate Amendment "A" To Committee Amendment "A" (S-361)**

This amendment defines "gross advance deposit wagering income" as the total amount of wagers placed by Maine

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residents via advance deposit wagering before payment of money to winning bettors.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1837      Resolve, Regarding Legislative Review of Chapter 1: Adult Use      ONTP**  
**Marijuana, a Late-filed Major Substantive Rule of the Department of**  
**Administrative and Financial Services, Office of Marijuana Policy**

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

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve provides for legislative review of Chapter 1: Adult Use Marijuana, a major substantive rule of the Department of Administrative and Financial Services, office of marijuana policy that was filed outside the legislative rule acceptance period. This resolve was incorporated into LD 719, An Act Regarding Adult Use Marijuana, which was voted by the Joint Standing Committee on Veterans and Legal Affairs during the First Regular Session of the 129th Legislature and which was enacted by the Legislature that same session as Public Law 2019, chapter 491.

**LD 1867      An Act To Clarify Lobbyist Reporting Requirements and Simplify      PUBLIC 587**  
**Registration Requirements for State Employees Who Lobby on Behalf**  
**of a State Department or Agency**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINIL	OTP-AM ONTP	S-389

This bill, submitted by the Commission on Governmental Ethics and Election Practices, makes the following changes to the laws governing lobbyist registration and reporting.

1. It defines "lobbying firm" to mean a partnership, corporation, limited liability company or unincorporated association that employs or contracts with more than one lobbyist or lobbyist associate and that receives or is entitled to receive compensation for engaging in lobbying either directly or through its employees.
2. It changes the deadline for lobbyist registration to 15 business days after the lobbyist engages in more than eight hours of compensated lobbying a month but authorizes lobbyists who register before this date to indicate on the registration form that they have not yet exceeded the eight-hour-per-month threshold for registration.
3. Current law requires a lobbyist to report on the registration form the date that the lobbyist completed the required annual harassment training; the bill permits the lobbyist to instead report the date that the lobbyist requested an extension to complete or an exemption from completing the training requirement under applicable law. The bill also extends the requirement to attend annual harassment training to lobbyist associates.
4. It makes several changes to the requirement that a lobbyist file monthly reports with the commission during the legislative session, including by eliminating the requirement that reports be made under oath; requiring the lobbyist to report not only compensation actually received by the lobbyist but also the compensation received by lobbyist

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associates and the compensation these individuals expect to receive for lobbying during the month; requiring the lobbyist to report lobbying expenditures for which the lobbyist expects to be reimbursed by an employer that were made or incurred not only by the lobbyist but also by lobbyist associates; and expanding the requirement that a lobbyist identify each legislative action for which the lobbyist was or expects to be compensated during the month to include the activities of lobbyist associates.

5. It newly requires that a lobbyist submit a separate report if the lobbyist and the lobbyist's associates or lobbying firm expend more than \$300 in a month directly to or on behalf of covered officials or the immediate family of covered officials and the expenditures were not made on behalf of or expected to be reimbursed by a lobbyist employer.

6. Under current law, a lobbyist must file a report with the commission when the Legislature is not in session during any month in which the lobbyist is engaged in lobbying. The bill amends the non-session reporting requirement to include months in which the lobbyist or the lobbyist's employer is engaged in indirect lobbying or the employer makes expenditures directly to or on behalf of covered officials or their immediate family members.

The bill also amends the definition of "legislative designee," the term used to describe an employee of a state department or agency who must register with the commission, to include both an individual designated as the primary employee to lobby for the department or agency and an individual expected to lobby on behalf of the department or agency for more than 10 hours in a legislative session but to exclude an individual whose only lobbying-related duty is monitoring legislation. The bill also streamlines the process for registration of legislative designees by authorizing each department or agency to submit a single list to the commission rather than separate forms signed by each legislative designee.

The bill has an effective date of December 1, 2020.

### **Committee Amendment "A" (S-389)**

This amendment, which is the majority report of the committee, makes several changes to the law governing lobbyist registration forms. It allows lobbyists, who are authorized in limited circumstances under current law to request an extension to complete or an exemption from completing required harassment training, to request the extension or exemption on the registration form. It also requires that the date each lobbyist associate completed the harassment training be listed on the registration form or, if the training has not been completed, allows the lobbyist to request for the lobbyist associate an extension to complete or exemption from completing the required harassment training on the registration form.

The amendment repeals and replaces the definition of "lobbying firm" in the law governing campaign contributions by lobbyists, lobbyist associates and lobbying firms, which was recently enacted in Public Law 2019, chapter 534, to align it with the bill's definition. It also makes several technical amendments to the bill.

### **Enacted Law Summary**

Public Law 2019, chapter 587 makes the following changes to the laws governing lobbyists.

1. It defines "lobbying firm" for purposes of the laws governing lobbyist registration and reporting to mean a partnership, corporation, limited liability company or unincorporated association that employs or contracts with more than one lobbyist or lobbyist associate and that receives or is entitled to receive compensation for engaging in lobbying either directly or through its employees. It also replaces the definition of "lobbying firm" in the laws governing campaign contributions by lobbyists, lobbyist associates and lobbying firms with this new definition of "lobbying firm."

2. It changes the deadline for lobbyist registration to 15 business days after the lobbyist engages in more than eight hours of compensated lobbying a calendar month but authorizes lobbyists who register before this date to indicate

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on the registration form that they have not yet exceeded the eight-hour-per-calendar-month threshold for registration.

3. It requires lobbyist associates to take the same annual harassment training required of lobbyists and further permits lobbyists and lobbyist associates to request on the annual registration form an extension to complete or an exemption from completing this required training under the limited circumstances authorized under existing law.
4. It makes several changes to the requirement that a lobbyist file monthly reports with the Commission on Governmental Ethics and Election Practices during the legislative session, including by eliminating the requirement that reports be made under oath; requiring the lobbyist to report not only compensation actually received by the lobbyist but also the compensation received by lobbyist associates and the compensation these individuals expect to receive for lobbying during the month; requiring the lobbyist to report lobbying expenditures for which the lobbyist expects to be reimbursed by an employer that were made or incurred not only by the lobbyist but also by lobbyist associates; and expanding the requirement that a lobbyist identify each legislative action for which the lobbyist was or expects to be compensated during the month to include the activities of lobbyist associates.
5. It newly requires that a lobbyist submit a separate report if the lobbyist and the lobbyist's associates or lobbying firm expend more than \$300 in a month directly to or on behalf of covered officials or the immediate family of covered officials and the expenditures were not made on behalf of or expected to be reimbursed by a lobbyist employer.
6. It expands the requirement that a lobbyist file a report with the commission when the Legislature is not in session during any month in which the lobbyist or lobbyist associates are engaged in lobbying to include months in which the lobbyist, lobbyist associates or the lobbyist's employer is engaged in indirect lobbying or the employer makes expenditures directly to or on behalf of covered officials or their immediate family members.

Public Law 2019, chapter 587 also amends the definition of "legislative designee," the term used to describe an employee of a state department or agency who must register with the commission, to include both an individual designated as the primary employee to lobby for the department or agency and an individual expected to lobby on behalf of the department or agency for more than 10 hours in a legislative session but to exclude an individual whose only lobbying-related duty is monitoring legislation. The bill also streamlines the process for registration of legislative designees by authorizing each department or agency to submit a single list to the commission rather than separate forms signed by each legislative designee.

Public Law 2019, chapter 587 has an effective date of December 1, 2020.

### **LD 1868     An Act To Improve the Reporting of Grassroots Lobbying**

**PUBLIC 599**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINIL	OTP-AM ONTP	S-397

The bill, submitted by the Commission on Governmental Ethics and Election Practices, changes from "indirect lobbying" to "grassroots lobbying" the term used to describe communicating with members of the public and soliciting them to contact public officials for purposes of influencing legislative action. It also changes the types of communications with the public that qualify as grassroots lobbying to newly include communications made via telephone, over email, through a website, or through another digital format but to exclude a corporation's or organization's communications with its stockholders, employees, board members, officers and dues-paying members.

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Under current law, a lobbyist must disclose in monthly reports filed with the Commission on Governmental Ethics and Election Practices expenditures by the lobbyist or the lobbyist's client made for grassroots lobbying that exceed \$15,000 in the relevant month and the legislation sought to be influenced through those expenditures. The bill lowers the monthly grassroots lobbying reporting threshold to \$2,000 and excludes from this calculation salaries paid by the lobbyist's client to its employees.

The bill also newly requires non-lobbyists who make or incur more than \$2,000 in grassroots lobbying expenditures in a calendar month to report those expenditures to the commission and to identify the legislation sought to be influenced through those expenditures. In calculating whether a non-lobbyist has reached the \$2,000-per-month expenditure threshold, only payments of money made to independent contractors and other vendors to purchase goods and services, such as advertising, graphic or website design, video or audio production services, telecommunications services, printing and postage, are included.

The bill has an effective date of December 1, 2020.

### **Committee Amendment "A" (S-397)**

The bill requires a lobbyist to report expenditures by a client for grassroots lobbying if those expenditures exceed \$2,000 in a month. This amendment, which is the majority report of the committee, clarifies that a lobbyist must file a report with the Commission on Governmental Ethics and Election Practices on grassroots lobbying if the lobbyist's client either made or incurred expenditures in excess of \$2,000 during a month for the purposes of grassroots lobbying. As amended, the grassroots lobbying reporting threshold for lobbyists will match the grassroots lobbying reporting threshold established in the bill for persons who have not engaged a lobbyist. The amendment also clarifies that the \$2,000 threshold does not include payments made by the lobbyist's client to the client's regular employees.

### **Enacted Law Summary**

Public Law 2019, chapter 599 changes from "indirect lobbying" to "grassroots lobbying" the term used to describe communicating with members of the public and soliciting them to contact public officials for purposes of influencing legislative action. It also changes the types of communications with the public that qualify as grassroots lobbying to newly include communications made via telephone, over email, through a website, or through another digital format but to exclude a corporation's or organization's communications with its stockholders, employees, board members, officers and dues-paying members.

Under current law, a lobbyist must disclose in monthly reports filed with the Commission on Governmental Ethics and Election Practices expenditures by the lobbyist or the lobbyist's client made for grassroots lobbying that exceed \$15,000 in the relevant month and the legislation sought to be influenced through those expenditures. Public Law 2019, chapter 599 lowers the reporting threshold to \$2,000 in grassroots lobbying expenditures made or incurred in a calendar month and excludes from this calculation salaries paid by the lobbyist's client to its regular employees.

Public Law 2019, chapter 599 also newly requires non-lobbyists who make or incur more than \$2,000 in grassroots lobbying expenditures in a month to report those expenditures to the commission and to identify the legislation sought to be influenced through those expenditures. In calculating whether a non-lobbyist has reached the \$2,000-per-month expenditure threshold, only payments of money made to independent contractors and other vendors to purchase goods and services, such as advertising, graphic or website design, video or audio production services, telecommunications services, printing and postage, are included.

Public Law 2019, chapter 599 has an effective date of December 1, 2020.

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**LD 1869 An Act To Clarify the Financial Reporting Responsibilities of Political Action Committees and Ballot Question Committees**

**PUBLIC 563**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINIL	OTP-AM ONTP	S-377

This bill, submitted by the Commission on Governmental Ethics and Election Practices, clarifies which statutes contained in the Maine Revised Statutes, Title 21-A, chapter 13, subchapter 4 relate to both political action committees and ballot question committees and which relate only to political action committees.

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

This amendment, which is the majority report of the committee, clarifies that the terms "ballot question committee" and "political action committee," as those terms are used throughout the Maine Revised Statutes, Title 21-A, mean a person required to register as a ballot question committee or as a political action committee, respectively, in chapter 13, subchapter 4 of that Title.

The amendment also adds cross-references to the penalty provisions of chapter 13, subchapter 4 to clarify that, as stated in the bill, those penalties apply to political action committees or ballot question committees that are required to register and to file campaign finance reports with a municipal clerk and that violate the campaign finance laws. Finally, the amendment makes technical changes to the law governing the content of political action committees' campaign finance reports to clarify that the law does not apply to ballot question committees.

**Enacted Law Summary**

Public Law 2019, chapter 563 clarifies which statutes contained in the Maine Revised Statutes, Title 21-A, chapter 13, subchapter 4 relate to both political action committees and ballot question committees and which relate only to political action committees. It also clarifies that the terms "ballot question committee" and "political action committee," as those terms are used throughout the Maine Revised Statutes, Title 21-A, mean a person required to register as a ballot question committee or as a political action committee, respectively, under chapter 13, subchapter 4.

**LD 1871 An Act To Modify the Financial Disclosure Requirements for a Governor-elect**

**PUBLIC 564**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINIL	OTP-AM ONTP	S-376

This bill, submitted by the Commission on Governmental Ethics and Election Practices, makes the following changes to the law that regulates the financial activities of a committee established to finance a Governor-elect's transition to office and inauguration.

1. It repeals the provision of law prohibiting the treasurer of the transition committee from having also served as the treasurer of any candidate committee or political action committee in the same election cycle.
2. It extends the deadline for transition committees to accept donations from January 31st to March 31st of the year following the gubernatorial election and authorizes the commission to extend the deadline further if the committee requests additional time to fundraise to pay a debt or loan related to the transition to office or inauguration.

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3. It changes the deadline for the transition committee's first financial disclosure statement from January 1st to January 2nd of the year following the gubernatorial election and replaces the requirement that the final financial disclosure statement be filed on February 15th with a requirement that a statement be filed on February 15th and bimonthly thereafter until all surplus funds have been disposed. It also requires the treasurer to keep detailed accounts of the transition committee's contributions and expenditures for one year following the filing of the final disclosure statement.
4. It requires the transition committee to disclose in each financial disclosure statement any debt or loan that remains unpaid at the end of the time period for the statement and to disclose any debt or loan that was forgiven by the creditor or lender as a donation.
5. It requires the transition committee either to spend all donations received by the committee on expenses related to the transition or inauguration or to dispose of surplus funds by returning those funds to donors, donating them to a charitable organization or remitting them to the State Treasurer. It also eliminates the requirement that all funds be expended or disposed of by February 15th and allows disposal of funds to continue after that date.
6. It directs the commission to consider, in assessing a civil penalty for violation of this law, whether the transition committee made a bona fide effort to follow the law, the violation was caused by the error of a person outside of the transition committee's control or the transition committee attempted to conceal or misrepresent its financial activities.

### **Committee Amendment "A" (S-376)**

This amendment, which is the majority report of the committee, clarifies that a committee established to finance a Governor-elect's transition to office and inauguration must file financial disclosure statements with the Commission on Governmental Ethics and Election Practices until it not only disposes of all surplus funds but also satisfies all outstanding debts and loans.

The amendment also clarifies that, when the Commission on Governmental Ethics and Election Practices decides whether to assess a penalty for violations of the law governing transition committees, it must consider the factors established in the bill both when the violation was committed by the transition committee and the penalty will be assessed against the committee and when the violation was committed by another person and the penalty will be assessed against that person.

### **Enacted Law Summary**

Public Law 2019, chapter 564 makes the following changes to the law that regulates the financial activities of a committee established to finance a Governor-elect's transition to office and inauguration.

1. It repeals the provision of law prohibiting the treasurer of the transition committee from having also served as the treasurer of any candidate committee or political action committee in the same election cycle.
2. It extends the deadline for transition committees to accept donations from January 31st to March 31st of the year following the gubernatorial election and authorizes the commission to extend the deadline further if the committee requests additional time to fundraise to pay a debt or loan related to the transition to office or inauguration.
3. It changes the deadline for the transition committee's first financial disclosure statement from January 1st to January 2nd of the year following the gubernatorial election and replaces the requirement that the final financial disclosure statement be filed on February 15th with a requirement that a statement be filed on February 15th and bimonthly thereafter until all surplus funds have been disposed and all outstanding debts or loans have been satisfied. It also requires the treasurer to keep detailed accounts of the transition committee's contributions and expenditures for one year following the filing of the final disclosure statement.

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4. It requires the transition committee to disclose in each financial disclosure statement any debt or loan that remains unpaid at the end of the time period for the statement and to disclose any debt or loan that was forgiven by the creditor or lender as a donation.
5. It requires the transition committee either to spend all donations received by the committee on expenses related to the transition or inauguration or to dispose of surplus funds by returning those funds to donors, donating them to a charitable organization or remitting them to the State Treasurer. It also eliminates the requirement that all funds be expended or disposed of by February 15th and allows disposal of funds to continue after that date.
6. It directs the commission to consider, in assessing a civil penalty for violation of this law by any person, whether the person made a bona fide effort to follow the law, the violation was caused by the error of another person outside of the person's control or the person attempted to conceal or misrepresent its financial activities.

### LD 1884 An Act To Amend the Laws Governing Dual Liquor Licenses

PUBLIC 559  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETTE SANBORNH	OTP-AM	H-664

This bill amends the laws governing dual liquor licenses, which authorize licensees to sell wine for both on-premises and off-premises consumption. It allows a licensee to serve wine for on-premises consumption until 10:00 p.m., rather than until 8:00 p.m. It also relaxes the restriction that wine may be served for on-premises consumption only when accompanied by a full meal and instead requires only that a full meal be available for purchase and consumption at the time of service. It removes the requirement that a licensee have two employees at least 21 years of age present at all times when wine is being consumed on the premises.

#### Committee Amendment "A" (H-664)

This amendment, which is the unanimous report of the committee, removes the restrictions specific to dual liquor licensees regarding the times of day when wine may be sold for on-premises consumption. As a result, these licensees will be subject to the general law that authorizes the sale of all types of liquor, including wine, from 5:00 a.m. on one day until 1:00 a.m. the following day. The amendment requires a licensee to have at least one employee who is at least 21 years of age present at all times when wine is being consumed on the premises. The amendment also adds an emergency preamble and emergency clause to the bill.

#### Enacted Law Summary

Public Law 2019, chapter 559 amends the laws governing dual liquor licenses, which authorize licensees to sell wine for both on-premises and off-premises consumption. It removes the restrictions specific to dual liquor licensees regarding the times of day when wine may be sold for on-premises consumption. As a result, these licensees will be subject to the general law that authorizes the sale of all types of liquor, including wine, from 5:00 a.m. on one day until 1:00 a.m. the following day. It also relaxes the restriction that wine may be served for on-premises consumption only when accompanied by a full meal and instead requires only that a full meal be available for purchase and consumption at the time of service. Finally, it removes the requirement that a licensee have two employees at least 21 years of age present at all times when wine is being consumed on the premises and instead requires only that one employee who is at least 21 years of age be present in those circumstances.

Public Law 2019, chapter 559 was enacted as an emergency measure effective February 18, 2020.

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**LD 1902     An Act To Define the Term "Caucus Political Action Committee"**

**PUBLIC 635**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J	OTP-AM ONTP OTP-AM	S-391

This bill amends the laws governing the financing of political campaigns and the Commission on Governmental Ethics and Election Practices by defining "caucus political action committee" to mean a political action committee designated by a party leader in the Legislature to promote the election of the nominees of the party leader's political party to the Senate or the House of Representatives. It allows each appointed leader of a political party in the Senate or House of Representatives to designate one caucus political action committee to promote the election of nominees of that appointed leader's political party to the body of the Legislature of which that appointed leader is a member.

The bill also ensures consistent use of the term "caucus political action committee" in the campaign finance laws. Under those laws, a caucus political action committee may make unlimited donations to a candidate to fund a recount and, although Maine Clean Election Act candidates are generally prohibited from serving as the treasurer, principal officer, primary fund-raiser or primary decision maker for a political action committee, these candidates may engage in fund-raising or decision making for a caucus political action committee.

**Committee Amendment "A" (S-391)**

This amendment, which is the majority report of the committee, clarifies the process for the designation of caucus political action committees by specifying that each Senate caucus leader and each House caucus leader may designate one caucus political action committee to promote the election of nominees of the caucus leader's political party to the body of the Legislature of which that caucus leader is a member. Under the amendment, a caucus leader is a member of a political party in a body of the Legislature who has been elected the leader of that political party in that body of the Legislature. If the President of the Senate or the Speaker of the House is a member of a political party, the President of the Senate or Speaker of the House is the caucus leader of that political party in the respective body of the Legislature.

The amendment also makes technical changes to the law governing the appointment of members of the Commission on Governmental Ethics and Election Practices. Specifically, in the provisions outlining who has the authority to propose individuals for appointment to the commission, the phrases "appointed leader from each political party in the Senate" and "appointed leader from each political party in the House of Representatives" are replaced with the newly defined terms "Senate caucus leader" and "House caucus leader."

**Committee Amendment "B" (S-392)**

This amendment, which is one of two minority reports of the committee, is identical to the majority report except that it also allows both the unenrolled members of the Senate and the unenrolled members of the House of Representatives to elect a leader who may designate an unenrolled political action committee to promote the election of unenrolled candidates to that body of the Legislature. Like a caucus political action committee, an unenrolled political action committee may make unlimited donations to a candidate to fund a recount. In addition, although Maine Clean Election Act candidates are generally prohibited from serving as the treasurer, principal officer, primary fund-raiser or primary decision maker for a political action committee, the amendment authorizes Maine Clean Election Act candidates to engage in fund-raising or decision making for an unenrolled political action committee to the same extent that Maine Clean Election Act candidates may engage in such activities for a caucus political action committee.

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This amendment was not adopted.

**Enacted Law Summary**

Public Law 2019, chapter 635 amends the laws governing the financing of political campaigns by defining "caucus political action committee" to mean a political action committee designated by a Senate caucus leader or House caucus leader to promote the election of the nominees of the caucus leader's political party to the caucus leader's respective body of the Legislature. A caucus leader is a member of a political party in a body of the Legislature who has been elected the leader of that political party in that body of the Legislature. If the President of the Senate or the Speaker of the House is a member of a political party, the President of the Senate or Speaker of the House is the caucus leader of that political party in the respective body of the Legislature.

Public Law 2019, chapter 635 also ensures consistent use of the term "caucus political action committee" in the campaign finance laws. Under those laws, a caucus political action committee may make unlimited donations to a candidate to fund a recount and, although Maine Clean Election Act candidates are generally prohibited from serving as the treasurer, principal officer, primary fund-raiser or primary decision maker for a political action committee that influences candidate elections, these candidates may engage in fund-raising or decision making for a caucus political action committee.

Public Law 2019, chapter 635 also makes technical changes to the law governing the appointment of members of the Commission on Governmental Ethics and Election Practices. Specifically, in the provisions outlining who has the authority to propose individuals for appointment to the commission, the phrases "appointed leader from each political party in the Senate" and "appointed leader from each political party in the House of Representatives" are replaced with the newly defined terms "Senate caucus leader" and "House caucus leader."

**LD 1903      An Act To Amend the Laws Governing Activities at or near the Polls on      CARRIED OVER  
Election Day**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B MCCREIGHT J	OTP-AM OTP-AM	

This bill, submitted by the Secretary of State, repeals current statutory provisions governing the activities at polling places on election day and enacts the following new provisions in theirplace.

1. It establishes a six-foot-wide access corridor from the entrance of the polling place to the guardrail enclosure where voting takes place that must be kept open at all times for the passage of voters and for no other activity.
2. It establishes the space within the polling place and within a 150-foot radius of the polling place, not including any easement over private property, as a campaign-free zone. Within this zone, certain electioneering activities are prohibited, including: attempting to influence another person's decision on a candidate or question on the ballot that year; distributing advertising or campaign materials; soliciting or accepting contributions for a candidate or question that will be on the ballot that year; collecting signatures on candidate nominating petitions; and the wearing of clothing or accessories expressly advocating the election or defeat of any candidate or question on the ballot that day. Other activities are expressly permitted within the campaign-free zone, including: advertising material on a vehicle transporting voters to or from the voting place; exit polling conducted after voters finish voting; the greeting of voters by a candidate or candidate's single representative outside of the access corridor; and the wearing by a voter who is that the polls to vote of clothing or accessories that displays the name of a candidate or a campaign message, as long as the statement does not constitute express advocacy.
3. It authorizes the election warden to assign space within the campaign-free zone for activities related to the

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collection of signatures for a direct initiative or people’s veto referendum that may be placed on the ballot in a future election or an article to be placed on a municipal warrant if space is available, arrangements are made with the municipal clerk prior to election day and signatures are not solicited until after a voter finishes voting.

- 4. It authorizes the warden to direct that a person who engages in prohibited activities be removed from the voting place.
- 5. It requires the Secretary of State to issue interpretive guidelines for use by local election officials, candidates, campaigns and the public.

**Committee Amendment "A" (S-409)**

This amendment, which is the majority report of the committee, makes the following changes to the bill's restrictions on activities at voting places on election day.

- 1. It clarifies that the restrictions in the bill apply to the voting place on election day and also to municipal clerks' offices when absentee voting may take place.
- 2. It removes the portion of the bill that requires a six-foot-wide access corridor from the entrance of the voting place to the guardrail enclosure where voting takes place.
- 3. It clarifies that, when persons or organizations request space to conduct activities related to the collection of signatures on a petition to qualify a measure for the ballot at a future election, the clerk and the warden may not unreasonably deny those requests. In addition, it clarifies that those requests may be made on the day of the election.
- 4. It adds cross-references to the definitions of "contribution" applicable to candidate campaigns and to ballot question campaigns to clarify the types of contributions that may not be collected within the campaign-free zone at a voting place on election day or within the campaign-free zone at a municipal clerk's office when absentee voting may take place.

**Committee Amendment "B" (S-410)**

This amendment, which is the minority report of the committee, strikes and replaces the bill and changes the title. The amendment generally preserves current law governing the activities at polling places except that it newly prohibits the solicitation or acceptance of contributions for a campaign for the nomination or election of a candidate or a campaign to initiate or influence a ballot measure on public property within 250 feet of the entrance to the voting place as well as within the voting place itself on election day.

The bill was carried over in the Senate to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1904 An Act To Amend Certain Laws Governing Elections**

**PUBLIC 636**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINIL	OTP-AM	H-776 SCHNECK J
BRYANTM	ONTP	S-408

This bill, submitted by the Secretary of State, makes the following changes to the laws governing elections.

- 1. It authorizes a municipal registrar of voters to use two additional methods for identifying and removing deceased voters from the voting rolls: a published obituary or a signed notice from an immediate family

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member containing the name, date and place of death of a voter.

2. It changes the process for replacement of a party's candidate for United States Senator, Representative to Congress and Governor to match the process used for candidates for all other federal, state and county offices other than United States President.
3. It lowers the age of qualification to serve as a municipal election clerk from 17 years of age to 16 years of age to correspond to the provision of Public Law 2019, chapter 409 that allows 16-year-old individuals to conditionally register to vote.
4. It resolves an inconsistency in the law by shortening the time that municipalities have to submit their official election returns to the Secretary of State from three business days to two business days after the election, and it moves the provision for sending a courier to retrieve delinquent returns to the same section of law as the deadline for filing those returns.
5. If early processing of absentee ballots will occur, it requires the municipal clerk to post the notice of early processing of absentee ballots with the notice of election.
6. It specifies that an application for a direct initiative or people's veto referendum must include the telephone numbers and email addresses of the applicant and the five additional registered voters who are required to be listed on the application under current law and provides that the Secretary of State will send all notices related to the relevant direct initiative or people's veto referendum to those individuals by e-mail only.
7. It requires that the full text and summary of a direct initiative, which must be included in the application for a direct initiative under current law, must be submitted to the Secretary of State in both printed and electronic format.

### **Committee Amendment "A" (S-408)**

This amendment, which is the majority report of the committee, strikes the provision of the bill that lowers the age of qualification to be an election official from 17 years of age to 16 years of age.

The amendment retains all other provisions of the bill, including the provisions of the bill that change the candidate withdrawal provisions for United States Senator, Representative to Congress and Governor to match those of other offices, but further clarifies the laws governing the candidate withdrawal process for all federal, state and county offices, other than for United States President, as follows.

1. For all elections, as in current practice, the name of a candidate who withdraws 70 days or more before any election for any reason will be removed from the ballot.
2. For general elections, as in current practice, a candidate who is a member of a political party and who withdraws before the second Monday in July preceding the general election may be replaced by the appropriate political committee no later than 5 p.m. of the fourth Monday in July preceding the general election and will be listed on the general election ballot.
3. For general elections, as in current practice, a candidate who is a member of a political party and who dies or withdraws due to incapacity may be replaced by the appropriate political committee as soon as practicable. If the Secretary of State receives notification of the replacement candidate no later than 60 days before the general election, new ballots listing the replacement candidate must be printed. If the Secretary of State receives a later notification, however, the amendment newly clarifies that the Secretary of State is not required to print new ballots but may amend ballots already printed or issue a notice to supplement ballots already printed informing voters of the

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replacement candidate and instructing voters how they may vote for the replacement candidate.

4. For general elections, as in current practice, the name of a candidate who withdraws for a reason other than incapacity less than 70 days before the general election will not be removed from the ballot and voters casting ballots after the withdrawal will be notified that the candidate has withdrawn and that a vote for that candidate will not be counted.
5. For uncontested primary elections, as in current practice, if a candidate dies or becomes disqualified before the primary election or withdraws for another reason 70 days or more before the primary election, the appropriate political committee may select a replacement candidate. Also as in current practice, if the Secretary of State receives notification of the replacement candidate 60 days or more before the primary election, new ballots listing the replacement candidate must be printed. If the Secretary of State receives notification of the replacement candidate less than 60 days before the primary election, however, the amendment newly clarifies that the Secretary of State is not required to print new ballots but may amend ballots already printed or issue a notice to supplement ballots already printed informing voters of the replacement candidate and instructing voters how they may vote for the replacement candidate.
6. For contested primary elections, as in current practice, if a candidate dies or becomes disqualified 70 days or more before the primary election, the candidate's name will be removed from the ballot but a replacement candidate may not be named. If a candidate dies or becomes disqualified less than 70 days before a contested primary election, the amendment newly clarifies that although the candidate's name will not be removed from the ballot, voters casting ballots after the death or disqualification will be notified that the candidate is no longer running for office and that votes for the candidate will not be counted.
7. For both contested and uncontested primary elections, as in current practice, the name of a candidate who voluntarily withdraws less than 70 days before the primary election will not be removed from the ballot and voters casting ballots after the withdrawal will be notified that the candidate has withdrawn and that a vote for that candidate will not be counted.
8. For special elections to fill a vacancy in an office, as in current practice, if a candidate dies or withdraws from the election for any reason, the candidate's name will not be removed from the ballot and voters casting ballots after the death or withdrawal will be notified that the candidate has died or has withdrawn and that a vote for that candidate will not be counted.

The amendment also makes a technical change to the law governing municipal elections by removing language requiring ballots to be printed so that voters mark their choices in squares printed to the left of each candidate's name and substituting language authorizing ballots to be printed in any way that allows the voter to designate the voter's choice.

### **House Amendment "A" (H-776)**

This amendment moves the deadline for a uniformed service voter or an overseas voter to register to vote or request an absentee ballot from 5:00 p.m. on election day to 5:00 p.m. on the day before election day.

### **Enacted Law Summary**

Public Law 2019, chapter 636 makes the following changes to the laws governing elections.

1. It authorizes a municipal registrar of voters to use two additional methods for identifying and removing deceased voters from the voting rolls: a published obituary or a signed notice from an immediate family member containing the name, date and place of death of a voter.
2. It changes the candidate withdrawal provisions for United States Senator, Representative to Congress and

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Governor to match those other federal, state and county offices other than United States President and further clarifies the laws governing the candidate withdrawal process for these offices as follows.

- A. For all elections, as in current practice, the name of a candidate who withdraws 70 days or more before any election for any reason will be removed from the ballot.
- B. For general elections, as in current practice, a candidate who is a member of a political party and who withdraws before the second Monday in July preceding the general election may be replaced by the appropriate political committee no later than 5:00 p.m. of the fourth Monday in July preceding the general election and will be listed on the general election ballot.
- C. For general elections, as in current practice, a candidate who is a member of a political party and who dies or withdraws due to incapacity may be replaced by the appropriate political committee as soon as practicable. If the Secretary of State receives notification of the replacement candidate no later than 60 days before the general election, new ballots listing the replacement candidate must be printed. If the Secretary of State receives a later notification, however, the amendment newly clarifies that the Secretary of State is not required to print new ballots but may amend ballots already printed or issue a notice to supplement ballots already printed informing voters of the replacement candidate and instructing voters how they may vote for the replacement candidate.
- D. For general elections, as in current practice, the name of a candidate who withdraws for a reason other than incapacity less than 70 days before the general election will not be removed from the ballot and voters casting ballots after the withdrawal will be notified that the candidate has withdrawn and that a vote for that candidate will not be counted.
- E. For uncontested primary elections, as in current practice, if a candidate dies or becomes disqualified before the primary election or withdraws for another reason 70 days or more before the primary election, the appropriate political committee may select a replacement candidate. If the Secretary of State receives notification of the replacement candidate 60 days or more before the primary election, new ballots listing the replacement candidate must be printed. If the Secretary of State receives a later notification, however, the amendment newly clarifies that the Secretary of State is not required to print new ballots but may amend ballots already printed or issue a notice to supplement ballots already printed informing voters of the replacement candidate and instructing voters how they may vote for the replacement candidate.
- F. For contested primary elections, as in current practice, if a candidate dies or becomes disqualified 70 days or more before the primary election, the candidate's name will be removed from the ballot but a replacement candidate may not be named. If a candidate dies or becomes disqualified less than 70 days before a contested primary election, the amendment newly clarifies that although the candidate's name will not be removed from the ballot, voters casting ballots after the death or disqualification will be notified that the candidate is no longer running for office and that votes for the candidate will not be counted.
- G. For both contested and uncontested primary elections, as in current practice, the name of a candidate who voluntarily withdraws less than 70 days before the primary election will not be removed from the ballot and voters casting ballots after the withdrawal will be notified that the candidate has withdrawn and that a vote for that candidate will not be counted.
- H. For special elections to fill a vacancy in an office, as in current practice, if a candidate dies or withdraws from the election for any reason, the candidate's name will not be removed from the ballot and voters casting ballots after the death or withdrawal will be notified that the candidate has died or has withdrawn and that a vote for that candidate will not be counted.

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3. It moves the deadline for a uniformed service voter or an overseas voter to register to vote or request an absentee ballot from 5:00 p.m. on election day to 5:00 p.m. on the day before election day.
4. It resolves an inconsistency in the law by shortening the time that municipalities have to submit their official election returns to the Secretary of State from three business days to two business days after the election, and it moves the provision for sending a courier to retrieve delinquent returns to the same section of law as the deadline for filing those returns.
5. If early processing of absentee ballots will occur, it requires the municipal clerk to post the notice of early processing of absentee ballots with the notice of election.
6. It specifies that the telephone numbers and email addresses of the applicant and the five additional registered voters required to be listed on the application by law must be included in an application for a direct initiative or people's veto referendum and provides that the Secretary of State will send all notices to those individuals related to the relevant direct initiative or people's veto referendum by e-mail only.
7. It requires that the full text and summary of a direct initiative, which must be included in the application for a direct initiative, must be submitted to the Secretary of State in both printed and electronic format.
8. It makes a technical change to the law governing municipal elections by removing language requiring ballots to be printed so that voters mark their choices in squares printed to the left of each candidate's name and substituting language authorizing ballots to be printed in any way that allows the voter to designate the voter's choice.

### LD 1926    **An Act To Amend the Laws Governing the Maine Veterans' Memorial Cemetery System**

PUBLIC 601

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINIL	OTP-AM	S-411

This bill, submitted by the Department of Defense, Veterans and Emergency Management, clarifies the requirements for eligibility for burial in the Maine Veterans' Memorial Cemetery System for veterans and their dependents by amending the definitions of "eligible veteran" and "eligible dependent" to more closely align with the United States Department of Veterans Affairs' guidelines. This change is designed to ensure that the State remains eligible to receive burial plot allowances from the federal Department of Veterans Affairs for veterans buried in the state cemetery system.

#### **Committee Amendment "A" (S-411)**

The bill amends the definition of "eligible veteran" with respect to eligibility for burial in the Maine Veterans' Memorial Cemetery System. That definition of "eligible veteran" is also employed in current law to define veteran eligibility for temporary financial assistance. This amendment, which is the unanimous report of the committee, amends the statute governing the temporary financial assistance program by removing the cross-reference to the definition of "eligible veteran" in the cemetery statute and replacing it with the definition of "veteran" that is currently used in the rules governing the temporary financial assistance program to determine eligibility for assistance under that program.

#### **Enacted Law Summary**

Public Law 2019, chapter 601 clarifies the requirements for eligibility for burial in the Maine Veterans' Memorial Cemetery System for veterans and their dependents by amending the definitions of "eligible veteran" and "eligible dependent" to more closely align with the United States Department of Veterans Affairs' guidelines. This change is designed to ensure that the State remains eligible to receive burial plot allowances from the federal Department of

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Veterans Affairs for veterans buried in the state cemetery system.

Public Law 2019, chapter 601 also amends the statute governing temporary financial assistance for veterans by removing the cross-reference to the definition of "eligible veteran" in the cemetery statute and replacing it with the definition of "veteran" that is currently used in the rules governing the temporary financial assistance program to determine eligibility for assistance under that program.

**LD 1952      Resolve, To Establish a Pilot Project To Provide Support Services for Military Members Transitioning to Civilian Life in Maine      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TERRY M	OTP-AM ONTP	H-687

This bill provides ongoing funding for the Department of Defense, Veterans and Emergency Management to provide personalized and proactive support for active duty military members who are transitioning to civilian life in Maine and their families.

**Committee Amendment "A" (H-687)**

This amendment, which is the majority report of the committee, strikes the bill and replaces it with a resolve. The resolve directs the Commissioner of Economic and Community Development, in consultation with the Director of the Maine Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management, to establish a two-year pilot project to conduct outreach and to provide support services for active duty military members who are transitioning to civilian life in the State and their families.

This resolve was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1968      An Act To Restrict Maine Clean Election Act Candidates from Seeking or Accepting Employment with Vendors      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ACKLEY K CHENETTE J		

This bill prohibits a Maine Clean Election Act candidate from soliciting or accepting employment from an individual, business or nonprofit entity to whom the candidate paid \$10,000 or more in connection with the candidate's campaign for office. This prohibition begins on the date that the candidate is certified as a Maine Clean Election Act candidate and ends three years after the date of the general election for that office.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

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**LD 1988    An Act To Prohibit the Distribution of Deceptive Images or Audio or Video Recordings with the Intent To Influence the Outcome of an Election**

**CARRIED OVER**

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

This bill, which is based on a recently enacted California law, prohibits a person from publishing or distributing, with actual malice and within 60 days of the date of an election, materially deceptive audio or visual media of a candidate who will appear on the ballot with the intent to injure the candidate's reputation or to deceive a voter into voting for or against the candidate. The bill defines "materially deceptive audio or visual media" as an image or an audio or video recording of a candidate that has been intentionally manipulated in a way that would cause a reasonable person to mistakenly believe that the image or recording is authentic and that would cause the person to have a fundamentally different understanding or impression of the content of the image or recording than the person would have if the image or recording was unaltered. An image or audio or video recording that constitutes satire or parody is not considered materially deceptive audio or visual media. The bill authorizes a candidate whose voice or image appears in materially deceptive audio or visual media to bring a civil action seeking injunctive relief or monetary damages. In such an action, the candidate bears the burden of proving the violation by clear and convincing evidence.

The bill's prohibition against the distribution of materially deceptive audio or visual media does not apply if the materially deceptive audio or visual media is accompanied by a disclosure indicating that the image or audio or video recording has been manipulated; distributed as part of a news broadcast that includes a clear statement that there are questions about the authenticity of the image or audio or video recording; broadcast by a radio or television broadcasting station that has been paid to broadcast the materially deceptive audio or visual media; or published by an Internet website or regularly published newspaper, magazine or other periodical, as long as the materially deceptive audio or visual media is accompanied by a statement that it does not accurately represent the speech or conduct of the candidate.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1997    An Act To Allow the Assignment of State Vehicles to Field Personnel Directly Concerned with Maine National Guard Facilities and To Allow State Vehicles Assigned to Military Bureau Employees To Be Used for Commuting**

**PUBLIC 578**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINIL	OTP-AM	S-380

This bill, submitted by the Department of Defense, Veterans and Emergency Management, allows the assignment of state vehicles to field personnel directly concerned with the maintenance and operation of Maine National Guard facilities who are frequently called for emergency duty outside of regular hours. It also allows Military Bureau employees designated by the Commissioner of Defense, Veterans and Emergency Management to use state vehicles to commute between home and work.

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**Committee Amendment "A" (S-380)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2019, chapter 578 allows the assignment of state vehicles to field personnel directly concerned with the maintenance and operation of Maine National Guard facilities who are frequently called for emergency duty outside of regular hours. It also allows Military Bureau employees designated by the Commissioner of Defense, Veterans and Emergency Management to use state vehicles to commute between home and work.

**LD 2002      An Act To Improve Compliance with Department of Administrative and Financial Services, Office of Marijuana Policy Registration and Licensure Requirements      CARRIED OVER**

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

This bill, submitted by the Department of Administrative and Financial Services, does the following.

Part A authorizes the Department of Administrative and Financial Services to collect and use the social security numbers of applicants to ensure that only one registry identification card is issued to each participant under the Maine Medical Use of Marijuana Act.

Part B authorizes the office of marijuana policy within the Department of Administrative and Financial Services to collect and use the social security numbers of applicants to ensure that only one individual identification card is issued to each individual identification card holder under the Marijuana Legalization Act.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2062      An Act To Amend the Department of Public Safety, Gambling Control Board Laws Regarding Registered Equipment      PUBLIC 614**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAYS	OTP-AM	S-390

This bill allows for the registration of slot machines and associated equipment by certain licensed entities other than slot machine distributors.

**Committee Amendment "A" (S-390)**

This amendment, which is the unanimous report of the committee, clarifies that the only licensed entities that may register a slot machine or slot machine associated equipment are licensed slot machine distributors and licensed gambling services vendors.

The amendment also changes the definition of "associated equipment" to clarify that only mechanical, electromechanical or electronic components or machines that are used in or intended for use in a slot machine or table game and that affect the outcome of the game, are involved in the handling of money, tokens, credits or similar objects or things of value, or are involved in the calculation of or distribution of payoffs must be registered.

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**Enacted Law Summary**

Public Law 2019, chapter 614 allows for the registration of slot machines and associated equipment by licensed gambling services vendors in addition to licensed slot machine distributors, as in current law. It also changes the definition of "associated equipment" to clarify that only mechanical, electromechanical or electronic components or machines that are used in or intended for use in a slot machine or table game and that affect the outcome of the game, are involved in the handling of money, tokens, credits or similar objects or things of value, or are involved in the calculation of or distribution of payoffs must be registered.

**LD 2067     An Act To Authorize the Automatic Continuation of Absentee Voter Status until the Termination of That Status     CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L FECTEAUR		

This bill, which has an effective date of January 1, 2022, provides a process for a voter to request ongoing absentee voter status, which allows the voter to automatically receive an absentee ballot for each statewide election, municipal election and any other election until the status is terminated. It provides that if the clerk notes a discrepancy in signature on the return envelope of an absentee ballot, the return envelope is missing a signature or the affidavit on the return envelope is not properly completed, the clerk shall make a good faith effort to notify the voter within 24 hours by mail, telephone or e-mail of the procedure by which the voter may cure the discrepancy, correct the missing signature or properly complete the affidavit on the return envelope. Compare LD 753 from the First Regular Session.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2088     An Act To Clarify the Laws Governing Financial Relationships between Entities within the Three-tier System for Distribution of Alcohol     PUBLIC 665**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-426

This committee bill was reported out by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2019, chapter 15. It consolidates in one statutory section the separate laws prohibiting financial relationships between entities within the three-tier system of alcohol distribution in Maine. The bill clarifies that, with only a few minor exceptions, an entity in the manufacturer tier, wholesaler tier or retailer tier may not have a financial interest, direct or indirect, in an entity in a different tier of the three-tier system. Unlike current law, the bill clarifies that these so-called three-tier prohibitions apply to entities that sell spirits. The bill also preserves the prohibition in current law against an in-state wholesaler of malt liquor and wine, referred to in current law as a "wholesale licensee," having any financial interest, direct or indirect, in an out-of-state wholesaler of malt liquor or wine whose products are imported into the State.

**Committee Amendment "A" (S-426)**

The bill generally prohibits an entity within one tier of the three-tier system of alcohol distribution in Maine from having a financial interest in an entity within another tier of the three-tier system in Maine and extends the financial interest prohibitions of the three-tier system, which apply under current law to entities that manufacture, import or sell malt liquor and wine within the State, to entities that manufacture, import or sell spirits within the State. Under the bill, in-state and out-of-state manufacturers comprise the first tier of alcohol distribution, in-state and out-of-state wholesalers comprise the second tier of alcohol distribution and in-state retailers comprise the third tier

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of alcohol distribution.

This amendment, which is the unanimous report of the committee, retains the bill's extension of the financial interest prohibitions of the three-tier system to spirits but restructures the first and second tiers of that system to match the structure of the three-tier system that applies to malt liquor and wine under current practice. Under the amendment, the first tier of alcohol distribution consists of in-state manufacturers of spirits, wine or malt liquor; out-of-state manufacturers of spirits, wine and malt liquor that ship their products to Maine; and out-of-state entities that are not manufacturers but that purchase spirits, wine or malt liquor for shipment to and eventual resale in Maine. The second tier of alcohol distribution includes in-state wholesalers of malt liquor or wine. Because Maine is a control state, private entities are not authorized to act as wholesalers of spirits within the State and there is therefore no need to include such entities in the amendment's second tier of alcohol distribution. As in the bill, licensed retailers comprise the third tier of alcohol distribution.

The amendment also corrects an error in the bill by specifying that the prohibited financial interests between entities in different tiers of the three-tier system do not include a minor investment by an entity within one tier of the three-tier system if that investment amounts to not more than 1% of the securities of a business entity within another tier of the three-tier system.

**Enacted Law Summary**

Public Law 2019, chapter 665 consolidates in one statutory section the separate laws prohibiting financial relationships between entities in separate tiers of the three-tier system of alcohol distribution in Maine and clarifies that these so-called three-tier prohibitions apply to entities that sell spirits in addition to entities that sell malt liquor and wine. The first tier of alcohol distribution consists of in-state manufacturers of spirits, wine or malt liquor; out-of-state manufacturers of spirits, wine and malt liquor that ship their products to Maine; and out-of-state entities that are not manufacturers but that purchase spirits, wine or malt liquor for shipment to and eventual resale in Maine. The second tier of alcohol distribution includes in-state wholesalers of malt liquor or wine. Because Maine is a control state, private entities are not authorized to act as wholesalers of spirits within the State and there is therefore no need to include such entities in the statutory second tier of alcohol distribution. Licensed retailers comprise the third tier of alcohol distribution.

**LD 2089 An Act To Clarify Certificate of Approval Requirements under the State's Liquor Laws**

**PUBLIC 615**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	S-407

This committee bill was reported out by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2019, chapter 15. It resolves an inconsistency in the State's liquor laws by clarifying that an out-of-state spirits supplier must obtain a certificate of approval from the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations before it may transport spirits into the State for sale to the bureau or cause spirits to be transported into the State for sale to the bureau. The out-of-state spirits suppliers who must obtain a certificate of approval under the bill include both out-of-state spirits manufacturers and persons who engage in the out-of-state purchase of spirits for resale to the bureau.

The bill also clarifies which of the existing laws applicable to certificate of approval holders apply to out-of-state spirits suppliers, who are included in the definition of "certificate of approval holder" under the bill. For example, the bill exempts out-of-state spirits suppliers from the statutory requirement that certificate of approval holders enter into a distribution contract with a wholesaler who is licensed to sell malt liquor or wine within the State. These contracts are unnecessary because, under existing law, all spirits products must be sold to the bureau, which contracts with the entity that provides warehousing and distribution services for spirits products within the State.

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**Committee Amendment "A" (S-407)**

This amendment, which is the majority report of the committee, clarifies that only out-of-state spirits manufacturers and persons that engage in the out-of-state purchase of spirits for resale to the bureau are required to obtain a certificate of approval under the process established in the bill. The amendment further clarifies that, when out-of-state spirits suppliers ship spirits to Maine, the spirits must be delivered to a warehouse designated by the State Liquor and Lottery Commission.

Under the bill, an out-of-state spirits supplier is required to pay a \$1,000 annual fee to obtain a certificate of approval, except that an out-of-state spirits supplier that ships 120 gallons of spirits or less to Maine per year is only required to pay a \$100 annual fee. The amendment converts the total volume amount used to determine whether an out-of-state spirits supplier is eligible to pay the \$100 reduced fee from gallons to liters, which is the unit of measurement typically used in the spirits industry. The amendment also delays the effective date of the bill until September 1, 2020 and provides that an out-of-state spirits supplier that is not eligible to pay the \$100 reduced fee is only required to pay \$500 for a certificate of approval for the first year that the provision is in effect. Beginning September 1, 2021, the annual fee for an out-of-state spirits supplier that is not eligible to pay the \$100 reduced fee returns to the \$1,000 level established by the bill. Finally, the amendment makes technical changes to the bill.

**Enacted Law Summary**

Public Law 2019, chapter 615 resolves an inconsistency in the State's liquor laws by clarifying that, beginning September 1, 2020, an out-of-state spirits supplier must obtain a certificate of approval from the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations before it may transport spirits into or cause spirits to be transported into the State for sale to the bureau. The term "out-of-state spirits supplier" is defined to include both an out-of-state spirits manufacturer and a person who engages in the out-of-state purchase of spirits for resale to the bureau. When an out-of-state spirits supplier ships spirits into the State, the spirits must be delivered to a warehouse designated by the State Liquor and Lottery Commission.

For the first year that Public Law 2019, chapter 615 is in effect, an out-of-state spirits supplier is required to pay a \$500 fee to obtain a certificate of approval, except that an out-of-state spirits supplier that ships no more than 450 liters of spirits into the State per year is only required to pay a \$100 fee. Beginning September 1, 2021, the annual fee for an out-of-state spirits supplier who ships more than 450 liters of spirits into the State per year increases to \$1,000, to match the fee required to obtain a certificate of approval to ship malt liquor or wine into the State, while the annual fee for an out-of-state spirits supplier that ships no more than 450 liters of spirits into the State per year remains \$100.

**LD 2091 An Act To Amend the Marijuana Legalization Act and Make Other Implementing Changes**

**CARRIED OVER**

Sponsor(s)

LUCHINIL

Committee Report

Amendments Adopted

This bill, submitted by the Department of Administrative and Financial Services, does the following.

In the Marijuana Legalization Act, it amends the definition of "inherently hazardous substance" to include ethanol and alcohol, amends the definition of "marijuana trim" to exclude from that definition stalks and roots of the marijuana plant, amends the definition of "seedling" to include larger plants and adds definitions of "marijuana establishment support entity" and "sample collector."

In the Marijuana Legalization Act, it changes the requirements of the operating plan for cultivation facilities to require such facilities to obscure from public view by anyone under 21 years of age any marijuana or marijuana

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plants.

In the Marijuana Legalization Act, it provides for sample collectors to collect samples of marijuana and marijuana products for mandatory testing by marijuana testing facilities and provides for the licensing of marijuana establishment support entities.

It allows the Department of Administrative and Financial Services, Maine Revenue Services to provide tax information directly to the Department of Administrative and Financial Services, office of marijuana policy for the purposes of determining applicant eligibility for licenses issued by the office.

It amends the Freedom of Access Act to exclude from the definition of "public record" application materials provided to the office of marijuana policy regarding security, trade secrets and standard operating procedures.

This bill, which had been voted but not yet reported out of committee was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2114      An Act To Implement the Recommendations of the Secretary of State      CARRIED OVER**  
**Regarding Automatic Voter Registration**

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

This bill, which was reported out by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Public Law 2019, chapter 409, section 7, implements the recommendations of the Secretary of State for implementation of the automatic voter registration system. The bill replaces the requirement that the Department of the Secretary of State, Bureau of Motor Vehicles scan documentation that will be used to create a pending voter registration record for an individual who has not opted out of automatic voter registration and who applies for a driver's license or nondriver identification card with a requirement that the bureau record the individual's documentation for pending voter registration record purposes. The bill also authorizes the bureau to create a pending voter registration record for an individual who has previously applied for a driver's license or nondriver identification card and submitted documentation sufficient to create a pending voter registration record if the individual appears before the bureau to conduct another transaction and does not opt out of automatic voter registration.

The bill directs the Secretary of State to submit, by January 1, 2021, a report to the joint standing committee of the Legislature having jurisdiction over voter registration matters on the progress made toward implementing automatic voter registration and the estimated time required to complete all activities necessary for implementation. The joint standing committee may report out legislation to the First Regular Session of the 130th Legislature based on the report.

This bill, which had been voted but not yet reported out of committee was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2120      An Act Regarding Sales of Alcohol in Municipalities and      PUBLIC 672**  
**Unincorporated Places      EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINIL	OTP-AM	S-436

## *Joint Standing Committee on Veterans and Legal Affairs*

Current law requires a municipality to affirmatively authorize the licensing of businesses to sell liquor in that municipality through a local option election. In an unincorporated place, the county commissioners must decide whether to authorize or not authorize the licensing of businesses to sell liquor in that unincorporated place. Based on the type of sales authorized in that municipality or unincorporated place, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations issues retail licenses to the establishments or agency liquor stores in that municipality or unincorporated place.

Since a municipality or unincorporated place may not be able to provide proof that the sale of liquor was authorized in that municipality or unincorporated place, despite the presence in that municipality or unincorporated place of establishments licensed by the bureau, the continuation of licensing by the bureau is in jeopardy. In order to prevent the loss of licensing, this bill provides a window, until July 1, 2022, for a municipality or unincorporated place to either provide the bureau with proof of an affirmative vote or decision or to hold a local option election or, in the case of an unincorporated place, a county commissioner decision to authorize the sale of liquor. This bill requires the bureau, no later than October 1, 2020, to notify a municipality or unincorporated place that has a business licensed by the bureau in it that the bureau does not have a record of a local option vote or decision authorizing the sale of liquor in that municipality or unincorporated place. In order to continue as a municipality or unincorporated place in which the sale of liquor is authorized, that municipality or unincorporated place must either provide proof of a local option election or decision authorizing the sale of liquor or, before July 1, 2022, hold a local option election to authorize the sale of liquor or, in the case of an unincorporated place, decide affirmatively to authorize the sale of liquor. Beginning July 1, 2022, if a municipality or unincorporated place that has been notified of noncompliance fails to affirm the authorization to sell liquor, the bureau is prohibited from licensing an establishment or agency liquor store in that municipality or unincorporated place. If the bureau fails to notify a municipality or unincorporated place in which there is a business licensed by the bureau that the municipality or unincorporated place is in noncompliance with the requirement to hold a local option election or issue a decision authorizing the sale of liquor in that municipality or unincorporated place by October 1, 2020, then the bureau may not fail to continue to license a business based on that noncompliance.

This bill also makes the following changes to the laws regarding the authorization of the sale of liquor in a municipality.

1. It reduces the number of signatures of voters needed on a petition to hold a local option election to determine whether the sale of liquor is authorized in a municipality from 15% of the number of votes cast in the last gubernatorial election in that municipality to signatures of 30 voters in that municipality.
2. As an alternative to the petition process, it allows the municipal officers in a municipality to vote to hold a local option election.

### **Committee Amendment "A" (S-436)**

This amendment, which is the unanimous report of the committee, requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to notify each municipality in the State of the bureau's preliminary determination, based on the bureau's records of local option elections conducted in that municipality, whether the bureau may issue licenses for the sale of liquor by retail establishments in that municipality. Unlike the bill, this requirement applies not only to municipalities in which retail establishments are currently licensed for the sale of liquor but also to municipalities where liquor is not currently sold by licensed retail establishments. If a municipality disagrees with the bureau's preliminary determination that a type of retail liquor establishment may not be licensed in the municipality, it may, by July 1, 2022, either provide the bureau with proof of a previous local option election authorizing the sale of liquor by that type of retail establishment or conduct a new local option election to authorize the sale of liquor by that type of retail establishment. On July 1, 2022, the bureau must finally determine which types of retail establishments may be licensed for the sale of liquor in each municipality and post a copy of this final determination on its publicly accessible website. This final determination governs whether the bureau may issue licenses for the retail sale of liquor in the municipality beginning on July 1,

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2022 and ending on the date that the municipality conducts a new local option election authorizing or prohibiting the issuance of retail liquor licenses in that municipality.

The amendment further directs the bureau to notify the county commissioners of each county in which an unincorporated place is located that proof of an affirmative decision to authorize the retail sale of liquor for on-premises or off-premises consumption is a prerequisite to issuance of such licenses in an unincorporated place after July 1, 2022.

Until July 1, 2022, the bureau must continue to issue or renew licenses for the types of retail establishments that were licensed in a municipality or unincorporated place between March 1, 2017 and March 1, 2020, even if the bureau does not have a record of a local option election or a county commissioner decision authorizing the issuance of licenses to that type of retail establishment in the municipality or unincorporated place.

The amendment also changes the number of signatures needed on a petition to hold a local option election in a municipality. Under the amendment, the petition must be signed either by 30 voters in that municipality or by a number of voters equal to at least 5% of the number of votes cast in that municipality in the last gubernatorial election, whichever is fewer.

### **Enacted Law Summary**

Public Law 2019, chapter 672 relaxes the procedures for initiating a local option election to authorize or to prohibit the retail sale of liquor in a municipality in two ways:

1. It reduces the number of voters' signatures required on a petition to hold a local option election from a number equal to at least 15% of the number of votes cast in the last gubernatorial election in that municipality to either 30 voters in that municipality or a number of voters equal to at least 5% of the number of votes cast in that municipality in the last gubernatorial election, whichever is fewer; and
2. As an alternative to the petition process, it allows the municipal officers in a municipality to vote to hold a local option election.

Public Law 2019, chapter 672 also requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to notify each municipality in the State of the bureau's preliminary determination, based on the bureau's records of local option elections previously conducted in that municipality, whether the bureau may issue licenses for the sale of liquor by retail establishments in that municipality. If any municipality disagrees with the bureau's preliminary determination that a type of retail liquor establishment may not be licensed in the municipality, it may, by July 1, 2022, either provide the bureau with proof of a previous local option election authorizing the sale of liquor by that type of retail establishment or conduct a new local option election to authorize the sale of liquor by that type of retail establishment. On July 1, 2022, the bureau must finally determine which types of retail establishments may be licensed for the sale of liquor in each municipality and post a copy of this final determination on its publicly accessible website. This final determination governs whether the bureau may issue licenses for the retail sale of liquor in each municipality beginning on July 1, 2022 and ending on the date that a municipality conducts a new local option election authorizing or prohibiting the issuance of retail liquor licenses in that municipality.

Public Law 2019, chapter 672 further directs the bureau to notify the county commissioners of each county in which an unincorporated place is located that proof of an affirmative decision to authorize the retail sale of liquor for on-premises or off-premises consumption is a prerequisite to issuance of such licenses in an unincorporated place after July 1, 2022.

Until July 1, 2022, the bureau must continue to issue or renew licenses for the types of retail establishments that were licensed in a municipality or unincorporated place between March 1, 2017 and March 1, 2020, even if the

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bureau does not have a record of a local option election or a county commissioner decision authorizing the issuance of licenses to that type of retail establishment in the municipality or unincorporated place.

Public Law 2019, chapter 672 was enacted as an emergency measure effective March 11, 2020.

**LD 2125      An Act To Make Amendments to the Laws Governing Marijuana To      CARRIED OVER**  
**Increase Consistency and Safety**

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

The purpose of this bill is to align the marijuana possession and transfer limitations between the laws governing adult use marijuana and the laws governing marijuana for medical use. This bill removes language in the adult use marijuana laws that authorizes the use, possession, transport, transfer, furnishing or purchase of two and one-half ounces of a combination of marijuana and marijuana concentrate that includes no more than five grams of marijuana concentrate and instead limits the permissible amount to two and one-half ounces of marijuana.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2131      An Act To Correct Errors, Inconsistencies and Conflicts in and to Revise      CARRIED OVER**  
**the State's Liquor Laws**

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

This bill was reported out by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2019, chapter 15, section 3. The bill changes the headnote of the Maine Revised Statutes, Title 17, section 2003-A to clarify that this section of law prohibits public drinking.

The bill also makes a number of changes to Title 28-A, the State's liquor laws, to standardize the language used in those laws, to correct errors, conflicts, ambiguities, omissions and inconsistencies in those laws and to revise those laws, including by making the following changes.

1. It makes a number of changes to address ambiguities, inconsistencies and conflicts in the laws governing certificates of approval, including the following.
  - A. It restructures the definition of "certificate of approval holder," a term that includes persons with certificates of approval as well as persons with in-state manufacturing licenses, to add clarity and ensure the defined term is used correctly throughout the Title.
  - B. It resolves a conflict in the law by removing in-state manufacturers, that receive licenses, from a provision requiring persons engaged in certain activities to obtain certificates of approval.
  - C. It changes from a certificate of approval to a license the type of authority that a person that operates a special warehouse storage facility must obtain because the laws specific to certificate of approval holders generally do not apply to special warehouse storage facilities. It further clarifies which laws are applicable to licensed special warehouse storage facilities.

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D. It removes ambiguities by clarifying which of the general qualification and application requirements for liquor licenses apply to applicants for a certificate of approval and by specifying that persons that have been issued certificates of approval are subject to administrative discipline for violating liquor laws and rules under Title 28-A, chapter 33 to the same extent as persons that have been issued licenses.

E. It removes a conflict in the law by repealing a provision requiring the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to deposit the yearly fees paid by certificate of approval holders into the General Fund because, under Title 28-A, section 83-B, the bureau is directed to deposit its net revenues in the General Fund.

2. It removes ambiguous language from the Title 28-A definitions section stating that only "responsible persons" or "persons of good reputation" may obtain certain types of liquor licenses but retains the general character requirements for licensure set forth in section 654.

3. It moves the definitions of "pool hall" and "minibar" into and the definitions of "club member," "hotel guest," "dining car," "passenger car" and "vessel" out of the subsection of law that provides definitions for the types of establishments eligible to obtain retail liquor licenses. It also ensures consistent use of these defined terms throughout the Title.

4. It replaces the word "club" with the word "center" in the statutes describing the requirements for licensure of indoor racquet centers, ice skating centers and curling centers to dispel confusion regarding whether the licensure requirements applicable to clubs apply to these centers. It also corrects several errors in the law that, in combination, suggest curling centers may be licensed to sell only wine and not spirits or malt liquor.

5. It makes a number of changes to the laws requiring that certain on-premises retail licensees either offer food to the public or sell a specific amount of food to the public to maintain their eligibility for a liquor license, including:

A. Replacing several duplicative definitions of "full course meal" with the substantively identical definition of "full meal" that also appears in current law and ensuring consistent use of this defined term throughout the Title;

B. Removing language regarding the service of meals from the definition of "hotel," because hotels are not required to sell meals to the public under existing law;

C. Removing a conflict in current law by specifying that a hotel with a Class I-A license is not required to have 10% of its gross annual income from the sale of food;

D. Clarifying that, to calculate whether a hotel that does not have a Class I-A license has satisfied the requirement that at least 10% of its gross annual income be from the sale of food, the hotel's income from the rental of rooms or from the sale of liquor in separately licensed minibars is not included. This new provision matches current practice and mirrors an existing provision of law that excludes income from the bowling business in calculating whether the bowling center has satisfied the requirement that at least 10% of its gross annual income be from the sale of food;

E. Clarifying that qualified catering services may be located in unincorporated places and filling an omission in current law by specifying that a licensed part-time qualified catering service that operates for no more than three months in a year in a municipality having a population of 20,001 to 30,000 persons must have a minimum annual gross income of \$10,000 from the sale of food to the public;

F. Standardizing language regarding the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations' assessment of whether an applicant for an initial on-premises

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retail license is likely to meet or an applicant for renewal of an on-premises retail license has met any applicable food-sales requirements; and

G. Establishing a new one-year grace period for an on-premises retail establishment that applies for license renewal but did not meet an applicable food-sales requirement during the previous year.

6. It defines "spirits supplier," a previously undefined term, and standardizes the statutory language used to describe spirits suppliers throughout the State's liquor laws, including by removing references to spirits brokers that are now included in the "spirits supplier" definition. It also newly authorizes spirits suppliers to offer sweepstakes, games and contests inside packages of spirits under the same conditions that licensed Maine manufacturers, wholesale licensees and retail licensees may offer sweepstakes, games and contests inside packages of liquor.

7. It replaces the term "liquor," which is defined for purposes of the State's liquor laws to mean malt liquor, wine and spirits, with more specific terms in several statutes when all three types of alcohol are not intended to be included.

8. It removes unnecessary statutory references to fortified wine in statutes that govern wine generally, because "wine" is defined for purposes of the State's liquor laws to include fortified wine.

9. It resolves an inconsistency by providing that public service corporation licenses are issued to airline corporations, railroad corporations and vessel corporations and not the individual aircraft, dining cars, passenger cars and vessels that those corporations operate in the State. It also removes a duplicative statute governing public service corporations and standardizes the language used throughout the Title regarding public service corporations.

10. It clarifies an ambiguity in the law by specifying that the term "wholesale licensee" as used in the State's liquor laws means only a licensed in-state wholesaler of malt liquor or wine and not an out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval. It also extends the prohibition against a wholesale licensee selling to another wholesale licensee any malt liquor or wine that has not been purchased from a certificate of approval holder or a licensed special warehouse storage facility to a prohibition against a wholesale licensee selling such products to any purchaser, including a retail licensee.

11. It replaces the phrase "wholesale liquor provider" with the phrase "wholesale spirits provider" throughout the State's liquor laws to more accurately describe the scope of that entity's authority in the State. It also removes an inconsistency in the law by specifying that the wholesale spirits provider and the principal officers of the wholesale spirits provider may not hold or have a direct financial interest in an agency liquor store license or a license to manufacture any type of liquor in this State or another state.

12. It makes several changes to the laws governing hard cider to address ambiguities and omissions in those laws in a manner that matches current practice, including by making the following changes.

A. Although hard cider technically meets the definition of "wine" under existing law, it adds clarifying language expressly stating that hard cider is considered "wine" for purposes of the Title.

B. It clarifies that hard cider may be sold by retailers licensed to sell either malt liquor or wine for on-premises or off-premises consumption.

C. It provides that hard cider may be sold and distributed within the State by wholesale licensees authorized to sell and distribute either malt liquor or wine within the State.

D. It clarifies that hard cider is not subject to the general 60¢ per gallon excise tax on wine set forth in Title 28-A, section 1652, subsection 2. Hard cider products are instead subject only to the 35¢ per gallon excise

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tax on hard cider set forth in the same subsection.

13. It makes several changes to the laws governing low-alcohol spirits products to address ambiguities, inconsistencies and omissions in those laws, including by making the following changes.

A. It clarifies that products containing less than one-half of 1% of alcohol by volume are not considered low-alcohol spirits products, just as all products containing less than one-half of 1% of alcohol by volume are not considered liquor and thus not subject to regulation under the Title.

B. It newly specifies that licensed Maine distilleries, small distilleries and rectifiers are authorized to produce low-alcohol spirits products and that licensed Maine breweries, small breweries and tenant breweries are authorized to produce low-alcohol spirits products containing malt liquor. Current law already authorizes licensed Maine wineries and tenant wineries to produce low-alcohol spirits products that contain wine, because these products are included in the definition of "fortified wine."

C. It specifies that, as is current practice, low-alcohol spirits products may be sold and distributed within the State by wholesale licensees authorized to sell and distribute wine within the State.

D. It clarifies that, as is current practice, low-alcohol spirits products that qualify as fortified wine are not subject to the general 60¢ per gallon excise tax on wine under Title 28-A, section 1652, subsection 2. All low-alcohol spirits products are instead subject to a \$1.24 per gallon excise tax under section 1652, subsection 1-A and a 30¢ per gallon low-alcohol spirits product tax under section 1365.

14. It replaces the phrase "alcoholic beverages," which is not defined for the purposes of the State's liquor laws, with the appropriate defined terms throughout the liquor laws.

15. It combines in a single section of statute the licensing fees for agency liquor stores that are currently listed in separate provisions. It also removes an ambiguity in the law by clarifying that, as is the current practice, agency liquor store licenses grant authority to sell not only spirits but also malt liquor and wine for off-premises consumption.

16. It clarifies that an applicant for a liquor license must possess all licenses, permits or approvals required under Title 22 for the applicant's underlying business before applying for the liquor license.

17. It removes inconsistencies in several provisions of the liquor laws regarding the types of establishments eligible to obtain auxiliary licenses, off-premises catering licenses and mobile service bar licenses. It also specifies that, as is current practice, when an on-premises retail licensee obtains an off-premises catering license, that license authorizes the licensee to conduct off-premises catering of only the same type or types of liquor that the licensee may sell pursuant to the licensee's underlying on-premises retail license.

18. It makes a number of changes to the laws governing liquor taste-testing events and product sampling activities to address ambiguities, inconsistencies and omissions in those laws, including the following.

A. It clarifies that the prohibitions against serving liquor to minors or to visibly intoxicated persons apply to all authorized liquor taste-testing and product sampling events.

B. It newly specifies who, other than a licensed sales representative, may pour samples at taste-testing and product sampling events. Under the bill, samples may also be poured by an employee of the off-premises or on-premises retailer where the taste-testing or product sampling event takes place or, where applicable, by the owner or employee of the licensed Maine manufacturer that produced the product being tasted or sampled.

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C. It clarifies an ambiguity by specifying that, other than during an authorized taste-testing or product sampling event, an off-premises retail licensee has a duty to prevent the consumption of liquor on that retail licensee's premises.

D. It resolves a conflict in current law by providing that, when an authorized taste-testing event is held on a portion of the premises of an on-premises retail licensee, the bureau must temporarily suspend the authority of the on-premises retail licensee to sell liquor for on-premises consumption in the area designated for the taste-testing event. The on-premises retail licensee may nevertheless continue to sell liquor for on-premises consumption on the portion of its premises that falls outside the area designated for the taste-testing event.

E. It fills an omission in the law by specifying that an out-of-state manufacturer that is sponsored by a certificate of approval holder, wholesale licensee or spirits supplier to participate in a taste-testing event may provide for taste testing any spirits, wine or malt liquor produced by the sponsored manufacturer, even though those products are not currently listed for sale in the State.

F. It moves the statutory language granting licensed Maine liquor manufacturers the authority to sell their products at certain taste-testing events from the manufacturer licensing statute to the relevant taste-testing event statute for clarity and grants small distilleries new authority to self-distribute their spirits products for sale at these taste-testing events.

G. It restricts the types of individuals who may receive partial-bottle samples of spirits or wine under statutes authorizing sampling by retail licensees to the owner and supervisory or managerial employees of the retail licensee. This restriction exists in current law only for the receipt of partial-bottle samples of spirits by employees of agency liquor stores.

19. It corrects an error in current law that suggests on-premises retail licenses are issued to international air terminals and instead specifies that on-premises retail licenses may be issued to qualified establishments located within international air terminals.

20. It streamlines the process for disposal of spirits subject to a court's forfeiture order by newly authorizing the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations or a wholesale spirits provider to choose, without obtaining an additional court order, to destroy the forfeited spirits rather than to restock and resell the forfeited spirits in agency liquor stores.

21. It makes a number of changes to the State's laws governing the administration and sale of spirits in the State to address errors and inconsistencies in those laws, including the following.

A. It amends conflicting provisions of law regarding the pricing of spirits to clarify that, as is current practice, the State Liquor and Lottery Commission establishes the retail price of spirits and the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations establishes the wholesale price of spirits, which is the price that agency liquor stores pay to purchase spirits from the bureau.

B. It resolves a conflict in the laws governing the purchase of spirits by removing statutory language suggesting that agency liquor stores may purchase spirits from a wholesale spirits provider and retaining provisions of law correctly stating that agency liquor stores purchase spirits only from the bureau.

C. It amends statutory provisions incorrectly suggesting that any agency liquor store may sell or deliver spirits to on-premises retailers and clarifies that only agency liquor stores that are licensed as reselling agents may make these sales and deliveries.

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22. It makes a number of additional changes to Title 28-A, section 1355-A, the statute governing the licensure of Maine liquor manufacturers, including the following.

A. It restores the statutory authority of Maine bottlers and rectifiers to obtain licenses, which authority was unintentionally repealed through Public Law 2019, chapter 529. It also newly specifies the types of sampling activities that may occur on the premises of a licensed Maine bottler or rectifier under current practice.

B. It combines in one location several scattered provisions describing the authority of licensed Maine breweries, small breweries, wineries, small wineries, distilleries and small distilleries, at the manufacturing facility where their products are produced, to sell samples of those products to the public or offer samples of those products to the public at no cost. It newly clarifies that samples may not be served to minors or visibly intoxicated persons and that the area of the manufacturing facility where these samples are sold or offered need not be separate from and may be accessed by the same entrance as the area of the manufacturing facility that is licensed for on-premises retail sales.

C. It combines in one location several scattered provisions describing the authority of licensed Maine breweries, small breweries, wineries, small wineries, distilleries and small distilleries, at the manufacturing facility where their products are produced, to sell their products for off-premises consumption.

D. It moves the provision authorizing Maine breweries and small breweries to sell malt liquor for off-premises consumption in kegs from a generally applicable subsection of the statute to the subsection of the statute specifically applicable to breweries and small breweries.

E. It moves the provision requiring Maine small breweries and small wineries to keep and maintain records of their sales to retail licensees from a generally applicable subsection of the statute to the two subsections of the statute specifically applicable to small breweries and to small wineries.

F. It clarifies that, as is current practice, when calculating whether a licensed Maine manufacturing facility's one statutorily authorized establishment for on-premises sales has satisfied any applicable statutory requirement that 10% of its gross annual income be from the sale of food, income from the Maine manufacturer's sale of liquor samples or sale of liquor for off-premises consumption is not included.

G. It clarifies the language of the provision authorizing each licensed Maine brewery, small brewery, winery, small winery, distillery and small distillery to obtain one license to conduct on-premises retail sales per licensed manufacturing facility. It also relaxes the requirements applicable when a distillery or small distillery obtains this type of on-premises retail license by eliminating the requirements that the on-premises retail establishment be a Class A restaurant or Class A restaurant/lounge owned by the same person who owns the distillery or small distillery. Instead, under the bill a distillery or small distillery may obtain any type of on-premises retail license as long as the same person or persons holds a majority ownership interest in the on-premises retail license and the distillery or small distillery. These relaxed requirements match the requirements applicable under current law when a licensed brewery, small brewery, winery or small winery obtains this type of on-premises retail license.

H. It newly authorizes a licensed Maine manufacturer that has its one statutorily authorized licensed establishment for on-premises sales at a location separate from its manufacturing facility to conduct sales of its products for off-premises consumption at that separate licensed location. Under current law, a Maine manufacturer may conduct sales of its products for off-premises consumption at its one licensed establishment for on-premises sales only if the on-premises establishment is located at the manufacturing facility. Similarly, the bill newly specifies that the products that may be sold for off-premises consumption

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at the separate licensed location include, when the licensed Maine manufacturer is a brewery or a small brewery, malt liquor packaged in refillable containers, commonly referred to as growlers. Under current law, a brewery or small brewery may sell growlers at its one licensed establishment for on-premises sales only if that on-premises establishment is located at the brewery or small brewery.

I. It resolves a conflict in current law and conforms the law to current practice by specifying that, when a small distillery serves samples of its products at its manufacturing facility, it need not first send those products through the State's spirits warehouse and distribution system.

J. It clarifies an ambiguity in the law by explicitly stating that a licensed Maine small winery, which may under current law obtain licenses to conduct off-premises retail sales at up to two additional locations other than the manufacturing facility, must pay a \$50 license fee for each of those additional locations. It similarly clarifies that a licensed small distillery, which may under current law also obtain licenses to conduct off-premises retail sales at up to two additional locations other than the manufacturing facility, must pay a \$100 license fee for each of those additional locations.

K. It corrects an omission in the law and matches current practice by specifying that a tenant brewery or tenant winery seeking licensure may pay the reduced license fee for a small brewery or small winery if it qualifies as a small brewery or small winery. Otherwise, the tenant brewery or tenant winery must pay the higher brewery or winery license fee.

23. It reorganizes, clarifies and removes inconsistencies in the laws governing the importation of liquor into and the transportation of liquor within the State. It also changes the units of measurement applicable to spirits and wine in these provisions from quarts and gallons to liters, which is the unit of measurement typically used when referring to spirits and wine products, and it changes the unit of measurement applicable to malt liquor from gallons to fluid ounces, which is the unit of measurement typically used when referring to malt liquor products.

24. It corrects scattered typographical, cross-reference and drafting errors in the Title, including by removing all gendered pronouns as required by Public Law 2019, chapter 475, section 52.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2136      An Act To Prohibit Contributions, Expenditures and Participation by Foreign Nationals To Influence Referenda      CARRIED OVER**

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

This bill provides that a foreign national may not:

1. Make, directly or indirectly, a contribution of money or anything of value to influence a referendum;
2. Make, directly or indirectly, an expenditure to influence a referendum; or
3. Direct, dictate, control or directly or indirectly participate in the decision-making process of any person with regard to that person's activities to influence a referendum, such as decisions concerning the making of contributions or expenditures to influence a referendum.

It also provides that a person may not solicit, accept or receive a contribution to influence a referendum from a

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foreign national.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2145 An Act To Help Veterans Access Jobs, Education, Health Care and Housing and Provide General Support to Veterans**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M MAXMIN C		

This bill is a concept draft pursuant to Joint Rule 208 that proposes to establish a bill of rights to help veterans access jobs, education, health care and housing and provide general support to veterans.

1. The bill would help veterans access jobs by:

- A. Requiring the Department of Professional and Financial Regulation to waive licensing fees for veterans;
- B. Requiring licensing boards affiliated with the Department of Professional and Financial Regulation to waive licensing fees for veterans;
- C. Expanding eligibility of veterans and their spouses for the program that helps veterans and their spouses obtain occupational licenses;
- D. Requiring each board, commission, office and agency within the Department of Professional and Financial Regulation or affiliated with the department to permit a veteran or spouse who holds a comparable license in another state to acquire a license by endorsement in this State for the remainder of the term of the license from the other state or until a license is obtained in this State or obtain a temporary license in this State for the period of time necessary to obtain a license in this State;
- E. Requiring each board, commission, office and agency within the Department of Professional and Financial Regulation or affiliated with the department to grant a full or partial exemption from continuing education requirements for a veteran or spouse;
- F. Obtaining information regarding the implementation of the process established to help qualified veterans and their spouses to obtain occupational licenses, including data concerning how many veterans and their spouses have received assistance;
- G. Extending renewal dates for occupational licenses for veterans and their spouses;
- H. Waiving fees for licensing veterans as emergency medical services persons and security guards;
- I. Extending the period of time allowed between the completion of military service and the favorable treatment of that military service for purposes of occupational licensing; and
- J. Allowing all veterans to purchase credit for time served in the military for purposes of the Maine Public Employees Retirement System.

2. The bill would help veterans access education by:

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- A. Extending the amount of time given to veterans to transition from military service to school;
  - B. Requiring each campus of the University of Maine System and the Maine Community College System to have a dedicated space for veterans with at least one computer where veterans may meet and have the tools available to them that they need to access benefits;
  - C. Providing loans to veterans for books that are required for classes;
  - D. Providing services for veterans who receive other than an honorable discharge from military service;
  - E. Providing easier readmittance to school for veterans who leave school for health-related issues; and
  - F. Providing graduate school assistance to veterans.
3. The bill would help veterans access health care by:
- A. Continuing and improving the pilot program established in Resolve 2017, chapter 24 that provides mental health case management services to veterans;
  - B. Providing mental health treatment in all counties for veterans;
  - C. Waiving the fee for medical marijuana identification cards for veterans;
  - D. Providing that the time limit for veterans who are otherwise eligible for assistance under the federal Supplemental Nutrition Assistance Program is twice the time limit that would otherwise apply to the veterans; and
  - E. Supporting programs that provide transportation to medical appointments for veterans.
4. The bill would help veterans access housing by:
- A. Providing funding to seek long-term solutions to reduce barriers, such as criminal convictions, substance use, mental illness and physical disabilities, to veterans securing housing;
  - B. Increasing the number of housing vouchers provided to homeless veterans;
  - C. Providing funding to assist landlords to improve substandard apartments and give incentives to landlords to rent to veterans;
  - D. Changing the "Salute ME" mortgage program administered by the Maine State Housing Authority to provide veterans with a greater discount on home mortgage rates;
  - E. Changing the property tax exemption for certain veterans to apply to all veterans;
  - F. Surveying public land, unused public buildings and available private buildings, including closed mills, for opportunities to provide housing or temporary shelter for veterans;
  - G. Providing preference to veterans in the Bridging Rental Assistance Program, which assists persons with mental illness to secure temporary housing; and
  - H. Providing funding for organizations and facilities that provide housing for homeless veterans.

*Joint Standing Committee on Veterans and Legal Affairs*

5. The bill would provide general support to veterans by:

- A. Raising the amount of pension income paid under an employee retirement plan that is exempt from the income tax;
- B. Extending the time for which a driver's license is valid for active duty military members; and
- C. Increasing the maximum amount of a grant of temporary assistance that may be provided to a veteran from the Veterans Temporary Assistance Fund from \$2,000 to \$2,500.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 2162     An Act To Restore Honor to Certain Service Members**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S JACKSONT		

This bill requires the Director of the Maine Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management to establish a process for a veteran who separated from service without an honorable discharge due solely to the veteran's sexual orientation, gender identity or gender expression or to statements, consensual sexual conduct or consensual acts relating to sexual orientation, gender identity or gender expression to have that discharge treated as an honorable discharge for purposes of determining the veteran's eligibility for rights, privileges and benefits under state law.

The bill further requires the director to explore whether other states have established processes for reviewing and potentially upgrading the discharge status, for state law purposes, of veterans who have been diagnosed with post-traumatic stress disorder or traumatic brain injury or who have been diagnosed with psychological trauma resulting from sexual assault or sexual harassment during military service as described in 38 United States Code, Section 1720D and who separated from service without an honorable discharge. The director is required to report, no later than January 15, 2021, to the joint standing committee of the Legislature having jurisdiction over veterans affairs on both the potential for implementing such a process in the State and the resources that would be required to implement the process. The committee may report out legislation to the First Regular Session of the 130th Legislature based on the director's report.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.



*Joint Standing Committee on Veterans and Legal Affairs*

**SUBJECT INDEX**

**Adult Use Marijuana**

**Enacted**

LD 1081	An Act Regarding Smoking in Vehicles When a Minor Is Present	PUBLIC 623
LD 1545	An Act Regarding the Collection of Samples for Testing of Adult Use Marijuana and Adult Use Marijuana Products	PUBLIC 76 EMERGENCY

**Not Enacted**

LD 720	An Act Regarding Maine's Adult Use Marijuana Law	Leave to Withdraw Pursuant to Joint Rule 310
LD 999	An Act To Allow Medical and Adult Use Marijuana Stores to Share a Common Space	CARRIED OVER
LD 1432	An Act To Improve the Adult Use Marijuana Laws	ONTP
LD 1444	An Act To Make the Distance of Schools for Marijuana Establishments Consistent with the Liquor Laws	ONTP
LD 1621	An Act To Allow Delivery of Adult Use Marijuana and Adult Use Marijuana Products by and Approved Marijuana Store	CARRIED OVER
LD 1837	Resolve, Regarding Legislative Review of Chapter 1: Adult Use Marijuana, a Late-filed Major Substantive Rule of the Department of Administrative and Financial Services, Office of Marijuana Policy	ONTP
LD 2002	An Act To Improve Compliance with Department of Administrative and Financial Services, Office of Marijuana Policy Registration and Licensure Requirements	CARRIED OVER
LD 2091	An Act To Amend the Marijuana Legalization Act and Make Other Implementing Changes	CARRIED OVER
LD 2125	An Act To Make Amendments to the Laws Governing Marijuana To Increase Consistency and Safety	CARRIED OVER

**Alcoholic Beverages, Regulation**

**Enacted**

LD 1884	An Act To Amend the Laws Governing Dual Liquor Licenses	PUBLIC 559
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**EMERGENCY**

LD 2088	An Act To Clarify the Laws Governing Financial Relationships between Entities within the Three-tier System for Distribution of Alcohol	PUBLIC 665
LD 2089	An Act To Clarify Certificate of Approval Requirements under the State's Liquor Laws	PUBLIC 615
LD 2120	An Act Regarding Sales of Alcohol in Municipalities and Unincorporated Places	PUBLIC 672 EMERGENCY
<b><u>Not Enacted</u></b>		
LD 2131	An Act To Correct Errors, Inconsistencies and Conflicts in and to Revise the State's Liquor Laws	CARRIED OVER

**Ballot Qualifications**

**Not Enacted**

LD 517	An Act To Facilitate Fair Ballot Representation for All Candidates	Veto Sustained
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**Campaign Finance, Generally**

**Enacted**

LD 1869	An Act To Clarify the Financial Reporting Responsibilities of Political Action Committees and Ballot Question Committees	PUBLIC 563
LD 1871	An Act To Modify the Financial Disclosure Requirements for a Governor-elect	PUBLIC 564
LD 1902	An Act To Define the Term "Caucus Political Action Committee"	PUBLIC 635

**Not Enacted**

LD 1187	An Act To Apply the Same Auditing Standards to All Legislative Candidates	CARRIED OVER
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**Campaign Finance, Maine Clean Election Act**

**Not Enacted**

LD 1968	An Act To Restrict Maine Clean Election Act Candidates from Seeking or Accepting Employment with Vendors	CARRIED OVER
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**Campaign Practices**

**Not Enacted**

LD 1903	An Act To Amend the Laws Governing Activities at or near the Polls on Election Day	CARRIED OVER
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LD 1988      **An Act To Prohibit The Distribution of Deceptive Images or Audio or Video Recordings with the Intent To Influence the Outcome of an Election**      **CARRIED OVER**

*Conduct of Elections*

Enacted

LD 1083      **An Act To Implement Ranked-choice Voting for Presidential Primary and General Elections in Maine**      **PUBLIC 539**

LD 1904      **An Act To Amend Certain Laws Governing Elections**      **PUBLIC 636**

Not Enacted

LD 619      **RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting**      **CARRIED OVER**

LD 1477      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Facilitate the Use of Ranked Choice Voting for Governor and Members of the Legislature**      **CARRIED OVER**

LD 2067      **An Act To Authorize the Automatic Continuation of Absentee Voter Status until the Termination of That Status**      **CARRIED OVER**

*Defense, Veterans and Emergency Management*

Enacted

LD 1997      **An Act To Allow the Assignment of State Vehicles to Field Personnel Directly Concerned with Maine National Guard Facilities and To Allow State Vehicles Assigned to Military Bureau Employees To Be Used for Commuting**      **PUBLIC 578**

*Gambling, Casinos and Slot Machines*

Enacted

LD 2062      **An Act To Amend the Department of Public Safety, Gambling Control Board Laws Regarding Registered Equipment**      **PUBLIC 614**

Not Enacted

LD 661      **An Act To Increase Gaming Opportunities for Charitable Veterans' Organizations**      **CARRIED OVER**

LD 1144      **An Act To Authorize Tribal Gaming**      **CARRIED OVER**

LD 1244      **An Act To Authorize the Gambling Control Board To Accept an Application from the Passamaquoddy Tribe to Operate 50 Slot Machines in the Tribe's High-stakes Beano Facility**      **CARRIED OVER**

*Gambling, Sports and Fantasy Contests*

Not Enacted

LD 553

An Act To Ensure Proper Oversight of Sports Betting in the State

Veto Sustained

*Harness Racing and Off-track Betting*

Not Enacted

LD 1797

An Act To Amend the Advance Deposit Wagering Laws

CARRIED OVER

*Initiatives and Referenda*

Not Enacted

LD 2136

An Act To Prohibit Contributions, Expenditures and Participation by Foreign Nationals To Influence Referenda

CARRIED OVER

*Lobbying and Lobbyists*

Enacted

LD 54

An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions

PUBLIC 534

LD 1867

An Act To Clarify Lobbyist Reporting Requirements and Simplify Registration Requirements for State Employees Who Lobby on Behalf of a State Department or Agency

PUBLIC 587

LD 1868

An Act To Improve the Reporting of Grassroots Lobbying

PUBLIC 599

*Veterans*

Enacted

LD 1926

An Act To Amend the Laws Governing the Maine Veteran's Memorial Cemetary System

PUBLIC 601

Not Enacted

LD 171

Resolve, To Establish a Pilot Project To Evaluate and Address the Transportation Needs of Maine's Veterans

CARRIED OVER

LD 510

An Act To Authorize Funding for Transitional Housing For Women Veterans and Their Families

CARRIED OVER

LD 835

An Act To Increase Funding for Case Managers for Veterans

CARRIED OVER

LD 1952

Resolve, To Establish a Pilot Project To Provide Support Services for Military Members Transitioning to Civilian Life in Maine

CARRIED OVER

LD 2145

An Act To Help Veterans Access Jobs, Education, Health Care and Housing and Provide General Support to Veterans

CARRIED OVER

**LD 2162      An Act To Restore Honor to Certain Services members**

**CARRIED OVER**

***Voter Qualifications and Registration***

**LD 2114      An Act To Implement the Recommendations of the Secretary of State  
Regarding Automatic Voter Registration**

**CARRIED OVER**



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**APPENDIX A**

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**COMMITTEE ACTIONS AFTER  
ADJOURNMENT OF THE SECOND  
REGULAR SESSION**



## APPENDIX A

### Bills Acted Upon (Voted or Reported Out) By Committees After The Adjournment of the 129th Second Regular Session

The text of all bills and all amendments reported out of committee are available online

New bills, referred after the adjournment of the Second Regular Session by the Clerk of the House and the Secretary of the Senate, are highlighted

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Comm	LD	Vote	Action	Action Date	Title	Sponsor
ACF	1531	OTP-AM	Reported Out	28-Jul-20	An Act To Establish the Maine Food System Investment Program To Create Quality Jobs and Support Farms, Fisheries and Food-related Businesses	Talbot Ross, Rachel
ACF	1719	OTP-AM	Reported Out	24-Jul-20	An Act To Improve Geographic Information System Data Acquisition and Maintenance	Black, Russell
ACF	1888	OTP-AM/OTP-AM	Reported Out	25-Aug-20	An Act To Protect Children from Toxic Chemicals	Gramlich, Lori
ACF	1893	OTP-AM	Reported Out	17-Aug-20	An Act To Require a Lease of Public Lands To Be Based on Reasonable Market Value and To Require Approval of Such Leases for Commercial Purposes	Black, Russell
ACF	2083	OTP-AM/OTP-AM	Reported Out	25-Aug-20	An Act To Require the Board of Pesticides Control To Annually Publish Certain Information Regarding Pesticides and To Prohibit Certain Uses of Neonicotinoids	Grohoski, Nicole
ACF	2084	OTP-AM/OTP-AM	Reported Out	3-Aug-20	An Act Prohibiting Certain Confinement of Egg-laying Hens and the Sale of Their Eggs	O'Neil, Maggie
ACF	2142	ONTP/OTP-AM	Reported Out	24-Aug-20	An Act Regarding Outcome-based Forestry and the Use of Glyphosate	
AFA	455	OTP-AM/ONTP	Reported Out	29-Jul-20	An Act To Authorize a General Fund Bond Issue To Expand Maine's Research, Development, Commercialization and Clinical Infrastructure Assets To Improve Outcomes for Maine Families with Members Suffering from Alzheimer's, Dementia and Other Diseases of Aging	Luchini, Louis
AFA	859	OTP-AM/ONTP	Reported Out	3-Aug-20	An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers and Regions	Fecteau, Ryan
AFA	911	OTP-AM/ONTP	Reported Out	29-Jul-20	An Act To Authorize a General Fund Bond Issue To Promote Land Conservation, Working Waterfronts, Water Access and Outdoor Recreation	Breen, Cathy
CJPS	141	OTP-AM/ONTP	Reported Out	9-Sep-20	An Act To Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Vehicle	Corey, Patrick
CJPS	802	OTP-AM/ONTP	Reported Out	12-Aug-20	An Act To Recruit and Retain Corrections Support Staff	Warren, Charlotte
CJPS	1169	OTP-AM/ONTP	Reported Out	8-Sep-20	An Act To Provide Ready Access to Defibrillators in Businesses and Pharmacies	Deschambault, Susan
CJPS	1210	OTP-AM	Reported Out	9-Sep-20	Resolve, To Direct the Commissioner of Corrections To Study Changes in Corrections Practices and Reinvestment in Corrections Resources To Reduce Recidivism and Control Correctional Facility Costs	Talbot Ross, Rachel
CJPS	1221	OTP-AM	Reported Out	12-Aug-20	An Act To Allow Deductions from Prison Sentences for Rehabilitative Activities	Talbot Ross, Rachel
CJPS	1422	OTP-AM/ONTP	Reported Out	17-Sep-20	An Act Regarding Conditions in Correctional Facilities for Female Prisoners	Talbot Ross, Rachel
CJPS	1466	OTP-AM/ONTP	Reported Out	9-Sep-20	An Act To Allow Community-based Organizations To Participate in Diversion Projects for Persons with Substance Use Disorder	Talbot Ross, Rachel
CJPS	1756	OTP-AM/OTP-AM	Reported Out	17-Sep-20	An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community	Talbot Ross, Rachel
CJPS	1890	Ant. Div. Rep.	Voted	15-Jul-20	An Act To Improve Prisoner Transport Safety by Specifically Authorizing Transport of Prisoners by Transport Officers	Farnsworth, Dick
CJPS	1941	OTP-AM/ONTP	Reported Out	17-Sep-20	An Act To Reform Corrections Officer Compensation in Maine	Pluecker, Bill
CJPS	1962	OTP-AM	Reported Out	12-Aug-20	An Act Regarding the Use of Propane and Natural Gas Detectors	Reckitt, Lois
CJPS	2000	OTP-AM/ONTP	Reported Out	22-Jul-20	An Act To Standardize Language and Improve Correctional Services	Deschambault, Susan
CJPS	2037	OTP-AM/ONTP	Reported Out	9-Sep-20	An Act To Amend the Maine Criminal Code	

Comm	LD	Vote	Action	Action Date	Title	Sponsor
CJPS	2043	Ant. Div. Rep.	Voted	20-Jul-20	An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System	Warren, Charlotte
CJPS	2085	OTP-AM/ONTP	Reported Out	17-Sep-20	An Act To Ensure Access to Sexual and Reproductive Health Care and Education in All Maine's Jails and State Correctional and Detention Facilities	Talbot Ross, Rachel
CJPS	2139	OTP-AM/OTP	Reported Out	12-Aug-20	An Act To Increase Government Accountability	Warren, Charlotte
CJPS	2151	Ant. Div. Rep.	Voted	17-Jul-20	An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force	
EDU	703	OTP-AM/ONTP	Reported Out	31-Jul-20	An Act To Help Maine Students Succeed	Millett, Rebecca
EDU	1916	OTP-AM/ONTP	Reported Out	24-Aug-20	An Act To Increase High School Graduation Rates for Students Experiencing Homelessness or in Foster Care	Libby, Nate
EDU	1947	OTP-AM/ONTP	Reported Out	5-Aug-20	An Act To Fund Capital Improvements to Career and Technical Education Centers	Fecteau, Ryan
EDU	2024	OTP-AM/ONTP	Reported Out	30-Jul-20	An Act To Remove from the Calculation of the Cost of Education the Maine Public Employees Retirement System Teacher Plan Unfunded Actuarial Liability	Millett, Rebecca
EDU	2076	OTP-AM	Reported Out	28-Jul-20	Resolve, Regarding Legislative Review of Portions of Chapter 40: Rule for Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education	
EDU	2152	LTW	Reported Out	11-Aug-20	An Act To Permit Naloxone Possession and Administration in Public and Private Schools	Millett, Rebecca
ENR	102	OTP-AM	Reported Out	22-Jul-20	An Act To Improve the Manufacturing of Plastic Bottles and Bottle Caps	Doudera, Victoria
ENR	988	OTP-AM/ONTP	Reported Out	28-Jul-20	An Act To Reduce the Landfilling of Municipal Solid Waste	Chipman, Ben
ENR	1460	OTP-AM	Reported Out	3-Aug-20	An Act To Support Collection and Proper Disposal of Unwanted Drugs	Gratwick, Geoff
ENR	1781	OTP-AM/OTP-AM	Reported Out	22-Jul-20	An Act To Allow the Board of Environmental Protection To Make Changes through Routine Technical Rulemaking to Federally Based Screening Levels for the Beneficial Use of Solid Waste	Tucker, Ralph
ENR	2112	OTP-AM	Reported Out	22-Jul-20	An Act To Limit the Use of Hydrofluorocarbons To Fight Climate Change	Tucker, Ralph
ENR	2147	LTW	Reported Out	7-Jul-20	An Act To Require Reporting of Perfluoroalkyl and Polyfluoroalkyl Substances, PFAS, in Products and of Discharges of Firefighting Foam Containing PFAS	Ingwersen, Henry
ENR	2172	OTP	Committee Bill -- Reported Out	28-Jul-20	An Act To Implement the Recommendations of the Department of Environmental Protection Regarding the State's Container Redemption Law	
EUT	1646	OTP-AM/ONTP	Reported Out	20-Aug-20	An Act To Restore Local Ownership and Control of Maine's Power Delivery Systems	Berry, Seth
EUT	1748	OTP-AM/ONTP	Reported Out	30-Jul-20	An Act To Allow for the Establishment of Commercial Property Assessed Clean Energy Programs	Sanborn, Heather
EUT	1853	OTP-AM	Reported Out	3-Aug-20	An Act To Prohibit Door-to-door Marketing of Retail Energy Supply	Berry, Seth
EUT	1895	OTP-AM/ONTP	Reported Out	5-Aug-20	An Act Regarding Positions at the Public Utilities Commission	Lawrence, Mark
EUT	2097	OTP-AM/ONTP	Reported Out	3-Aug-20	An Act To Establish Requirements for the Construction of Elective Transmission Lines by Transmission and Distribution Utilities	Grohoski, Nicole
EUT	2173	OTP	Committee Bill -- Reported Out	28-Jul-20	An Act To Continue the Green Power Offer for Electricity	
HCIFS	30	OTP-AM	Reported Out	4-Aug-20	An Act To Improve Health Care Data Analysis	Perry, Anne
HCIFS	519	OTP-AM/ONTP	Reported Out	3-Aug-20	An Act To Expand Adult Dental Health Insurance Coverage	Brooks, Heidi
HCIFS	594	OTP-AM/ONTP	Reported Out	4-Aug-20	An Act To Promote Individual Savings Accounts through a Public-Private Partnership	Vitelli, Eloise
HCIFS	1434	OTP-AM	Reported Out	3-Aug-20	An Act To Allow Certified Registered Nurse Anesthetists To Bill for Their Services	Perry, Anne
HCIFS	1613	OTP-AM/OTP-AM	Reported Out	3-Aug-20	An Act Regarding Women's Health and Economic Security	Gideon, Sara
HCIFS	1650	ONTP/OTP-AM	Reported Out	3-Aug-20	An Act To Strengthen Consumer Protections in Health Care	Tipping, Ryan
HCIFS	1767	OTP-AM	Reported Out	4-Aug-20	An Act To Increase the Efficiency of Certain Consumer Credit Protection Laws	Foley, Robert
HCIFS	1994	OTP-AM	Reported Out	4-Aug-20	An Act To Promote Efficiency in Regulation of Consumer Credit Statutes	Foley, Robert
HCIFS	1995	OTP-AM	Reported Out	4-Aug-20	An Act To Enact the Maine Insurance Data Security Act	Foley, Robert

Comm	LD	Vote	Action	Action Date	Title	Sponsor
HCIFS	1996	OTP-AM	Reported Out	4-Aug-20	An Act Concerning the Reporting of Health Care Information to the Emergency Medical Services' Board	Sanborn, Heather
HCIFS	2026	OTP	Reported Out	31-Jul-20	An Act To Revise Certain Financial Regulatory Provisions of the Maine Insurance Code	Sanborn, Heather
HCIFS	2106	OTP-AM	Reported Out	22-Jul-20	An Act Regarding Prior Authorizations for Prescription Drugs	Gratwick, Geoff
HCIFS	2133	OTP-AM	Reported Out	3-Aug-20	An Act To Implement Recommendations for Review of the Licensing Laws for Certain Licensed Health Professionals Pursuant to the State Government Evaluation Act	
HCIFS	2143	OTP-AM	Reported Out	22-Jul-20	An Act Regarding Travel Insurance in the Maine Insurance Code	Morris, Joshua
HCIFS	2146	OTP-AM	Reported Out	22-Jul-20	An Act To Implement the Recommendations of the Board of Dental Practice Related to the Definitions of "Supervision" and "Teledentistry"	
HHS	803	OTP-AM/ONTP	Reported Out	5-Aug-20	An Act To Create 4 Regional Mental Health Receiving Centers	Warren, Charlotte
HHS	1134	OTP-AM/OTP-AM	Reported Out	3-Aug-20	An Act To Set Aside Funds from Federal Block Grants for Certain Communities	Martin, Jr., Thomas
HHS	1142	OTP-AM/OTP-AM	Reported Out	9-Sep-20	Resolve, To Expand Transportation Services for Seniors Who Are MaineCare Members	Maxmin, Chloe
HHS	1295	OTP-AM/ONTP	Reported Out	12-Aug-20	An Act To Determine the Need To Increase the Number of Forensic Emergency and Crisis Beds	Talbot Ross, Rachel
HHS	1418	OTP-AM	Reported Out	22-Jul-20	An Act To Address Maine's Shortage of Behavioral Health Services for Minors	McCright, Jay
HHS	1760	OTP-AM/ONTP	Reported Out	31-Jul-20	An Act To Support Children's Healthy Development and School Readiness	Jackson, Troy
HHS	1856	OTP-AM/OTP-AM	Reported Out	3-Aug-20	Resolve, To Support Individuals with Acute Mental Health Needs	Mastraccio, Anne-Marie
HHS	1936	OTP-AM	Reported Out	22-Jul-20	An Act To Allow Parents of Minors Who Qualify for In-home Personal Care under the MaineCare Program To Be Employed as Caregivers for Those Minors	Riley, Tina
HHS	1943	OTP-AM	Reported Out	22-Jul-20	An Act To Protect Drinking Water for Low-income Maine Residents	Gramlich, Lori
HHS	1946	ONTP/OTP-AM	Reported Out	12-Aug-20	An Act To Improve Access to Mental and Behavioral Health Care by Providing Care in Clinical Reproductive and Sexual Health Care Settings	McCright, Jay
HHS	1954	OTP-AM	Reported Out	3-Aug-20	An Act To Amend the Laws Governing Estate Recovery under the MaineCare Program	Perry, Anne
HHS	1961	ONTP/OTP-AM	Reported Out	13-Oct-20	An Act To Establish the Trust for a Healthy Maine	Keschl, Dennis
HHS	1984	OTP-AM	Reported Out	31-Jul-20	An Act To Eliminate Waiting Lists for Home and Community-based Services for Adults with Intellectual Disabilities, Autism, Brain Injury and Other Related Conditions	Millett, Rebecca
HHS	2056	OTP-AM	Reported Out	22-Jul-20	Resolve, To Create the Frequent Users System Engagement Collaborative	Morales, Victoria
HHS	2063	OTP-AM	Reported Out	28-Jul-20	An Act To Provide Program Solvency, Clarity, Consistency and Flexibility in Routine Public Health Licensing Activities	Hymanson, Patty
HHS	2099	ONTP	Reported Out	30-Jul-20	An Act To Amend Provisions of the Maine Medical Use of Marijuana Act	Gratwick, Geoff
HHS	2107	OTP-AM	Reported Out	22-Jul-20	An Act To Amend the Nursing Facility Licensing Rules To Enhance Cost of Care Collection	
HHS	2109	OTP-AM	Reported Out	28-Jul-20	An Act To Implement the Recommendations of the Commission To Study Long-term Care Workforce Issues	
HHS	2117	ONTP	Reported Out	22-Jul-20	An Act To Expand and Rename the Controlled Substances Prescription Monitoring Program	Hymanson, Patty
HHS	2135	ONTP	Reported Out	22-Jul-20	An Act To Amend the Definition of "Tobacco Product" To Exclude Matches and Lighters	Bailey, Donna
HHS	2137	OTP-AM	Reported Out	8-Sep-20	Resolve, To Increase the Reimbursement Rates for Home-based Services	Bellows, Shenna
HHS	2141	OTP-AM	Reported Out	5-Aug-20	Resolve, To Ensure Continued Services for Children with Disabilities by Imposing a Delay on MaineCare Rulemaking until an Impact Study Is Completed	Meyer, Michele
IDEA	1342	OTP-AM	Reported Out	12-Aug-20	An Act To Establish the Maine Workforce, Research, Development and Student Achievement Institute	Daughtry, Matthea
IDEA	1933	OTP-AM	Reported Out	12-Aug-20	An Act To Promote Bulk Retail Purchasing	Morales, Victoria
IDEA	2092	OTP-AM	Reported Out	11-Aug-20	Resolve, To Establish the Maine Spaceport Complex Leadership Council	Bellows, Shenna
IFW	1118	OTP-AM	Reported Out	31-Aug-20	An Act To Give the Commissioner of Inland Fisheries and Wildlife Rule-making Authority To Establish a Bear Season Framework and Bag Limits	Davis, Paul
IFW	1932	OTP-AM	Reported Out	20-Aug-20	An Act To Promote Outdoor Recreational Opportunities for Maine Students	Dunphy, Michelle
IFW	2001	OTP-AM	Reported Out	12-Aug-20	An Act To Create An Administrative Review Process for Hunting and Fishing Violations	Dillingham, Kathleen
IFW	2130	OTP-AM	Reported Out	28-Jul-20	An Act To Fund Maine's Recreational Trails	
JUD	82	OTP-AM	Reported Out	28-Jul-20	An Act To Determine the Necessity for a Public Guardian or Conservator Bond	Bailey, Donna

Comm	LD	Vote	Action	Action Date	Title	Sponsor
JUD	89	ONTP	Reported Out	20-Jul-20	An Act To Impose Requirements on the Rental of Residential Property That Has Been Used in the Manufacture of Methamphetamine	Mastraccio, Anne-Marie
JUD	182	OTP-AM	Reported Out	1-Sep-20	An Act To Amend the Maine Bail Code Regarding the Financial Capacity of a Defendant To Post Bond	Pierce, Teresa
JUD	194	OTP-AM/ONTP	Reported Out	12-Aug-20	An Act To Allow the Reduction of a MaineCare Lien	Cardone, Barbara
JUD	302	Ant. Div. Rep.	Voted	24-Jul-20	An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Evidence in Each Case Involving a Claim of Innocence	Evangelos, Jeffrey
JUD	531	OTP-AM/ONTP	Reported Out	6-Aug-20	An Act To Provide Counsel for a Person Who Is the Subject of an Adult Guardianship, Conservatorship or Other Protective Arrangement Proceeding	Cardone, Barbara
JUD	639	ONTP	Reported Out	20-Jul-20	An Act To Protect Student Privacy	Carpenter, Michael
JUD	657	ONTP	Reported Out	20-Aug-20	An Act To Reorganize the Probate Courts	Cardone, Barbara
JUD	776	AM/ONTP/OTP-AM	Reported Out	20-Aug-20	An Act Regarding Post-judgment Motion by a Person Seeking To Satisfy the Prerequisites for Obtaining Special Restrictions on the Dissemination and Use of Criminal History Record Information for Certain Criminal Convictions	Talbot Ross, Rachel
JUD	1021	ONTP	Reported Out	20-Jul-20	An Act To Require the Maine Commission on Indigent Legal Services To Pay Court-appointed Attorneys for Certain Probate Court Cases	Davis, Paul
JUD	1061	Ant. Div. Rep.	Voted	17-Jul-20	An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons	Evangelos, Jeffrey
JUD	1067	Ant. Div. Rep.	Voted	24-Jul-20	An Act To Promote Fairness and Efficiency in the Delivery of Indigent Legal Services	Cardone, Barbara
JUD	1291	OTP-AM/OTP-AM	Reported Out	12-Aug-20	An Act To Update the Maine Parentage Act	Cardone, Barbara
JUD	1392	Ant. Div. Rep.	Voted	6-Aug-20	An Act To Establish a Formal Tribal Consultation Process with the State	Newell, Rena
JUD	1421	Ant. Div. Rep.	Voted	24-Jul-20	An Act To Amend the Maine Bail Code	Talbot Ross, Rachel
JUD	1554	ONTP	Reported Out	20-Jul-20	Resolve, Establishing a Commission To Reform Child Protective Services	Diamond, Bill
JUD	1575	OTP-AM	Reported Out	28-Jul-20	An Act To Improve the Freedom of Access Laws of Maine	Harnett, Thom
JUD	1598	OTP-AM/OTP-AM	Reported Out	28-Jul-20	An Act To Define the Responsibilities of Property Owners for the Maintenance and Repair of Private Roads	McLean, Andrew
JUD	1684	OTP-AM/ONTP	Reported Out	1-Sep-20	An Act To Clarify the Right to Counsel for Juveniles and Improve Due Process for Juveniles	Morales, Victoria
JUD	1964	OTP-AM/OTP-AM	Reported Out	20-Aug-20	An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information	Talbot Ross, Rachel
JUD	1967	OTP-AM	Reported Out	17-Sep-20	Resolve, Authorizing the Establishment of Prosecutorial Districts in Downeast Maine	Tuell, Will
JUD	1990	ONTP	Reported Out	20-Aug-20	An Act To Amend the Laws Governing Access To Prescription Monitoring Information	Carpenter, Michael
JUD	2034	OTP-AM	Reported Out	22-Jul-20	An Act Concerning Name Changes for Minors	
JUD	2038	OTP-AM/OTP-AM	Reported Out	12-Aug-20	An Act To Ensure the Safety of State Employees By Allowing Disclosure of Certain Information in Limited Circumstances	Madigan, Colleen
JUD	2086	OTP-AM/ONTP	Reported Out	28-Jul-20	Resolve, To Create a Criminal Records Review Committee	Talbot Ross, Rachel
JUD	2094	Ant. Div. Rep.	Voted	6-Aug-20	An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act	
JUD	2102	OTP-AM/OTP-AM	Reported Out	12-Aug-20	An Act To Implement the Recommendations of the Right To Know Advisory Committee	
JUD	2118	Ant. Div. Rep.	Voted	6-Aug-20	An Act To Establish an Enhanced Process for Tribal-State Collaboration and Consultation and To Develop a Process for Alternative Dispute Resolution	
JUD	2153	OTP-AM	Reported Out	1-Sep-20	An Act To Establish an Accidental Drug Overdose Death Review Panel	Carpenter, Michael
JUD	2160	Ant. Div. Rep.	Voted	31-Jul-20	An Act Relating To the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances	Ingwersen, Henry
JUD	2168	OTP-AM	Newly referred Bill -- Reported Out	17-Sep-20	An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine	Hickman, Craig
JUD	2169	OTP-AM	Newly referred Bill -- Reported Out	17-Sep-20	An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine	

Comm	LD	Vote	Action	Action Date	Title	Sponsor
JUD	2170	OTP	Committee Bill -- Reported Out	28-Jul-20	An Act Authorizing Rulemaking Concerning Attorney Training, Standards and Qualifications by the Maine Commission on Indigent Legal Services	
JUD	2171	OTP	Committee Bill -- Reported Out	28-Jul-20	An Act Concerning Communication between Prosecutors and Unrepresented Defendants	
LBHS	1410	OTP-AM/ONTP	Reported Out	3-Aug-20	An Act To Create Paid Family and Medical Leave Benefits	Gideon, Sara
LBHS	1529	OTP-AM/ONTP	Reported Out	28-Jul-20	An Act Concerning Nondisclosure Agreements in Employment	Harnett, Thom
LBHS	1572	OTP-AM/ONTP	Reported Out	22-Jul-20	An Act To Enact the Maine Fair Chance Housing Act	Talbot Ross, Rachel
LBHS	1659	OTP-AM/ONTP	Reported Out	6-Aug-20	An Act To Include Additional Corrections Officers and Mental Health Workers under the 1998 Special Plan for Retirement and To Amend the Laws Governing Retirement Benefits for Capitol Police Officers	Jackson, Troy
LBHS	1912	OTP-AM/ONTP	Reported Out	22-Jul-20	An Act To Conform the Maine Apprenticeship Program to the Federal Equal Employment Opportunity Act of 1972	Bellows, Shenna
LBHS	1949	OTP-AM	Reported Out	20-Aug-20	An Act To Amend the Retirement Laws Pertaining to Certain Educational Technicians	Cuddy, Scott
LBHS	1956	OTP-AM/ONTP	Reported Out	3-Aug-20	Resolve, To Establish a Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions	Fecteau, Ryan
LBHS	1959	OTP-AM/ONTP	Reported Out	20-Aug-20	An Act To Include within the Definition of "Public Employee" Those Who Have Been Employed Less than 6 Months	Sylvester, Mike
LBHS	1965	OTP-AM/ONTP	Reported Out	22-Jul-20	An Act To Set a Minimum Wage for School Support Staff	Collings, Benjamin
LBHS	2019	OTP-AM/ONTP	Reported Out	5-Aug-20	An Act To Extend to Other Public Sector Employees the Same Protections Provided to State Employees upon the Expiration of Contracts	Claxton, Ned
LBHS	2049	OTP-AM	Reported Out	6-Aug-20	An Act To Amend the Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program	Libby, Nate
LBHS	2087	OTP-AM/ONTP	Reported Out	3-Aug-20	An Act Relating to Fair Chance in Employment	Talbot Ross, Rachel
MAR	1930	OTP-AM	Reported Out	28-Jul-20	An Act To Amend Maine's Aquaculture Leasing and Licensing Statutes	McCreight, Jay
SLG	1280	AM/ONTP/OTP-AM	Reported Out	1-Sep-20	An Act To Establish the Maine Buy American and Build Maine Act	Jackson, Troy
SLG	1458	OTP-AM/ONTP	Reported Out	31-Jul-20	An Act To Protect Taxpayers in the Privatization of State Services	Bellows, Shenna
SLG	1969	OTP-AM/OTP-AM	Reported Out	1-Sep-20	An Act To Protect State Workers from Exposure to Carcinogens	Harnett, Thom
SLG	1979	OTP	Reported Out	24-Jul-20	An Act To Allow Public Members of the Maine-Canadian Legislative Advisory Commission To Receive Reimbursement for Travel Expenses	Lawrence, Mark
SLG	2132	OTP	Reported Out	3-Aug-20	Resolve, Regarding Legislative Review of Chapter 104: Certain Payments Not Immediate, a Late-filed Major Substantive Rule of the Office of the Treasurer of State	
TAX	403	OTP-AM/ONTP	Reported Out	5-Aug-20	An Act To Prevent Tax Haven Abuse	Tipping, Ryan
TAX	420	OTP-AM/ONTP	Reported Out	5-Aug-20	An Act To Amend the Maine Exclusion Amount in the Estate Tax	Collings, Benjamin
TAX	1914	OTP-AM/ONTP	Reported Out	9-Sep-20	An Act To Provide a Sales Tax Exemption for Textbooks	Millett, Rebecca
TAX	2061	OTP-AM/ONTP	Reported Out	17-Aug-20	An Act Regarding the Transportation of Products in the Forest Products Industry	Jackson, Troy
TAX	2127	OTP-AM	Reported Out	9-Sep-20	An Act To Support Farmland Preservation by Allowing the Siting of Solar Energy Installations on Land Enrolled in the Farm and Open Space Tax Law Program	Berry, Seth
TRA	992	ONTP	Reported Out	31-Jul-20	Resolve, To Extend the Down East Sunrise Trail from Ayers Junction to Calais	Moore, Marianne
TRA	1141	ONTP	Reported Out	31-Jul-20	Resolve, Directing the Department of Transportation To Construct the Merrymeeting Trail from Topsham to Gardiner	Warren, Charlotte
TRA	2064	OTP-AM	Reported Out	22-Jul-20	An Act To Amend the Laws Governing Local Bridges	McLean, Andrew
TRA	2124	OTP-AM/ONTP	Reported Out	22-Jul-20	An Act To Create the Rail Corridor Use Advisory Council Process	McLean, Andrew
VLA	661	ONTP	Reported Out	31-Jul-20	An Act To Increase Gaming Opportunities for Charitable Veterans' Organizations	Mastraccio, Anne-Marie
VLA	835	OTP-AM	Reported Out	28-Jul-20	An Act To Increase Funding for Case Managers for Veterans	Roberts, Tiffany
VLA	2002	OTP-AM/ONTP	Reported Out	28-Jul-20	An Act To Improve Compliance with Department of Administrative and Financial Services, Office of Marijuana Policy Registration and Licensure Requirements	Bailey, Donna
VLA	2091	OTP-AM	Reported Out	22-Jul-20	An Act To Amend the Marijuana Legalization Act and Make Other Implementing Changes	Luchini, Louis

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VLA	2114	OTP-AM/ONTP	Reported Out	3-Aug-20	An Act To Implement the Recommendations of the Secretary of State Regarding Automatic Voter Registration	
VLA	2131	OTP-AM	Reported Out	17-Aug-20	An Act To Correct Errors, Inconsistencies and Conflicts in and to Revise the State's Liquor Laws	
VLA	2145	OTP-AM	Reported Out	31-Aug-20	An Act To Help Veterans Access Jobs, Education, Health Care and Housing and Provide General Support to Veterans	Carpenter, Michael
VLA	2162	OTP-AM	Reported Out	20-Aug-20	An Act To Restore Honor to Certain Service Members	Gideon, Sara
VLA	2174	OTP-AM	Newly Referred Bill -- Reported Out	11-Aug-20	An Act To Extend the Ability of Restaurants and Bars To Serve Alcohol To Go	Luchini, Louis